

17/CERT/042/2017

**IN THE MATTER**

of the Sale and Supply of Alcohol Act 2012 ("the Act")

**AND**

**IN THE MATTER**

of an application by **Heidi Louise BROUGHAN** for a renewal of a Manager's Certificate pursuant to s.224 of the Act

**BEFORE THE SOUTH WAIKATO DISTRICT LICENSING COMMITTEE**

Chairperson: Mr J Gash JP  
Members: Mr W Machen  
Ms A Bell

**HEARING** at the South Waikato District Council chambers, Tokoroa on the 21<sup>st</sup> April, 2017

**APPEARANCES**

Kristina Moore - SWDC Licensing Inspector - to assist  
Senior Constable Marian Sherwood - NZ Police - in opposition  
Heidi Louise BROUGHAN - Applicant

**DECISION OF THE COMMITTEE**

**Introduction**

1. Heidi BROUGHAN submitted an application to renew her Managers Certificate on the 1<sup>st</sup> of February 2017 in accordance with Section 224 of the Act. She is currently employed by the Hog and Hounds Sports Bar in Putaruru, a position she has held for a period of approximately 5 years. Ms Broughan has some 20 years' experience in the liquor or hospitality industry. She has vast knowledge and experience in the industry without any adverse reports.
2. In this application the Police oppose due to a recent conviction for dishonesty. They sought a hearing by this committee to determine the matter.

**The Applicant**

3. Ms BROUGHAN is 46 years old who lives and works in the South Waikato. She was candid during her evidence and admitted the recent dishonesty conviction. She also admitted a historical drink driving conviction, recorded some 20 years ago.
4. Ms BROUGHAN submitted a number of written character references, including her previous employer and current employer. Both were supportive and remarked on her honesty, reliability and were in support of her application.

**Decision**

5. The committee considered the criteria as set out in Section 227 of the Act:
  - 227(a) the applicant's suitability to be a Manager;
  - 227(b) any convictions recorded against the applicant;
  - 227(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;
  - 227(d) any matters dealt with in any report made under Section 225.

6. As a guide for this committee and to ensure only suitable applicants are approved a Managers Certificate Judge Gately has given some guidance in matters where the applicant has previous convictions (G L Osbourne LLA 2388/95):

*"...it may be helpful if we indicate that we commonly look for a five year period free of any serious convictions or any conviction relating to or involving the abuse of alcohol, or arising in the course of an applicant's duty on licensed premises."*

7. Ms BROUGHAN's conviction for drink driving some 20 years ago can be discounted due to its age, without further incidents.
8. The recent dishonesty offence involved sending by a way of fax a forged document for a third party. The fax was sent from her employer's fax machine. The applicant admitted her limited involvement and gave commentary around the full circumstances.
9. The committee is mindful of the applicant's vast experience within the industry and that the recent conviction appears nothing more than a serious lapse of judgement.
10. The committee has also taken into account the 50 hours community service the applicant completed following her conviction. This was completed quickly and without issue.

### **Conclusion**

11. For the reasons previously stated the committee grants the applicant's renewal of her Managers Certificate for a period of 1 year. At which time she will need to resubmit a new application to renew.

**DATED** at Tokoroa this 26<sup>th</sup> day of April 2017



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Mr J Gash JP  
Chairperson  
For the South Waikato District Licensing Committee

