

IN THE MATTER of the Sale and Supply of Alcohol
Act 2012 ("the Act")

AND

IN THE MATTER of an application by **Kihi Renee
Anetta FAHEY-YAKAS** pursuant
to s.219 of the Act for the grant of
a Manager's Certificate

HEARING BEFORE THE FAR NORTH DISTRICT LICENSING COMMITTEE

Members: Mr Murray Clearwater (Chairperson)
Mr Graeme Wright (Member)
Mr John Thorne (Member)

HEARING at **PAIHIA** on 30 September 2025

APPEARANCES

Ms Kihi Renee Anetta FAHEY-YAKAS (applicant) via AVL
Mr. Steve Ericksen – Far North District Alcohol Licensing Inspector – to assist
Sergeant Michelle Row- Police Alcohol Harm Prevention Officer - to assist

RESERVED DECISION OF THE COMMITTEE

INTRODUCTION

1. This was an application by **Kihi Renee Anetta FAHEY-YAKAS** seeking the grant of a manager's certificate.
2. The applicant is currently employed at New World Kaikohe. She holds the LCQ and has been appointed to the role of Supervisor from February 2025.
3. The Police reported with no matters of opposition despite a high level excess breath conviction and an associated Careless Use conviction in 2021.
4. The Licensing Inspector reported on the application and did not oppose the grant of the Certificate but advised the DLC that the applicant did not interview well.
5. Consequently, the Committee set the matter down for hearing to enquire into the DIC conviction and Ms FAHEY-YAKAS knowledge of the Act.

EVIDENCE OF THE APPLICANT

6. The hearing did not start well for the applicant as she waited until the morning of the hearing to advise the Administrator that she would not be attending the hearing as she had no transport to get to Paihia.
7. Fortunately, an AVL link was able to be set up, and the hearing took place.
8. Ms. FAHEY-YAKAS told us she started with New World in September 2024 and was promoted to Supervisor in February 2025.
9. She mainly works the afternoon and late shifts of 12 noon to 9.00pm or 1.00pm to 9.00pm.
10. She said her role was basically managing the service desk and responding to checkout requests to verify ID and assess intoxication. She had asked for ID and assessed levels of intoxication and refused service on many occasions.
11. She was asked to describe the indicators of intoxication and responded very well. She said it was quite easy in Kaikohe as many potential customers arrived heavily intoxicated and were sent away.
12. The Committee asked her to tell us about the DIC conviction and how, and why, it occurred.
13. She said the offence occurred during a tough part of her life and that she has put time behind her and was in a good space now.
14. When asked about her drinking habits now she said she rarely drinks alcohol since that incident and that she now works a lot rather than socialising.
15. She was asked why her employer was not at the hearing to support her application. She said her HR Manager had written a supportive reference for her and he was aware that she had incurred the DIC conviction.
16. She did not ask her employer to attend the hearing but believed they would have had they been asked.

THE POLICE

17. Sergeant Michelle Row is the Alcohol Harm Prevention Officer for The Far North. She had nothing to add to the Police position of unopposed.

THE INSPECTOR

18. The Inspector's Report was taken as read and Mr Ericksen confirmed that he was unimpressed with Ms. FAHEY-YAKAS during the interview phases of this application. She had prepared well for the interview with copious written notes but struggled to provide correct answers verbally.

THE LAW

Section 222 Criteria for manager's certificates

In considering an application for a manager's certificate, the licensing committee or licensing authority, as the case may be, must consider the following matters:

- (a) the applicant's suitability to be a manager:
- (b) any convictions recorded against the applicant:
- (c) any experience, in particular recent experience, that the applicant has had in controlling any premises for which a licence was in force:
- (d) any relevant training, in particular recent training, that the applicant has undertaken and evidence that the applicant holds the prescribed qualification required under [section 218](#):
- (e) any matters dealt with in any report made under [section 220](#).

REASONS FOR THE DECISION

19. There are three options open to the Committee. Grant the certificate now and tag it to the premises, adjourn the application for a period of time for the applicant to prove to the Committee that they can remain offence free and enhance their knowledge, or to refuse the application.
20. After a slow start Ms. FAHEY-YAKAS warmed to our questions and answered them well. On the other hand, the poor effort to get herself to the hearing 'in person' counts against her. The Committee could have easily concluded that the applicant had lost interest in her application and refused it.
21. We asked Ms FAHEY-YAKAS that if we were to grant a manager's certificate would she consent to having that certificate tagged for use only at New World Kaikohe. She willingly agreed. She also agreed to complete the on-line Servewise course of instruction.
22. When deciding what the appropriate outcome should be, the DLC looks at precedent decisions from higher authorities.
23. In **Re Sheard [1996] 1NZLR 751** Holland J said at 758¹: "*The real test is whether the character of the applicant has been shown to be such that he is not likely to carry out properly the responsibilities that go with the holding of a licence.*" The same applies for managers of licensed premises.
24. In the LLA decision of **Graham Leslie Osborne LLA 2388/95**² the Authority declared a guideline of 2 years free of all offending and 5 years free of serious offending involving alcohol before the grant of a manager's certificate could be favourably considered.

¹ Re Sheard [1996] 1NZLR 751 Holland J

² Graham Leslie Osborne 2388/95 LLA

25. Ms FAHEY-YAKAS is 4 years free of offending and we believe that she has the necessary practical skills to perform the role she has at the supermarket.
26. The task for this Committee is to decide if the positive features of this application outweigh the negative aspects.
27. By a slim margin we believe they do, and we are prepared to give Ms. FAHEY-YAKAS an opportunity to prove to herself, and the community she lives in, and the Committee, that she can be trusted to fulfil the role of Duty Manager and ensure alcohol is not sold, or on-supplied, to minors, and that intoxicated persons are not sold alcohol.
28. If she does re-offend, or not respect the opportunity we have given her, she can expect swift action from this Committee as pursuant to section 201(4) of the Act, we can rehear any matter we have determined at any time for any reason. We would not be slow to do so.

DECISION

29. The Far North District Licensing Committee, acting pursuant to Section 221 of the Act, **grants** an application by **Kihi Renee Anetta FAHEY-YAKAS** for a Manager's Certificate.
30. The certificate will be granted for 12 months and, by consent, will be tagged for use only at **New World Kaikohe** for the duration of the certificate. A note to that effect is to be added to the Certificate.
31. The applicant is also to access the on-line Servewise course and produce her pass certificate to the Inspector during the duration of this certificate.
32. The certificate can be issued immediately and is to carry the following notation.

UNDERTAKING GIVEN

The applicant consents to **only** use this certificate to manage the licensed premises known as New World Kaikohe.

DATED at Kerikeri this 6th day of October 2025



Murray Clearwater
Chairperson/Commissioner
Far North District Licensing Committee

