

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012

**AND**

**IN THE MATTER**

of an application by **ALICIA MAY WATSON** pursuant to Section 222 of the Act for a Manager's Certificate.

**BEFORE THE QUEENSTOWN LAKES DISTRICT LICENSING COMMITTEE**

Chairman: Mr E. W. Unwin

Members: Mr L. A. Cocks

Mr J. M. Mann

**HEARING** at QUEENSTOWN on 20<sup>th</sup> July 2016

**APPEARANCES**

Ms A. M. Watson - Applicant

Ms S. H. Swinney - Queenstown Lakes District Licensing Inspector - To assist

Sergeant T. D. Haggart - NZ Police - In opposition

**ORAL DECISION OF THE COMMITTEE**

[1] Before the committee is an application by Alicia May Watson for the renewal of her Managers Certificate. Ms Watson has held a certificate since 2007, although not necessarily continuously since that time. The certificate in question has been in existence since 14<sup>th</sup> May 2012.

[2] When she filed her application for renewal, Ms Watson disclosed she had been convicted in the previous 3 years for driving with excess breath alcohol content. The facts now show that Ms Watson was stopped shortly after midnight on Friday 2<sup>nd</sup> October 2015. A subsequent breath test revealed result of 726mg of alcohol per litre of breath, a level of nearly twice the legal limit.

[3] This is the first conviction that Ms Watson has incurred, and according to her the last. Ms Watson appeared before the District Court and fined \$850 with costs

and disqualified for a period of 6 months. She was able to obtain a limited licence enabling her to drive to and from work.

[4] At the time of the offending, Ms Watson had been a receptionist at licenced premises known as “Goldridge Resort” in Queenstown. She started working there on the 2<sup>nd</sup> May 2015, and has the full support of the management of that establishment. It is accepted that incidents of intoxication or alcohol related harm are unlikely to be a problem at these premises.

[5] When persons are convicted of offending of this nature, the Police normally conduct a check to see whether or not the offender holds a Managers Certificate. If that is the case an application for suspension or even cancellation is brought before the Alcohol Regulatory and Licensing Authority.

[6] On this occasion the Police acknowledge if a check was made there was an error, as it was not until Ms Watson disclosed the conviction in her Renewal Application that the matter came to Police attention. An objection to the renewal was lodged although it was acknowledged that an enforcement application should have been filed.

[7] Ms Watson appeared before us and explained the circumstances which led to her offending. She produced a large amount of documentation in support of her work habits and her involvement with the hospitality industry. She was well aware of the connection between her own offending and the high standards expected of the holders of a Manager’s Certificate.

[8] As Sergeant Haggart helpfully pointed out, in the decision of ***Martin Ferguson v Alistair Robert Lyon*** PH 57/2003 the Authority stated:

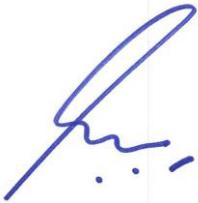
“New Zealand's drinking culture has become defined by many factors and social changes. Its manifestation is often seen in binge drinking or drinking harmfully. If the object of the Sale and Liquor Act is to be taken seriously, then eventually standards of good drinking behaviour will have to be set. Because people are inclined too tolerant of alcohol abuse then the focus must inevitably fall on the law. If the law becomes tolerant toward such behaviour then the object of the Act will lose creditability. If managers of licenced premises are shown to lack discipline, then why should patrons take the issue seriously? The behaviour currently exhibited by younger drinkers is but a symptom of the malaise.”

[9] After balancing the positive factors as well as the negative ones, we have come to the view that the appropriate way to deal with this matter is to renew the certificate for a period of 3 years. Ms Watson has satisfied us that she meets the criteria. Additionally, she has undertaken that during the month of August she will voluntarily stand down for being Duty Manager or using her Managers Certificate in anyway. We have accepted her undertaking and she is aware should the

undertaking be broken, that will be a sign of gross unsuitability and may result in cancellation of her certificate.

[1] On the basis of the undertaking we grant the application for the renewal of the Certificate for three years.

**DATED** at Queenstown this 27<sup>th</sup> of July 2016

A handwritten signature in blue ink, consisting of a large, sweeping loop at the top, followed by several smaller, connected loops and a short horizontal stroke at the end.

E W Unwin

Chairman