

**Decision Number 60D [2016] 2115**

**IN THE MATTER**

of the Sale and Supply of Alcohol  
Act 2012

**AND**

**IN THE MATTER**

of an application by Teneka  
Louise Spooner for a Manager's  
Certificate pursuant to s.212 and  
221 of the Act.

**BEFORE THE CHRISTCHURCH DISTRICT LICENSING COMMITTEE:**

Chairman : Mr G B Buchanan  
Members: Mr A J Lawn  
Mr P Rogers

Hearing at The Christchurch City Council Chambers, CHRISTCHURCH on the 25<sup>th</sup> day of  
August 2016.

**APPEARANCES**

Mr M Ferguson; Christchurch City Council Licensing Inspector  
Senior Constable G Kyne for NZ Police

**APPLICANT**

Ms Teneka Louise Spooner

**Introduction**

1. Ms Spooner currently works at the Halo Bar, a licensed premise in Christchurch. She has been working in the hospitality industry since she was 18 years of age. Prior to 2004, she held a Manager's Certificate.
2. She was convicted of aggravated robbery in February 2004, for which she served a term of imprisonment. She also has a conviction for a breach of her detention conditions and two driving convictions. One conviction was for driving with excess breath alcohol. Her most recent conviction was a driving offence on 22.12.11.
3. She has returned to work and has considerable experience in a variety of licensed premises. She has recently been working as an events organiser for Club 22 and now the Halo Bar. Both these premises cater for largely private events. Her hours of work are usually during the evenings and over the weekends. Her employers have

encouraged her to obtain her Manager's Certificate to enable her to manage all the responsibilities of her role.

4. The Police and the Licensing Inspector oppose this application for a Manager's Certificate. They sought a hearing by the Committee to determine the matter.

#### The Applicant

5. Ms Spooner is a 39-year-old, who has been living and working in Christchurch in the hospitality industry for many years. She was honest and candid in her evidence concerning her past convictions, explaining the circumstances to the committee. She accepted that she had problems in the past but said that she was now a hard working mother who enjoyed her current role.
6. Ms Spooner was confused over the date of her last conviction. She thought that it was in 2010 not 2011. She had been driving without a licence after her period of disqualification had ended, she did not realise that she needed to re-sit her licence. It was for this reason that she received her last conviction.
7. Ms Spooner said that she has organised a significant number of events at both Club22 and the Halo Bar without incident. A Manager's Certificate is necessary for her to fulfil all her roles for her employer, from organising to running the events.

#### Decision

8. As a guide for this committee and in order to ensure only suitable applicants are approved a Manager's Certificate, Judge Gatley has given some guidance in matters where the applicant has previous convictions. (*G L Osbourne LLA 2388/95*)  
  
*... it may be helpful if we indicate that we commonly look for a five year period free of any serious conviction or any conviction relating to or involving the abuse of alcohol, or arising in the course of an applicant's duty on licensed premises."*
9. This case set the standard in relation to applicants for a Manager's Certificate. It is important to maintain consistency in our approach in this regard.

*Deejay Enterprises Limited LLA 531-532/97 it was stated:*

*"The guiding hand or hands-on operator of any company or the potential holder of a General Manager's Certificate now receive greater scrutiny from both the Police and other reporting agencies. Character and reputation are closely examined. The law and human desires of patrons frequently tug in different directions. The Police cannot be everywhere. Little but a licensee's or manager's character and suitability may stand between upholding the law and turning a blind eye. Self imposed standards in accordance with the law must be set by licensees and holders of General Manager's Certificates who control and manage licensed premises."*

10. To deny Ms Spooner the ability to hold a manager's certificate for an infinite or even an extended period may well mean that a person that is otherwise suitably qualified is unable to work in the industry. It may be that in light of her previous experience, Ms Spooner is well equipped to recognise and deal with alcohol abuse issues on licenced premises.
11. Ms Spooner has the support of her employer and has a number of excellent references that speak well of her. The experience and training she has received from her employment at Otautahi Social Services shows her in a positive light doing constructive work in the community and speaks towards her suitability.
12. Neither the Police nor the Inspector have raised suitability as an issue for this applicant. Events at Club22 had previously been an issue for the owner. No such issues have been raised recently at these premises. She has considerable experience in the industry.
13. The only issue is that her last conviction is within 5 years of this application. The committee has considered the nature of the offences that the applicant has committed in the past and the time since that last conviction. We note that the last conviction was a driving offence.
14. The 5-year period free of any convictions will be reached in 3 months' time. The decision in the Osbourne case is a guide for us. It is important that the threshold as to suitability of a Manager is set at a high standard. Ms Spooner however is very close to that 5-year period and because of the evidence we have received we can see no good reason that we should not give some her credit for the last 4 years and 9 months.

### Conclusion

15. For the reasons I have outlined, the committee therefore approves this application for a Manager's Certificate.

A handwritten signature in blue ink, appearing to read 'G Buchanan', written in a cursive style.

Mr G Buchanan  
Chairman