

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

And

IN THE MATTER of an application by Warren John Rose for a Manager's Certificate pursuant to Section 219 of the Act in respect of premises known as the Americar Rod and Custom Club and which is located on Land owned by the Tinwald Reserve Board.

Certificate Number: 62/CERT/059/15

BEFORE THE DISTRICT LICENSING COMMITTEE AT ASHBURTON

Chairperson: J. Burgess

Members: R. Kilworth (Mrs)

S. Griffin (Mrs)

HEARING at Ashburton District Council on 25th May 2015

APPEARANCES

Mr W.J. Rose

Applicant

Seargant M.G, Lord

For the New Zealand Police – In Opposition/to assist

Mrs H.A. Faass

District Licensing Inspector/to assist

Objectors:

There are no objections to this application from the community.

ORAL DECISION OF THE DISTRICT LICENSING COMMITTEE

Introduction.

(1) The application is for a new Manager's Certificate under Section 219 of the Sale and Supply of Alcohol Act 2012. The applicant works on a part time and voluntary basis at the Americar Rod and Custom Club which operates for limited hours in clubrooms located in the Tinwald Domain. Presently the experience of the applicant is limited to tending bar on Saturday evenings. Mr. Rose wishes to become part of a Duty Managers roster of 4 to 5 members. Club members are enthusiasts of American Cars and Hotrods. Mr. Rose represented himself.

(2) The NZ Police opposed this application on the grounds of two serious traffic violations, the first for which in 2012 Mr. Rose was convicted for Careless use of a Motor Vehicle. This involved the applicant towing a caravan at excessive speed through road works, losing control and crashing. Mr. Rose pleaded guilty to this charge and was fined \$500.00.

(3) Mr. Rose currently has an active charge for Careless Use of a Motor Vehicle. This charge results from a driving matter in which it is alleged that after turning into a suburban Ashburton Street, he accelerated heavily, losing traction of his vehicle and hitting an oncoming vehicle.

There were no reported injuries at the time, but breath testing resulted in a Breath Reading of 309 micrograms of alcohol per litre of breath. The hearing was told that on this charge Mr. Rose was remanded to a date in July with the possibility of Diversion. In answer to a question whereby he had not listed any convictions on his application, Mr. Rose told the panel that he had not received the summons for the second incident until four days after he had put in his application, and had not anticipated it.

(4) After being sworn in Mr. Rose told the hearing that he had no written evidence to supply, but was happy to answer questions from the panel. The chair explained that a partial licence was not a possibility and Mr. Rose gave an unequivocal undertaking that his work, should a licence be granted, would be limited to the American Rod and Custom Club. He is a builder and has no ambitions to work in any other capacity in the licensed trade.

(5) Mr. Rose answered a number of questions from the panel with regard to the two driving convictions stating that the first issue was one he obviously regretted. The second violation where he collided with an oncoming vehicle, Mr. Rose told the hearing that while having a beer at the Tinwald Tavern after completing some voluntary work, he received a panic call from his wife informing him of a serious plumbing incident at his home. He admitted that he rather stupidly quickly finished his drink before rushing home to attend the plumbing emergency, having the accident on the way.

(6) In answer to a question from the chair Mr. Rose told the hearing that he hearing that he had consumed one 750ml bottle of beer.

(7) Further questioning from the panel and Sergeant Lord elicited the facts that the American Rod and Custom Club is a well-run establishment ticking all the boxes with regard to food availability, low Alcohol beverages, and even a member who owns a Rental Car business making available a rental van as a courtesy vehicle if that should become necessary. The club operates for very limited hours and encourages a family type atmosphere.

(8) In answer to a question from the panel the applicant testified that he did not drink while doing his duty hours, and that the club takes their responsibilities with the sale of alcohol very seriously. Drink driving problems involving members leaving the club have never been an issue.

(9) At the conclusion of the evidence the panel retired to consider their decision.

(10) The panel returned with a decision to approve the application the reasons for which are:

That the applicant had shown a genuine measure of remorse.

The applicant had given an unequivocal undertaking under oath with regard to his involvement in the licensed trade.

The chair explained that the licence would be approved for just one year, which the architects of the legislation might have intended as a probationary period, and that provided there were no further issues there is no reason why the licence would not be renewed at the end of that period.

Dated at Ashburton this 25th day of May 2015

I.J. Burgess

I.J. Burgess,
Chairperson,
Ashburton District Licensing Committee

