

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

AND

IN THE MATTER of an application by Rachel Lea Whatham pursuant to s.219 of the Act for a Managers Certificate.

BEFORE THE QUEENSTOWN LAKES DISTRICT LICENSING COMMITTEE

Chairman: Mr E W Unwin

Members: Mr L A Cocks

Mr J M Mann

HEARING at Queenstown on 30th August 2016

APPEARANCES

No appearance by or on behalf of the Applicant

Ms J J Mitchell - Queenstown Lakes Licensing Inspector – to assist

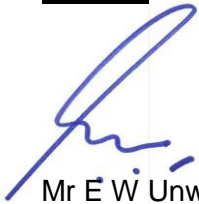
Sergeant T D Haggart - NZ Police - in opposition.

FINAL DECISION OF THE COMMITTEE

- [1] Before the Committee is an application by Rachel Lea Whatham for a Managers Certificate. The application was received in January 2015. It drew an adverse report from the Police concerning an incident that had occurred on 18th December 2014 when the Police discovered a patron who appeared to be sleeping in licensed premises. Ms Whatham was acting as a temporary duty manager at the time. What started out as a Police enquiry became a hostile confrontation between Ms Whatham and the Police Sergeant. It was contended that the incident reflected on Ms Whatham's suitability.
- [2] A public hearing took place in Queenstown on 18th May 2015, and resulted in an oral interim decision from the Committee (reference QLDCLC 0004/15). In that decision we indicated that we were impressed by the unwavering support from Ms Whatham's employer who took the trouble to be present and give evidence. We adjourned the application for six months to 16th November 2015 with the proviso that Ms Whatham could operate as a temporary manager for six weeks in total during that time. We asked that during the adjourned period, Ms Whatham meet with the Police Sergeant under facilitated circumstances, after which we indicated that we would like to hear from her again as to her aspirations in the industry. In our decision we indicated our view that with the support she had from her employer Ms Whatham could have a good future in the industry.

- [3] It seems that our proposal was an exercise in futility. After six months of inactivity, the agency sent an email to Ms Whatham on 24th November 2015 asking if she wanted to continue with her application. No response was received. The agency wrote again on 4th December 2015 and received a reply on 7th December 2015 advising that Ms Whatham wished to continue with her application. This was the only contact made by the applicant with the agency following the hearing. On 13th January 2016 Ms Whatham was again written to and given the Sergeant's details. She was advised that she had until 31st January 2016 to make contact. She made no contact.
- [4] Accordingly the application was set down for a further hearing. Notices were sent out on 12th August 2016. Ms Whatham failed to appear and nothing was received from her suggesting any reason why she was not present or seeking a further adjournment. The evidence showed that over a period of more than a year she had made no contact with the Police Sergeant. Perhaps more importantly there was no appearance by her employer. As the Police fairly and accurately submitted, the deafening silence from Ms Whatham left no doubt as to how important the obtaining of a Manager's Certificate was to her.
- [5] The Police referred to a number of cases involving applications of this nature. We refer in particular to the case of **Warren Richard Stewart LLA PH880/881/2005**:
- “We believe that raising the bar for the holders of General Managers Certificate and keeping it at a certain height has the potential to bring about a reduction in the abuse of liquor nation-wide. If certain otherwise meritorious applicants suffer in the process that may not be too high a price to pay in order to achieve this long term goal”*
- [6] We regret that what we envisaged was a reasonable way out of the dilemma was so unsuccessful but in the circumstances we have no option but to conclude that Ms Whatham has failed to establish her suitability to obtain a certificate and the application is refused.

DATED at Queenstown on this 9th day of September 2016



Mr E W Unwin
Chairman