

IN THE MATTER of the Sale and Supply of Alcohol
Act 2012

AND

IN THE MATTER of an application for a manager's
certificate pursuant to s. 219 by
Prakash Bahadur Shahi.

**DECISION OF THE WESTLAND DISTRICT LICENSING COMMITTEE ON AN
UNCONTESTED APPLICATION**

Authority:

Pursuant to section 191(2) of the Sale and Supply of Alcohol Act 2012 (the Act) and a Council resolution dated 28 November 2013, the functions, powers and duties of the Westland District Licensing Committee are delegated to the committee chairperson where no objection has been filed, and no matters of opposition have been raised by the Police, the Medical Officer of Health or an Inspector. There is no Local Alcohol Policy in place for the District.

Summary of Evidence

The complete file has been made available to me.

A report from the Inspector concludes that the applicant is suitable to hold a manager's certificate.

A report from the Police has no objection to the application.

Evaluation of Evidence

I have considered the application on the basis of the uncontested reports received. The matter can, therefore, be dealt with on the papers.

The Police report includes reference to a conviction in 2017 wherein the applicant was convicted of an excess breath alcohol offence. This offence was not disclosed by the applicant in his application; although an annotation seems to have been made to rectify the omission. It is a matter that has not been addressed by the Inspector and, clearly, the Police have no concerns with the omission as the police have no objection to the application. The omission of information relating to previous convictions of an applicant is important when making assessments about the suitability of an applicant; it is not for an applicant to decide what information is to be shared with those whose duty it is to consider an application in accordance with the Act. The decision as to a conviction being relevant because of time-lapse or severity is solely in the hands of the District Licensing Committee and it would be good if the applicant completed his application sincerely and dutifully in the future.

The applicant's Application is not a document of particular quality and it falls into the category of perfunctory. The references are not compelling and the details of experience are scant. I note that the Inspector has interviewed the applicant and has given a positive recommendation. I am guided by the Inspector's personal knowledge of the Applicant subsequent to interview and I find favour in the Inspector's recommendation to grant the Application.

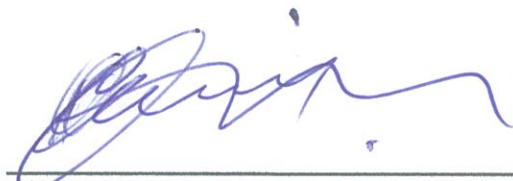
I am satisfied that the applicant is suitable, he does have a conviction recorded against him but there is clearly no pattern of bad decisions being made as a result of poor alcohol consumption choices, he has several years of experience within the industry and he holds a recognised qualification

Decision and Reasons

I am satisfied as to those matters provided for in s.222 of the Act.

The application is granted on the papers pursuant to s.202 (1) of the Act as Decision Number **095-2018** and I direct that a certificate be issued to Prakash Bahadur Shahi pursuant to s.64 of the Act for a period of 12 months.

Dated at Hokitika this 11th day of June, 2019



Chairperson, Westland District Licensing Committee

