

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

AND

IN THE MATTER of an application by
Hamish David Hood
for a Manager's
Certificate pursuant to
s.219 of the Act

DECISION OF THE ASHBURTON DISTRICT LICENSING COMMITTEE

Chairperson: Mrs R Kilworth
Members: Mr G Clapp
Mr S McDonnell

HEARING: At Council Chambers, Ashburton District Council On 14th October 2021

PRESENT: Mr Hamish Hood – Applicant
Mr Bhupinder Singh – Witness for the Applicant
Sergeant Dallas Robertson – Police Alcohol Prevention Sergeant – in opposition
Mr Leo Ratten – Alcohol Licensing Inspector, Ashburton

INTRODUCTION

This is a hearing for an application made by Hamish David Hood for a Manager's Certificate. Mr Hood currently works for Super Liquor, 93 Main Street Methven and has undertaken Temporary Manager's duties a number of times while he has been employed by Super Liquor in Methven.

Sergeant Dallas Robertson has objected on the grounds of two previous convictions of driving with an excess breath alcohol, careless driving and refusing police officers a blood sample.

There have also been two incidents involving Mr Hood's intoxication and police.

EVIDENCE

Mr Hood had provided a statement in which he outlined his previous convictions and an incident where he was held for detoxification in Christchurch by police. He submitted that he had made changes in his life which had made him more focussed and driven and he had stopped drinking.

He further submitted that he had learnt a lesson from his mistakes and was working towards a financially stable future. He stated that he enjoys his job and the responsibility that goes with it, and he understands the consequences that could occur if he broke the law. He is only applying for a Manager's Certificate to work in an Off Licence Premise.

The Panel asked a number of questions regarding the Applicant's intoxication and subsequent decision to give up alcohol. He was also asked a number of questions about his employment and how he carries out his job.

The Licensing inspector asked about his social life and Sergeant Robertson asked a series of questions regarding giving up alcohol and Mr Hood's intentions for his future employment.

Mr Hood appeared to give honest and clear answers and to take a responsible and mature stance by using the experience to do his job better. He established that he has refused alcohol to customers when they have shown signs of intoxication.

The Applicant called Mr Bhupinder Singh, the Manager of Super Liquor Methven and his employer, as a witness. Mr Singh read his statement in which he emphasised the difficulty of getting a Duty Manager to relieve who was willing to work on weekends. He knew about his convictions which were disclosed when making the application but has been more than happy with his work and would continue to employ him.

The Witness was questioned by the panel and Sergeant Robertson with regard to employment hours for the Applicant and purchasing alcohol. His answers seemed to confirm the Applicant's decision to give up alcohol.

LICENSING INSPECTOR

Mr Leo Ratten, the Liquor Licensing Inspector read his submission which outlined the inquiry process undertaken with the Applicant when he made application for the Manager's Certificate. Also outlined by Mr Ratten was the Temporary Manager situation which indicated 25 notifications from Mr Singh up until July 2021 which covered 40 days.

When answering questions from the Panel Mr Ratten stated that the licensee may appoint a Temporary Manager and notify the Council in writing for any period up to three weeks at any one time, where the licensee or a manager can't work because of illness or absence or for periods or six weeks in each 12 month period.

POLICE ALCOHOL PREVENTION SERGEANT

Sergeant Robertson did not wish to read his substantial submission which outlined the convictions and incidents involving the Police and Mr Hood. His statement was taken as read.

Sergeant Robertson emphasised the main point of the decision known as the Osbourne decision which reflects "that persons seeking Manager's Certificates should be two years clear of any relevant conviction and specifically from driving offences involving alcohol."

If applied in this instance it would mean that Mr Hood would be eligible to apply for a Manager's Certificate in February 2022.

Sergeant Robertson was asked a number of questions regarding the level of Mr Hood's offending and his suitability. He was satisfied that if Mr Hood was telling the truth about his avoidance of alcohol he would be suitable after a two year period.

CLOSING SUBMISSIONS

Mr Hood was invited to make a closing submission in writing which was accepted at the time but has since indicated that he had nothing further to say.

Sergeant Robertson made a verbal closing statement quoting again the Osbourne case precedence.

The Chair closed the hearing and indicated that the Decision would be made as quickly as possible.

THE DECISION

The Committee considered all of the evidence placed before it and the Applicants intentions and undertakings of responsibility. The Committee came to the conclusion that the Applicant was making a good attempt to turn his life around. However, the Committee is mindful of the Osbourne decision and therefore:

The Application is declined.

The Committee would like to encourage the Applicant to continue acting responsibly and to apply again for the Manager's Certificate after the two year period concludes in February 2022.