

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of an application by **LUCY SAU**
pursuant to s.123 of the Act for the
renewal of a General Manager's
Certificate

BEFORE THE LIQUOR LICENSING AUTHORITY

Quorum: Ms J D Moorhead
Mr P M McHaffie

HEARING at AUCKLAND on 28 October 2009

APPEARANCES

Miss L Sau – applicant
Mr A C Phillips – Auckland District Licensing Agency Inspector – in opposition
Sergeant J P Loye – NZ Police – in opposition

ORAL DECISION OF THE AUTHORITY

[1] Before the Authority for determination is an application by Lucy Sau for the renewal of a General Manager's Certificate.

[2] Miss Sau's certificate was first issued in 2005 and was subsequently renewed in 2006 to expire on 12 April 2009. Miss Sau made an application for renewal with the Auckland District Licensing Agency, which was received on 16 March 2009. The application was supported by a copy of the Licence Controller Qualification issued on 21 April 2006, as well as a reference from her employer at the time, Spotless Services New Zealand Limited.

[3] In the renewal application she was asked the question "*has the applicant been convicted of any offence since the issue of the previous manager's certificate?*" She indicated "*no*" and therefore did not give details of any offence.

[4] There was opposition from the Inspector and Police to the application on the basis that Miss Sau had failed to disclose criminal convictions that she had incurred after the issue of the certificate. This also raises the question of character and reputation. Both are matters that we are directed to have regard to under s.126 of the Act.

[5] The application was accordingly set down for a public hearing. Sergeant Jason Peter Loye, the Alcohol Harm Reduction Co-ordinator for Auckland City West Policing area, gave evidence in relation to the vetting procedures carried out in regard to the application. The evidence shows that the applicant appeared in the Manukau District Court on 11 December 2007 on two charges of wilful damage. She was convicted and discharged on both charges.

[6] The Summary of Facts refers to an incident which took place on 29 July 2007 between herself and her ex-partner. There was some dispute as to whether Miss Sau had been drinking prior to the incident. The facts in the Summary of Facts were however admitted by Miss Sau. Following a domestic dispute she drove into her partner's car in the driveway. She then reversed and did it again, four times in total, causing extensive damage to the front and rear of the vehicle and in the process shunting her ex-partner's vehicle into a rear deck area of the property damaging it also. Miss Sau stated that at the time she was angry, by way of explanation for her actions. The situation was aggravated by the fact that her two children were present in the rear of the car at the time.

[7] We have heard from Miss Sau. She said that the non-disclosure of the convictions was not deliberate and that she thought the question related to 'liquor-related matters' only. We are prepared to accept her explanation that the non-disclosure was not deliberate however, the fact remains that there are convictions which have occurred since the last renewal of her manager's certificate.

[8] Miss Sau has been employed at Eden Park as a General Manager utilising her certificate there. We understand that she is the manager of the ASB stand during games. Miss Sau recognised that her behaviour in regard to the incidents of wilful damage were completely inappropriate. She gave some explanation as to the background regarding the volatile nature of her relationship with her ex-partner. She said that he is now residing overseas and has done so for the last two years. She also said that she had recently gone back to church and had changed her lifestyle, which is currently focussed on looking after family and on her work.

[9] Miss Sau produced a supporting letter from the General Manager of "Eden Park Catering". In that letter he states his opinion that Miss Sau is an honest and reliable person who is well respected by the entire team and that she has built up strong relationships with clients and customers over her eight years at Eden Park. The letter also says that he had found her to be calm and controlled when dealing with difficult and challenging situations, both at functions and during games. It was also his opinion that some exceptional circumstances in her life had caused a very out of character reaction on the particular occasion. He has worked with Miss Sau personally for nearly two years.

[10] We were also able to hear from Suzanne Marie Livingston, who is the Corporate Beverage Manager for Eden Park. She said that she has worked with Miss Sau for five years and gave a glowing recommendation for Miss Sau. She also expressed the view that the incident was completely out of character according to what she had seen during her five years working with the applicant. Ms Livingston confirmed that Miss Sau is very important to the organisation.

[11] In the decision of *Deejay Enterprises Limited* LLA PH 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."

[12] In all the circumstances we have decided to renew Miss Sau's General Manager's Certificate but for a truncated period of time. The normal renewal period is for three years but we have decided to reduce that period to 18 months. This means that the certificate will now expire on 12 October 2010.

[13] Accordingly the application is granted on those terms.

DATED at WELLINGTON this 3RD day of December 2009

B M Holmes
Deputy Secretary

Lucy Sau.doc(jeh)