

**IN THE MATTER**  
2012

of the Sale and Supply of Alcohol Act

**AND**

**IN THE MATTER**

of an application by **Ms Tracey Orton** pursuant to section 224 of the Act for the renewal of a Manager's Certificate in respect of the premises situated at 1 Te Tupe Road, Paraparaumu known as 'Kapiti Ten Pin Bowling'.

**BEFORE THE KAPITI COAST DISTRICT LICENSING COMMITTEE**

Chair: Cr Fiona Vining  
Members: Mr Michael Dodson  
Mr Phillip Parkinson

**HEARING** at Kapiti Coast District Council offices, Paraparaumu, on 11<sup>th</sup> October 2018.

**APPEARANCES**

Ms Tracey Orton – the applicant  
Ms Doreen Aldridge – in support of the applicant  
Ms Katherine McLellan – Licensing Inspector

**RESERVED DECISION OF THE COMMITTEE**

**Introduction**

1. This is an application by Ms Tracey Orton for the renewal of a Manager's Certificate to manage the sale and supply of alcohol on licensed premises at Kapiti Ten Pin Bowling, 1 Te Tupe Road, Paraparaumu.

**The Application**

2. A copy of the application was forwarded to the reporting agencies and the Licensing Inspector, as is required by section 220. The Licensing Inspector opposed the application on the basis that the applicant was not suitable noting that it was unclear whether she would be using the certificate in the industry.
3. All those appearing were sworn in.

## **Applicant's Evidence**

### Ms Orton

4. The initial application made by Ms Orton did not state where Ms Orton was intending to use the certificate. She listed her current role as a receptionist and did not list a current employer. In subsequent correspondence she advised that she had been offered a position at Kapiti Ten Pin Bowling but that this was dependent on her Manager's Certificate being renewed.
5. Ms Orton's most recent experience in licensed premises was a part-time role in 2012. Her certificate was renewed in 2015 on the basis that she had stopped work to have a baby and was intending to return to work in the industry shortly. This had not occurred at the time she applied for renewal of her Manager's Certificate.
6. In response to a question from the Committee, Ms Orton consented to a condition that, if a Manager's Certificate were granted, she may only use a Manager's Certificate as a Duty Manager at Kapiti Ten Pin Bowling.

### Ms Aldridge

7. Ms Aldridge is a director of Arataki Park Limited which owns and operates the Kapiti Ten Pin Bowling and manages the premises. She appeared at the hearing in support of Ms Orton. She stated that Ms Orton has worked for her previously. She has offered Ms Orton a job but it is a duty manager role so it is conditional on Ms Orton's Manager's Certificate being renewed. One of Ms Aldridge's reasons for offering Ms Orton this job was her good performance when previously working for Ms Aldridge.
8. She confirmed that as Ms Orton did not have recent experience, she would be trained by a current duty manager, and would continue to do so until Ms Aldridge felt she was competent enough to work alone.

## **The Inspector**

9. The Licensing Inspector's report recommended that this application be considered at a hearing due to the lack of Ms Orton's recent, relevant experience. She referred to *Re Kerslake*<sup>1</sup> which sets out that there is an expectation that an applicant for a Manager's certificate would currently be employed in the industry.
10. At the hearing, Ms Orton was critical of the position taken by the Licensing Inspector in relation to this application. It is the role of the Licensing Inspector to enquire into and report on all applications for renewal of a Manager's Certificate. While the Committee has determined that it is appropriate to grant the renewal of Ms Orton's certificate for the reasons set out below, the Committee has determined that this should be subject to conditions. It was quite appropriate for the Licensing Inspector to report as she did so that matters could be properly considered at a hearing.

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<sup>1</sup> [2015] ARLA 317

## Committee's Decision

11. The matters which a Committee must consider in regard to the renewal of a Manager's Certificate are contained in section 227 of the Act:
- (a) the applicant's suitability to be a manager;
  - (b) any convictions recorded against the applicant since the certificate was issued or last renewed;
  - (c) the manner in which the manager has managed the sale and supply of alcohol pursuant to the licence with the aim of contributing to the reduction of alcohol-related harm;
  - (e) any matters dealt with in any report made under section 225.

### Suitability

12. In her report the Inspector has referred to *Re Kerslake*<sup>2</sup> where ARLA referred to *In G Ghai*<sup>3</sup> and stated:

It is clear from this decision that the Authority expects that applicants for a manager's certificate will be, at the very least, currently employed in the industry and generally be able to indicate the position that they will take up if the certificate is granted.

13. It was particularly helpful to the Committee that Ms Aldridge was able to attend the hearing and confirm the employment offered to Ms Orton. Following this confirmation, there is nothing before the Committee to indicate that Ms Orton is not suitable to hold a Manager's Certificate. We note the support of Ms Aldridge who has employed Ms Orton in the past and wishes to do so again.

### Experience controlling licensed premises

14. Ms Orton has previous experience controlling licensed premises, however, her most recent experience is from 2012. This is not recent experience.

### Training and Qualifications

15. Most of Ms Orton's training has been "on the job" and she has the required qualifications. The Committee is satisfied with Ms Orton's training and qualifications.

### Other matters

16. The matter raised by the Licensing Inspector has been discussed above.

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<sup>2</sup> See note 1

<sup>3</sup> NZLLA PH 1291




### Renewal criteria as a whole

17. The Committee is required to consider all the criteria set out in section 227. This is a balancing act. The primary issue for the Committee is Ms Orton's lack of recent experience in the industry.
18. The Committee is satisfied that this can be dealt with by way of a condition limiting Ms Orton's Manager's Certificate to being used at Kapiti Ten Pin Bowling and renewing it for just one year.
19. Ms Orton has previously worked for Ms Aldridge, so Ms Aldridge's desire to employ her in this role shows that she has the support of an employer who is familiar with her work. Ms Aldridge has indicated an awareness of the need to provide support to Ms Orton in her new role and that her expectations of Ms Orton are not unreasonable. The supply of alcohol is not a principal purpose for the premises which is a ten pin bowling venue. Based on these factors the Committee is satisfied that renewing a Manager's Certificate is appropriate with the limitations discussed.

### **Conclusion**

20. Accordingly, the District Licensing Committee, having read the application and the submissions and reports filed by the parties and having listened to the capable submissions which were made by all parties, and having taken particular notice of the objects of the Act set out in Section 4, and having addressed the criteria for the renewal of a Manager's Certificate set out in Section 227, approves the application by Tracey Orton for the renewal of a Manager's Certificate to manage the sale and supply of alcohol on licensed premises situated at 1 Te Tupe Road, Paraparaumu known as 'Kapiti Ten Pin Bowling' on the following conditions:
  - a. The Certificate is to issue for a period of one year,
  - b. The Certificate is to be used for employment by Arataki Park Limited at Kapiti Ten Pin Bowling.

**DATED** at Paraparaumu on this 23<sup>rd</sup> day of November 2018



**Cr Fiona Vining**

Chair

Kāpiti Coast District Licensing Committee