

60D [2014] 1070

**IN THE MATTER**

of the Sale and Supply of Alcohol  
Act 2012

**AND**

**IN THE MATTER**

of an application Ashleigh  
Summers 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 R J Wilson

Hearing at The Christchurch City Council Chambers, CHRISTCHURCH on the 16<sup>th</sup> of May  
2014.

**APPEARANCES**

Mr M Ferguson; Christchurch City Council Licensing Inspector  
Sergeant Giddens for NZ Police

**APPLICANT**

Ms Ashleigh Summers

**Introduction**

1. Ms Summers works at the Meshino Café, a licensed premise in Christchurch. Her hours of work are usually during the day and over the weekends. She has been employed here for two years and times supervise two other staff. Her employers have encouraged her to obtain her Manager's Certificate to enable her to manage all of her responsibilities during her shifts.
2. She was appointed as a Temporary Manager for the premises on 3 March 2014. That appointment was opposed by the Police in a report dated 10 March 2014, which pointed out that Ms Summers had two previous convictions; the most recent was in the Invercargill District court on 17 August 2011 for assault. In both cases alcohol appears to have been involved.

3. In a decision on the 16<sup>th</sup> of March 2014, the Christchurch District Licensing Committee did not approve that Temporary Managers Certificate.
4. 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**

5. Ms Summers is a 22 year old, who has been living and working in Christchurch for the last 2 years. She was honest and candid in her evidence concerning her past conflicts with the Police and others. She accepted that she was binge drinking with her friends and getting into trouble and that she had made poor decisions in the past, particularly when younger. She had moved up to Christchurch to change her life and was now living with her mother and sister.
6. Ms Summers said that she no longer drinks and had worked hard to progress her life.
7. The committee noted the support that she had from her employer, who was present at the hearing.
8. Of some concern was that Ms Summers was unable to advise the committee as to how she would deal with intoxicated persons that she might find on the licensed premises while she was manager.

### **Decision**

9. As a guide for this committee and in order to ensure only suitable applicants are approved a Manager's Certificate, Judge Gatley 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 conviction or any conviction relating to or involving the abuse of alcohol, or arising in the course of an applicant's duty on licensed premises."*

10. This case has set the standard in relation to applicants for a Manager's Certificate. It remains important to 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. Character and reputation are closely examined. The law and human desires of patrons frequently tug in different directions. The Police cannot be everywhere. Little but a licensee's or manager's character and suitability may stand between upholding the law and turning a blind eye. Self imposed standards in*

*accordance with the law must be set by licensees and holders of General Manager's Certificates who control and manage licensed premises."*

11. To deny Miss Summers the ability to hold a managers certificate for an infinite or even an extended period may well mean that a person that is otherwise suitably qualified is lost to the industry. It is often those who have been through the school of hard knocks, so to speak, who are well equipped to recognise and deal with alcohol abuse issues on licenced premises.
12. Ms Summers has the support of her employer which speaks volumes to this committee of the potential that they see in her.
13. In this case the gaining of a managers certificate will be a process rather than an event. If Ms Summers can keep up the encouraging progress, that she is showing at this present stage then she can approach the Alcohol licensing Inspector and the Police to gauge their reaction to another application in 12 months' time.
14. It may be useful for her progress and education that she apply, through her employer, to act as a temporary manager in six months time.
15. As can be seen by what we have tried to articulate we see potential in Ms Summers and if this is what she has set her mind to do then the waiting will be worthwhile.
16. Ms Summers may wish to apply to the Committee for a Manager's Certificate once she has gained experience in this role.

### **Conclusion**

17. For the reasons I have outlined, the committee therefore declines this application for a Manager's Certificate.

A handwritten signature in blue ink, appearing to read 'G. Buchanan', is written in a cursive style.

Mr G Buchanan

Chairman