

Decision Number 60C [2019] 3567

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

AND

IN THE MATTER of an application by
LAURA JEWELL HAASE
for a Manager's Certificate
pursuant to s219 of
the Act.

DECISION OF THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE

PRESENT

Chairperson Mr R.J.Wilson JP
Members Ms C.Robinson
Ms A.Keir

Ms L.J.Haase, Applicant
Mr B. McIntyre, Ms Haase's employer
Mrs G. McIntyre, Ms Haase's employer
Senior Constable B.McLaren, NZ Police
Ms A.Lavery, Alcohol Licensing Inspector

Hearing at Christchurch on 18th December 2019

INTRODUCTION

[1] This is an application by Laura Jewell Haase for a Manager's Certificate pursuant to s219 of the Act. The application is opposed by the NZ Police on the basis that Ms Haase has two convictions for Excess Breath Alcohol and that the latest was just 3 ½ years ago. The Licensing Inspector has reported otherwise favourably on Ms Haase but has recommended a hearing before the Committee. The Inspector appears to assist.

EVIDENCE OF SENIOR CONSTABLE BRIDGET McLAREN

[2] Senior Constable McLaren had prepared an opening statement, a brief of evidence and produced Ms Haase's Criminal and Traffic History and the Summary of Facts related to both offences. As all the documents had been pre circulated she opted at the invitation of the Chairperson to speak briefly to them only. Ms Haase had twice been stopped while driving erratically and found to be above the legal limit for breath alcohol. The offences occurred on 31/5/15 and 1/7/16 respectively. Both breath alcohol readings were particularly high. The NZ Police take the view that as it is just 3 ½ years since Ms Haase last offended the issue of a Manager's Certificate cannot be supported if the guidance offered by the Osbourne decision (Re Osbourne LLA PH2388/95) is to be followed. The Osbourne decision recommended a stand down period of five years following a second offence involving alcohol. Senior Constable McLaren observed however that the Committee had the discretion to accept a lesser period should it choose.

EVIDENCE OF APPLICANT

[3] Ms Haase had outlined her personal situation in some detail in her application. In addressing the Committee she said that her life had been at a low ebb at the time of the offending and she realised she had been using alcohol as a support. Following the second offence she took stock of her situation and decided to do something about it. She enrolled in a course to address her drinking behaviour and sought the help of a counsellor to deal with personal issues. She gave up drinking at that time and only drinks sparingly now. She also adopted a more healthy lifestyle generally. She believed she was a changed person and fully able to take on the responsibilities of a Duty Manager. She was keen to get a Manager's Certificate so she could advance in her chosen employment. She very much enjoyed her job and looked forward to gaining more experience with a view to some day in the future having her own hospitality business. She produced two character references which she asked the Committee to take into account.

CROSS EXAMINATION

[4] In response to questions from the Senior Constable and the Committee, Ms Haase explained more as to how her lifestyle had changed since her last conviction. She also

spoke about her employment experience in the hospitality industry and outlined her role in her present position. She was able to say how she would deal with a situation arising from patrons' behaviour. She agreed that if granted a Manager's Certificate she would be prepared to utilise it only at her present place of employment. She reiterated that she was very happy where she was and had no intention of moving.

EVIDENCE OF BLAIR McINTYRE

[5] Mr McIntyre said that he and his wife had come to support Ms Haase in her application. They were the owners of Rowdy Kitchen and were hands on in its running. They had a very high regard for Ms Haase and had encouraged her to apply for a Manager's Certificate. If it were granted it was the intention that Ms Haase take responsibility in off peak times initially and when they, the owners, wished to take a short break. Mr McIntyre outlined his considerable experience in the hospitality industry which included periods as Food and Beverage Manager in some major establishments. He had a lot of experience of staff management and was in a position to report very favourably on Ms Haase as an employee. She possessed the qualities required to have a very successful career in hospitality.

CROSS EXAMINATION

[6] The Committee clarified with Mr McIntyre that his was a very hands on role in the business, both his wife and himself were present at all peak times and he would often be around in the quieter periods as well undertaking paperwork and the like. He thought Ms Haase had the experience and maturity to take a leadership role in the business and would be valuable in giving the owners a break when they needed one.

DISCUSSION

[7] The Committee takes the view that the essence of the matter we are required to consider is whether Ms Haase has adequately dealt with personal issues and so turned her life around in the 3 ½ years since her second conviction that she could be safely granted a shorter period of stand down than the Osbourne decision suggests. No concerns have been raised with respect to other issues of suitability. We have heard how Ms Haase has addressed her alcohol and other personal issues and have been impressed. Her present situation has been verified by her employer who speaks very highly of her. Having considered the matters in s222 to which we must have regard,

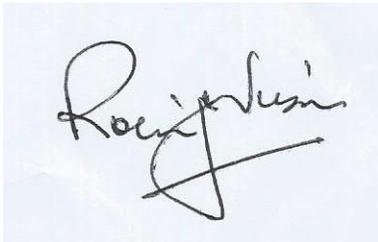
we are satisfied that Ms Haase could be granted a Manager's Certificate and we can have confidence that she would carry out the responsibilities of the position to a high standard. We are also reassured that she would have strong support from her employers.

[8] The Committee is aware that at this time of year it will take several weeks before the Certificate can be issued. In the meantime the Committee will raise no objection should Ms Haase be appointed as a Temporary Manager provided the usual notification is carried out.

DECISION

[9] The decision is that the applicant, Laura Jewell Haase, is granted a Manager's Certificate for a period of one year. A condition is that the Certificate is only to be utilised in her present employment at Rowdy Kitchen during that time.

Dated at Christchurch this 19th day of December 2019.

A handwritten signature in black ink on a light blue background. The signature is cursive and appears to read 'R.J. Wilson'.

R.J. Wilson
Chairperson
Christchurch District Licensing Committee