

IN THE MATTER

of the Sale and Supply of
Alcohol Act 2012

AND

IN THE MATTER

of an application by **Jason
Robert Gannaway** for a
Manager's Certificate
pursuant to s.224 of the Act

DECISION OF THE ASHBURTON DISTRICT LICENSING COMMITTEE

Chairperson:

Mrs R Kilworth

Members

Mr S McDonnell

Mr C Purcell

Hearing:

in the Wakanui Room, Ashburton District Council
on Monday 18th March 2024

Present

Jason Robert Gannaway
Ratthajuk Potharam (Witness)
Senior Sergeant Janine Bowden (NZ Police)
Julie Clements (Alcohol Licensing Inspector)
Jane Donaldson (GM -Compliance and Development),
Rick Catchpowle (Environmental Monitoring Manager),
Cara Badger (Compliance and Development Support Officer),
Carol McAtamney (Governance Support Officer)

Introduction

This is a hearing for the Renewal of a Manager's Certificate pursuant to s.224 of the Sale and Supply of Alcohol Act 2012. The applicant is currently employed in the industry. Both the Licensing Inspector and the NZ Police have opposed the application on the grounds of the applicants two convictions for Assault, one in 2019 and one more recently in 2023.

The Hearing

Mr Gannaway was sworn by oath. In his evidence he stated that his remorse has not diminished and that he deeply regrets his actions.

He acknowledges that he understands now through his own experience of acting out and being arrested whilst under the influence, that the Act is much more than intellectual knowledge.

The hearing notes do not reflect how concerned he was regarding the Police Officer involved and that he had written a detailed letter to the officer. He also wrote apology letters to his friend and employer.

He did not provide copies of these letters.

Mr Gannaway stated that a manager's certificate is an important part of his job although alcohol sales are not a big part of the restaurant where he is employed.

His opportunities would be greatly impaired without a Manager's Certificate.

Mr Gannaway called Rattthajuk Potharam – Director of Thai Express as his witness.

The witness stated that the wife of the applicant was a director of the business, and that the applicant was a good person who he relied on for the business operation. He added that it was important for him to keep his job as he (the witness) could not be there all the time. He stated that the applicant made a mistake and was remorseful.

Questions

The panel questioned the witness regarding the shareholding of the business, opening hours and volume of alcohol sold.

The panel asked the applicant what he had done to address the issues raised in his sentencing and convictions which stipulated that he seek help/counselling for his anger and alcohol issues.

The applicant stated that since the latest conviction he had attended alcohol counselling once.

He further stated that he had had a few sessions with a life coach, however informing the panel upon questioning that he had only told his life coach about the latest conviction at the last session he had attended.

He maintains neither anger nor alcohol are ongoing issues.

Mr Gannaway had met with his parole officer as supervision had also been imposed by the court.

Police and Licensing Inspector questions revealed Mr Gannaway did not drink at work.

In their concluding statements both agencies continued their opposition to the renewal of the manager's certificate.

Decision

The panel considered and had regard to the evidence contained in the hearing papers. The panel also considered the nature of the convictions which were passed down by the court, the evidence of the applicant, the evidence of the Licensing Inspector and the NZ Police.

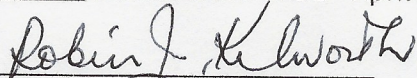
The panel had regard to generally recognised practice in case of assaults.

The panel was not convinced that the applicant although remorseful, had taken responsibility for his actions seriously. The panel saw no real evidence from the applicant that the issues which led to the two assaults for which he had been convicted by the court, were being addressed by him in a manner which would convince the panel of his suitability to renew his managers certificate.

The application is therefore refused for two years from the expiry of his current certificate which is 9th December 2023 and takes effect immediately.

In coming to this decision, the panel strongly suggests that Mr Gannaway undertake anger management training and alcohol counselling through recognised agencies and provide evidence of such in any future application for a manager's certificate.

DATED at Ashburton this 2nd April 2024



R Kilworth

Chairperson

Ashburton District Licensing Committee