

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

IN THE MATTER of an application by **Ruapkea
(Rebecca) READ** for a Managers Certificate.

**HEARING BEFORE THE NEW PLYMOUTH DISTRICT LICENSING COMMITTEE (THE
COMMITTEE)**

Chairperson: Neil Volzke
Member: John Rowe
Member: Paul Walden

HEARING at New Plymouth District Council Civic Centre on Thursday 9 November 2023 at
1:00 PM

APPEARANCES

Ms Raupeka Read (the applicant) - supported by Leah Rust
New Zealand Police - Sergeant Phillip Quinn
Licensing Inspector - Carolyn Jean (CJ) Lambert

RESERVED DECISION OF THE COMMITTEE

Introduction

1. We have before us an application by Raupeka Read dated 13 July 2023 for a Managers Certificate.
2. The application has been opposed by the New Zealand Police and the New Plymouth District Licensing Inspector on the grounds of suitability.
3. In preparation for this hearing all parties were asked to provide any written evidence to the committee secretary no later than midday Monday 30 October 2023.
4. Ms Read has a long- time association with the Hairy Dog licensed premises, firstly as a customer, employed as a cleaner, and employed from December 2022 as a bartender.

Chairman's remarks prior to proceeding with hearing:

5. The Chairman checked that all parties had copies of the agenda and explained the proceedings to those present.

Applicant's Evidence

6. Ms Read read the written statement that she had provided to the secretary and answered questions from the Committee.
7. Chairman Volzke asked for clarification about why [REDACTED] had been missed off the original application (page eight of the Hearing Agenda). Ms Read explained that she thought she had listed them all apart from the one she had forgotten about [REDACTED].
8. Chairman Volzke asked for clarification about the HARM training she had attended and asked what the course focused on. She explained this was a gambling training course focusing on the potential harm problem gambling can cause and what for indications that a customer may have a problem with gambling. It was not alcohol-related training.
9. Chairman Volzke asked a further question about the incident that happened in October 2020 and whether there had been any further incidents that may have occurred since then and while she was an employee at the Hairy Dog. Ms Read confirmed that there had been no incidents since 2020 while she has been an employee of the Hairy Dog.
10. The Chairman invited the New Zealand Police Representative, and the New Plymouth District Council Liquor Licensing Officer if they had any questions for Ms Read, both parties confirmed they did not have any questions at this time.

Witness - Leah Rust Evidence in Support of the Applicant

11. Ms Rust explained her role in the Hairy Dog as an Owner/Operator, and now a close support person for her son who is the current Owner/Operator of the Hairy Dog. She read aloud her Support Statement (ECM 9112855).
12. Ms Rust outlined that she has known Ms Read (as a patron at the Hairy Dog) for seventeen years, and during this time has never seen any behaviour that the New Zealand Police has indicated has happened. She stated that during this time, Ms Read has been a welcome and supportive patron and now bartender. She steps into social spaces, for example the treasurer of the Inglewood Pool Club and is doing an excellent job. Ms Rust also highlighted that honesty is a big part of the role and during her time working at the Hairy Dog, Ms Read has proven herself many times and is always willing to go above and beyond in her role. There have been no incidents in the period since her employment began.
13. Ms Rust highlighted a Controlled Purchase Operation that occurred at the Hairy Dog in August this year. Ms Read was working at the time and correctly refused service to the under-age customer demonstrating she has the practical skills to hold a manager's certificate.

14. Mr Walden asked Ms Rust about the Hairy Dog's Liquor license. Had there been any issues when she was the owner/operator, or for her son during his time as an owner/operator with renewing the liquor license, given that [REDACTED] [REDACTED] were all in the location of the Hairy Dog. Ms Rust confirmed they had not had any problems with their 'on or off' license renewals.
15. Ms Read and Ms Rust also explained the need at the Hairy Dog was for the bar to have a second manager who could close up at the end of the night, as those without a Managers Certificate were currently only working short shifts and the Managers were required to open and close the bar. Another certified manager would reduce the load of the current managers responsible for opening and closing the bar and provide an opportunity for Ms Read to potentially increase her hours of work.
16. The Chairman asked Sergeant Quinn and the Licensing Inspector if they had any questions for the Ms Rust, both parties confirmed they did not have any questions at this time.

Police Evidence

17. Sergeant Phillip Quinn introduced himself and his role at the New Zealand Police. He then read aloud his evidence (page 15 of the Hearing agenda) and included [REDACTED] [REDACTED]. He then answered questions from the Committee.
18. Mr Walden asked Sergeant Quinn how much weight was given to [REDACTED] Was it the sheer number [REDACTED] in this case, or if there is a [REDACTED] that has led to the decision to oppose the application. Sergeant Quinn explained that under the Sale and Supply of Alcohol Act 2012 he is obligated to bring any [REDACTED] to the attention of the Alcohol Licensing Committee. In this case, it was the [REDACTED] [REDACTED] over a prolonged period.
19. Chairman Volzke asked Sergeant Quinn for clarification as to why some of these [REDACTED] that are "more than 20 years ago" are of importance now and at what time do the Police consider [REDACTED] to have little or no relevance to today's situation, and what was his idea of an appropriate time time frame, and has this been applied to this application?

Sergeant Quinn explained that the New Zealand Police use their discretion of between ten and fifteen years of non-offending depending on the severity of the offending. Sergeant Quinn went into more detail explaining in Ms Read's case she has had two [REDACTED], one in 2014 and the other in 2020 which means the [REDACTED] still gave reason for hesitation by the New Zealand Police to support the application.

20. Chairman Volzke asked for clarification about the incidents that did not result in [REDACTED] (the warning in 2014 and 2020) commenting that Section 222 of the Sales and Supply of Alcohol Act states that [REDACTED] against the applicant must be considered, but it does not reference incidents where the applicant has not been [REDACTED].

Sergeant Quinn responded that bringing these incidents into the evidence was support information for the New Zealand Police oppose this application. Sergeant Quinn detailed that paragraphs 7 to 13 of the evidence outlined the [REDACTED] held by Ms Read, which relate directly to Section 222(b) of the Sale and Supply of Alcohol Act 2012 and paragraphs 16 and 17 of the evidence refer to the suitability of the applicant.

21. The Chairman asked Ms Read and the New Plymouth District Council Liquor Licensing Officer if they had any questions for Sergeant Quinn, both parties confirmed they did not have any questions at this time.

Licensing Inspectors Evidence

22. Ms Lambert read the written statement that she had provided to the secretary and answered questions from the Committee.
23. Mr Rowe asked the Licensing Inspector whether in forming her opinion, did she acknowledge and understand the applicant's willingness to change and invited a comment about the applicant's suitability in respect of the time frame of the [REDACTED].

Ms Lambert had considered all factors and explained that if the time frame was a concern for the New Zealand Police causing them to oppose the application, then this would also be an appropriate time frame for her to oppose the application.

24. Chairman Volzke asked the Inspector that hypothetically, if Ms Read's application had come through the system without any [REDACTED], would her position still be to oppose it. Ms Lambert confirmed that in her opinion, the applicant met the criteria in terms of qualifications and experience and would therefore most likely be considered a suitable candidate for the Manager's certificate.
25. In a further question of clarification, it was asked if her opposition to the application was essentially based on supporting the New Zealand Police opposition and that she had no other concerns regarding suitability. Ms Lambert agreed.
26. The Chairman asked Ms Read and Sergeant Quinn if they had any questions for the Licensing Inspector, both parties confirmed they did not have any questions at this time.

Relevant Legislation

Section 222 Criteria for manager's certificates

In considering an application for a manager's certificate, the licensing committee or licensing authority, as the case may be, must consider the following matters:

- (a) the applicant's suitability to be a manager:*
- (b) [REDACTED]:*
- (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.*

Closing Submissions

- 27. Sergeant Quinn thanked the Committee, Ms Read and Ms Lambert for their evidence. He stated the New Zealand Police's evidence was current and that he had no further evidence to add.
- 28. Ms Lambert thanked the Committee for their time along with the New Zealand Police and Ms Read for their submissions.

Applicants Right of Reply

- 29. Ms Read had no further comments to make.

Closing Questions from The District Licensing Commission to The Applicant

- 30. Mr Walden asked Ms Read to explain her relationship with alcohol, as several of the historical events are alcohol related and he also sought an understanding of what (if anything) had changed for Ms Read. Ms Read explained that the Hairy Dog is a big part of the community in Inglewood. Ms Read explained that she was young at the time and that 'these are the stupid decisions you make.'
- 31. Mr Rowe summarised that Ms Read has shown some volatility when defusing situations. Mr Rowe sought clarification about the way Ms Read would defuse a situation if one occurred. Ms Read stated she had changed and confirmed she would do this while remaining calm.
- 32. Chairman Volzke sought further clarification due to the history and the pattern that Ms Read had shown, in historical incidents involving violence and if provoked. If a Managers Certificate was approved how was Ms Read going to react to the 'hard' situations that at times arise in this line of work. Ms Read confirmed she now had the maturity to cope and would walk away as comments 'don't worry her anymore.' Chairman Volzke asked whether Ms Read has completed any formal de-escalation training? Ms Read confirmed she had not.

Chairman's Closing Comments

33. The Chairman thanked all those people in attendance, and all involved for their participation in this process and the good conduct during the hearing.
34. The Chairman noted the Committee will reserve their decision to consider all evidence and verbal information provided at the hearing.

Reasons for the Decision

35. From the evidence presented the Committee agrees that rightfully, the opposition to this application is based on [REDACTED] and the suitability of the applicant. The Committee acknowledges the serious [REDACTED] and the extended period of over 20 years which this has occurred. New Zealand Police are correct in bringing this to our attention.
36. The evidence from the Licensing Inspector confirmed her reasons for opposing this application were based on suitability. In her evidence the Inspector agreed that in respect of the Ms Read's qualification, knowledge of the Act and experience she would most likely meet the criteria for approving a Manager's Certificate. The Committee agrees with this assessment.
37. Ms Read's employer speaks very highly of her and states she has not witnessed any incidents that are of concern to her. She states that Ms Read has proven herself on many occasions and is willing to go above and beyond in her role. This gives the Committee a degree of assurance that Ms Read has made the changes in her life that she spoke of and has a mature approach to her work. This was further illustrated by Ms Reads lead role in the Controlled Purchase Operation in August 2023 that was highlighted in Ms Rusts evidence, as a positive, practical example of her ability to be a responsible Manager.
38. The Committee has considered the New Zealand Police opposition to this application in two parts:

[REDACTED]

[REDACTED] The Committee does not wish to play down the serious [REDACTED]

[REDACTED] The Committee has taken the view that people do change behaviours and Ms Read and her employer were strongly of that opinion. The Committee has determined that the [REDACTED] alone are not sufficient to decline this application.

Suitability – the history provided showed Ms Read had been involved in two incidents recorded [REDACTED]. One occurred in 2014 and the other in October 2020. Neither resulted in a [REDACTED] for her but warnings were issued on both occasions. The Committee agrees that these two incidents do raise the question of suitability and do add to the overall concerns about the pattern of behaviour over the last twenty years, but in isolation one incident occurred nine years ago and the other three years ago. Ms Read has stated that she has changed and believes that she has the ability to cope with provocation and conflicts. Her employer was supportive of her. The Committee accepts that this is not a certainty but with good support from her employer, good mentoring, and some formal training in de-escalation techniques, Ms Read has the ability to be a good manager.

39. The Manager's Certificate is issued for a twelve-month period. This will provide adequate time for any future concerns that may arise to be monitored and reported upon at the time of the Managers Certificate renewal.

The Decision

40. The New Plymouth District Licensing Committee, acting pursuant to the Sale and Supply of Alcohol Act 2012, has considered the application of Ruapeka Read for a Managers Certificate and **approves** the application. The duration of the Managers Certificate is for a period of 12 months.
41. That Ms Read undertake some training in de-escalation techniques within the next 12 months. This will help equip her with the knowledge and skills to deal with conflict, should that occur while she is on duty as a manager and will compliment the additional support and mentoring available to her from her employer.

DATED at New Plymouth this 23rd day of November 2023



Neil Volzke

Commissioner