

**IN THE MATTER** of the Sale and Supply of Alcohol  
Act 2012 ("the Act")

**AND**

**IN THE MATTER** of an application by **ANNETTE  
MICHELLE REDDY** pursuant to  
s.224 of the Act for the renewal of  
a Manager's Certificate

**BEFORE THE FAR NORTH DISTRICT LICENSING COMMITTEE**

Members: Mr John Thorne (Chairperson)  
Ms Lisa McNab (Member)  
Mr Martin Macpherson (Member)

**HEARING at KERIKERI on 02 OCTOBER 2024**

**APPEARANCES**

Ms Annette Michelle Reddy (applicant)  
Mr Steve Ericksen – Far North District Licensing Inspector – in opposition  
Sergeant Michelle Row - NZ Police – in opposition  
Constable David MacMillan – NZ Police – witness for the Police

**DECISION OF THE COMMITTEE**

**INTRODUCTION**

- [1] This is an application by Annette Michelle Reddy for the renewal of her Manager's Certificate to manage the licensed premises known as the Pioneer Bar and Restaurant in Waipapa, near Kerikeri. Ms Reddy has worked at the Pioneer Bar tavern for one year. This is the first renewal of the Certificate since issued unopposed on the 28 July 2023.
- [2] Unfortunately, Ms Reddy did not disclose to the 2023 reporting Licensing Inspector a pending drink drive apprehension in May 2023 with resulting conviction in the Kaikohe District Court on the 04 July 2023. Neither did she declare this on either the initial application form or the renewal application one year hence at which time the conviction was revealed in the Police vetting process.
- [3] A conviction of this type can affect the suitability of the applicant to hold a Manager's Certificate. Both criminal and traffic convictions, and overall suitability, are matters that the Committee must have regard to pursuant to s.227 of the Act.
- [4] Other negative incidents at the Pioneer over the past year while the applicant was the duty manager also caused some concern and quite rightly the Inspector opposed this renewal application on the grounds of suitability.

- [5] The Police although not expressly stating opposition in reports provided, clearly do so by the content of the reports.

## **EVIDENCE OF THE APPLICANT**

- [6] Ms Reddy addressed the Committee. She had not prepared a written brief of evidence but told us about her career in hospitality and responded to the Committee's questions. She confirmed she had completed and signed the application forms. She said her job was vital to her and her managers certificate was important. She told us she lived on her own and had no dependants.
- [7] She said she had great respect for her Pioneer Bar licensee boss Mr Tyler Bamber who had provided written support references in both the initial and renewal applications. Oddly Ms Reddy stated to us more than once that she did not want to involve her employer as support in the hearing process. She was in a position of responsibility, hired junior staff, worked hard, enduring long shifts and excessive hours sometimes. Mr Bamber had paid for her 2023 application fee, the renewal fee she paid herself.
- [8] In response to the Police reports and briefs of evidence provided, Ms Reddy acknowledged the 12 May 2023 drink drive apprehension which gave a high range reading of 675mcg of alcohol per litre of breath. She was stopped by the Police after turning off the road to look for a friend she had arranged to meet, coincidentally avoiding a Police check point. Ms Reddy claimed that she could not recall telling the Police officer that she and another staff member had been sampling alcohol at the Pioneer Bar after finishing work, but rather that she had consumed it elsewhere. She did concede that the officer would have taken accurate notes at the time, and it was possible she may have indeed consumed alcohol at The Pioneer.
- [9] The committee took Ms Reddy through a timeline of events. She agreed that the first application was filed with the Far North District Council on the 23 May 2023. She did not declare the pending drink drive matter either then or when she communicated with the then Inspector on the 21 June 2023 when a written knowledge test was undertaken.
- [10] On the 04 July 2023 she was convicted in the Kaikohe District Court, fined, and disqualified from driving for 6 months.
- [11] On the 06 July 2023, 2 days after the court appearance, she had a Zoom online interview with the Inspector. She did not disclose the conviction at that time.
- [12] She gave ever expanding explanations that she thought Diversion was available in her case, did not read the forms properly, long hours and work pressures.
- [13] Ms Reddy acknowledged participation in a late 2023 meeting between Pioneer staff, management and the Police to address disorder and assault incidents that had occurred on the premises.
- [14] On the 13 June 2024, the applicant acknowledged she was the duty manager at the Pioneer when Police conducted a compliance inspection. The Police reported that she was rude, uncooperative and dismissive. Ms Reddy told us she could

not recall this being the interaction and if that was the impression she gave she was very sorry. In her words she must have been tired and grumpy.

- [15] The applicant agreed the renewal application was lodged on the 26 July 2024. She did not declare the drink drive conviction. She could give no good reason for failing to declare it this final time. When asked if her employer Mr Bamber was aware of the conviction she said yes. She added she was ashamed and embarrassed about it but as she had no one to blame but herself, she did not want to involve anyone else. She agreed that the drink drive conviction was not a good look.

## **EVIDENCE OF THE POLICE**

- [16] Sergeant Row appeared for the Police and called Constable David MacMillan.
- [17] Constable MacMillan's brief of evidence had been provided in advance and taken as read. He confirmed to the committee that he was the acting Sergeant-in-charge of a road policing group on the night of 12 May 2023. A check point was set up on Fairway Drive Kerikeri to check vehicle and driver compliance.
- [18] At about 9.25pm a vehicle was noted driving down the alleyway by the Repco store off Fairway Drive. It appeared to be avoiding the checkpoint, so he followed it in his Police vehicle and pulled it up. The driver alighting the vehicle was the applicant Ms Reddy. She was compliant and cooperative. She gave her occupation as the Bar Manager of the Pioneer Bar and Restaurant in Waipapa. The officer recalled that Ms Reddy said that she and another staff member had been sampling alcohol after finishing work.
- [19] Evidential breath test procedures were carried out, the result being 0675 mcg of alcohol per litre of breath. The legal limit is 250 mcg. Ms Reddy was issued a summons to appear in court.
- [20] Constable MacMillan told the committee drink drive charges are active in the Police data system within 2 weeks of apprehension, ie available for other Police to see when doing data base checks and vetting.

### **Sergeant Row**

- [21] Sergeant Row produced a brief of evidence for a second Police Officer witness, Constable Tony Florence. The officer could not attend the hearing due to a priority matter. The brief covered his negative interaction with the applicant during the 13 June 2024 compliance inspection at the Pioneer Bar. The Sergeant confirmed concerns about the applicants conviction, non-disclosure of it more than once, and the rudeness to Police during the compliance visit. She confirmed what was discussed at the improvement meeting with Ms Reddy and Pioneer Bar management in late 2023.

## **EVIDENCE OF THE INSPECTOR**

- [22] The Licensing Inspector Steve Ericksen presented his Inspectors report. The report had previously been provided to all parties was taken as read. The Inspector expressed concerns over the drink drive conviction, non-disclosure of it, and the applicants attitude towards the Police during the 13 June visit. All of

these matters point to concerns about the applicants suitability to hold a managers certificate.

## **FINAL SUBMISSIONS**

### **POLICE**

[23] Sergeant Row said that she had contacted the licensee of the Pioneer Bar Mr Bamber on the 20 September - 12 days prior to the hearing. He informed the Sergeant that Ms Reddy had resigned her position and was no longer employed there. Consequently, she no longer has employer support for the role of duty manager in licensed premises.

### **THE INSPECTOR**

[24] The Inspector said this last-minute revelation was news to him, but he had noted a change of management notice for the Pioneer Bar had recently been sent through to the council licensing team.

### **THE APPLICANT**

[25] Ms Reddy confirmed that she had indeed resigned and no longer worked at the Pioneer Bar or any other licensed premises. She had other avenues open and would move on.

## **REASONS FOR THE DECISION**

[26] As we said orally after recess at the conclusion of the hearing, the application for the renewal of the managers certificate to Ms Reddy is refused. The last bit of information given to the Committee should have been given to us first. Throughout the hearing the applicant portrayed to us as nothing but being a busy committed active and valued current employee of the Pioneer Bar. This is not the case.

[27] We gave the decision immediately so she will be under no illusions regarding the status of her certificate and could move on.

[28] When deciding what the appropriate outcome should be, the DLC is bound by precedent decisions of the higher authorities. We referenced the Susong Gao LLA Decision which we refer to below.

[29] In this case the non-employment and lack of employer support is but one negative factor against Ms Reddy. There is the drink drive conviction which in our view has the aggravating feature of alcohol consumption at her place of work albeit off duty. And worse there is the repeated non-disclosure of the drink drive apprehension when she had many opportunities to be up front about it. Then there are the instances of non-disclosure of the ensuing conviction. The omissions and non-disclosures were cavalier at best or deliberately deceptive at worst.

[30] Surprisingly the applicant voiced her view at the end that she felt her worst crime was to be rude to the Police.

## THE LAW

[31] In **Susong Gao LLA 973/2008**<sup>1</sup> the Authority said, ***“It has been explained to Mr Gao that General Managers’ Certificates are not issued in a vacuum and that the holder of a General Manager’s Certificate is expected to have employment in the industry and the support of an employer.”***

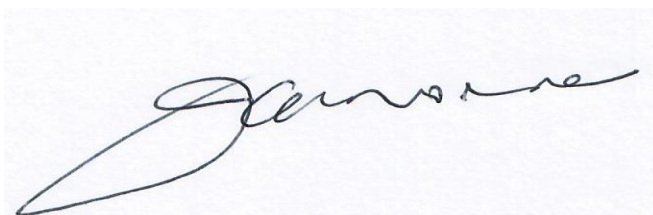
[32] The Authority said in **Deejay Enterprises Limited NZLLA 531 – 532/97d**:

*“The guiding hand or hands-on operator of any company or the potential holder of a General Manager’s Certificate now receives 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.”*

[33] As for the drink drive conviction incurred by Ms Reddy, another leading decision is **G L Osborne NZLLA 2388/95**. In that decision the Authority indicated that it normally looks for a *“five-year period free of any serious conviction or any conviction relating to or involving the abuse of alcohol... and two years free of all offending... before an application for a General Manager’s Certificate will be entertained.”*

[34] The application is refused.

**DATED** at Kerikeri this 7<sup>th</sup> day of October 2024



John Thorne  
Commissioner/Chairperson  
**Far North District Licensing Committee**




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<sup>1</sup> Susong Gao LLA 973/2008