

Decision No: 60D [2016] 1090

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 R Wilson

Hearing at the Christchurch City Council Chambers, CHRISTCHURCH on the 11th May 2016.

APPEARANCES

Ms J Davidson; Christchurch City Council Licensing Inspector
Senior Constable Kyne for NZ Police

APPLICANT

Ms Sarah Heenan

DECISION OF THE COMMITTEE

Introduction

1. Following a public hearing at Christchurch on the 20th of March 2015, the Committee decided to adjourn this application.
2. The Police and the Licensing Inspector had opposed the application on the grounds of lack of experience in the control and management of licensed premises. They had sought a hearing by the Committee to determine the matter.
3. The adjournment was seen as an effective way to allow Ms Heenan to gain experience in the management of licensed premises.

4. The hearing was recalled as the Police and Inspector had been unable to confirm the experience of the applicant.
5. 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.
6. She has worked in a number of roles and is currently the manager of the Deli department of the store.
7. Her employers have encouraged her to obtain her Manager's Certificate to enable her to relieve in the role of Duty Manager.

The Applicant

8. 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.
9. She gave evidence that on the occasions she would be the Duty Manager for the store, she would not also be the Deli Manager.
10. The agencies acknowledged that Ms Heenan was a most suitable applicant for this position but questioned her experience.
11. Ms Heenan did acknowledge that while she has minimal experience in dealing with alcohol sales she had been relieving in the role of supervising alcohol sales by the checkout operators. She gave evidence to the committee that she had been supervising alcohol sales one day a week for several months.

Decision

11. The criteria for the granting of a manager's certificate are set out in section 222 of the Act. These criteria are:
 - (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.
12. In the case before us the relevant criterion is 222(c), as there is no opposition in regards to the other criteria. Ms Heenan's lack of experience was a hurdle with which

- she was faced and over the course of the last 12 months, since the matter was adjourned, she has worked hard at trying to gain any relevant experience that she can.
13. The committee was impressed by her determination in this regards. She has been able, with the help of her employer but mainly at her own insistence, to work at least one day a week on at least 40 occasions. This in our view shows not only her desire to become qualified to manage licensed premises but also shows us something of her character.
 14. We believe that she now has the experience to hold the qualification and has reinforced to us that this was the only limiting factor in gaining it.
 15. Both the Inspector and Police acknowledged Ms Heenan's efforts and stated that they no longer held concerns regarding the experience of the applicant and did not oppose the granting of a manager's certificate.

Conclusion

For the reasons I have outlined, the committee grants the applicant a Manager's Certificate for a period of 12 months from the date of this decision.

DATED at Christchurch this 16th day of May 2016

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

Mr G Buchanan
Chairman