

Decision No 60D [2015] 584

IN THE MATTER

of the Sale and Supply of Alcohol
Act 2012

AND

IN THE MATTER

of an application Sarah Jane
Heenan for a Manager's
Certificate pursuant to s.212 and
221 of the Act.

BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE:

Chairman : Mr G B Buchanan
Members: Mr A J Lawn
Mr D Blackwell (QSM)

Hearing at the Christchurch City Council Chambers, CHRISTCHURCH on the 20th March 2015.

APPEARANCES

Ms J Davidson; Christchurch City Council Licensing Inspector
Senior Sergeant Spite (QSM) for NZ Police

APPLICANT

Ms Sarah Heenan

Introduction

1. Ms Heenan works at Countdown Northlands, a licensed premise in Christchurch. She has been employed in the supermarket industry 14 years and at this particular supermarket for 10 years.
2. She has worked in a number of roles and is currently the manager of the Deli department of the store.
3. Her employers have encouraged her to obtain her Manager's Certificate to enable her to relieve in the role of Duty Manager.
4. It is Countdown Policy that the Duty Manager should be the person responsible for the oversight of all alcohol sales in the store. To fulfill that role requires the person to also have a Manager's Certificate.

5. In this application for a Manager's Certificate the Police and the Licensing Inspector oppose the application. They sought a hearing by the Committee to determine the matter.

The Applicant

6. Ms Heenan is a mature woman, who has been working in the supermarket industry for over 14 years, for the last 10 years at Countdown Northlands. She was honest and candid in her evidence to the committee.
7. She gave evidence that on the occasions that she would be the Duty Manager for the store, she would not also be the Deli Manager. That role would be relinquished to another person.
8. The committee noted the support that she had from her employer, who was present at the hearing.
9. Ms Heenan displayed good knowledge of the Act and the responsibilities of a person with a Manager's Certificate.
10. The agencies acknowledge that Ms Heenan was a most suitable applicant for this position but questioned her experience.
11. She did acknowledge that she had very little experience in dealing with alcohol sales from her many years in the Supermarket industry. She also told the committee that she had been relieving as a Temporary Manager on only a few occasions.

Decision

12. As a guide for this committee and in order to ensure only suitable applicants are approved a Manager's Certificate, Judge Unwin has given some guidance in matters where the applicant has little or no previous experience. (Kim, re (2004) NZLLA 235 (8 April 2004)

...[7] ...the issue is whether the authority is prepared to depart from its normal guidelines, and make an exception for Mr and Mrs Kim, particularly in the light of the other good aspects which they bring to the application. And the answer to that must be a firm no."

13. This case has set the standard in relation to applicants for a Manager's Certificate. It remains important to have some consistency in our approach in this regard.

Deejay Enterprises Limited LLA 531-532/97 it was stated:

“The guiding hand or hands-on operator of any company or the potential holder of a General Manager's Certificate now receive greater scrutiny from both the Police and other reporting agencies.

14. Ms Heenan must look to gain further experience in the role and the committee acknowledges that she is supported in this by her employer.

Conclusion

15. For the reasons I have outlined, the committee adjourns the case for 6 months. Once the Inspector has been satisfied that sufficient experience has been obtained, then we would be prepared to grant the application on the papers. If necessary the application can be brought back before this committee for a further public hearing.

A handwritten signature in blue ink, appearing to read 'G. Buchanan', with a long, sweeping underline.

Mr G Buchanan
Chairman