

Chairperson and Committee Members
REGULATORY MANAGEMENT COMMITTEE

25 NOVEMBER 2010

Meeting Status: Public

Purpose of Report: For Decision

**DELEGATIONS TO THE CHIEF EXECUTIVE AND STAFF UNDER
THE SALE OF LIQUOR ACT 1989**

PURPOSE OF REPORT

- 1 This report seeks the Committee's adoption of a set of delegations to the Chief Executive and staff under the Sale of Liquor Act 1989.

SIGNIFICANCE OF DECISION

- 2 The Council's Significance Policy is not triggered by this report.

BACKGROUND

- 3 The Council has certain statutory powers it can exercise and duties it must fulfil. The legislation recognises that it is not efficient or practical for elected members to have to deal with every aspect of their functions, duties and powers. On that basis, councils are authorised by various statutes to delegate some of those activities to committees and officers.
- 4 The majority of Acts allow Council the power to make a delegation to the Chief Executive.
- 5 However, some Acts prescribe the way delegations must be made. In this instance, the Sale of Liquor Act 1989 includes a specific legal requirement that delegation of the power to act as the District Licensing Agency can only be made by the specific committee of Council delegated the power to exercise all of the Council's functions, duties and powers under the Sale of Liquor Act 1989, i.e. the Regulatory Management Committee.
- 6 On 11 November 2010 the Council adopted its Governance Structure (Report CCI-10-1032 refers), which includes delegations for this particular Committee. Section 7.10 of the delegations provides the Committee with the authority to exercise all of the Council's functions, duties and powers under the Sale of Liquor Act 1989 together with the ability to sub-delegate those powers.

CONSIDERATIONS

Issues

- 7 Administratively with the start of the new triennium it is good practice for the Regulatory Management Committee to establish a base set of 2010 Sale of Liquor Act 1989 delegations which can then be updated over the course of the triennium. This Act is currently under review through the Parliamentary Select Committee process. That process will be monitored and reported back to this Committee if amendments to existing legislation prompt an amendment to this delegation.
- 8 In the meantime this paper requests that the Committee delegate the functions, duties and powers under the Sale of Liquor Act 1989 as listed in Appendix A to this report the following three staff positions: the Chief Executive, the Deputy Chief Executive and the Group Manger responsible for this function.

Financial Considerations

- 9 There are no financial considerations in this report.

Legal Considerations

- 10 Under section 104(2) of the Sale of Liquor Act 1989 Council has delegated power to exercise all of its functions, duties and powers under the Sale of Liquor Act 1989 to the Regulatory Management Committee. As such only this Committee can delegate the power to act as the Secretary of the District Licensing Agency.
- 11 Section 32 (3) of the Local Government Act 2002 also has relevance:

A committee, or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation...

Delegation

- 12 The Regulatory Management Committee has the delegation to carry out this report's recommended action under Section 7.10 of the Governance Structure 2010-2013, as approved by Council on 11 November 2010.

Other Considerations

- 13 There are no consultation, policy or publicity considerations with what is essentially a procedural process to make appropriate provision for the Chief Executive and staff to perform their roles.

RECOMMENDATIONS

- 14 That the Committee approves the delegation to the Chief Executive, Deputy Chief Executive and the Group Manager responsible for this function as attached as Appendix A to this Report SP-10-57, noting that these amended delegations supersede any previous delegations made under the Sale of Liquor Act 1989.

Report prepared by:

Approved for submission by:

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Attachments

Appendix A **Delegations made by the Regulatory Management Committee to the Chief Executive**

Appendix A to SP-10-57

**DELEGATIONS MADE BY
THE REGULATORY MANAGEMENT COMMITTEE
UNDER THE SALE OF LIQUOR ACT, 1989.**

For the avoidance of doubt:

- a reference in this document to an enactment, regulation or bylaw includes any enactment, regulation or bylaw that, with or without modification, replaces or corresponds to that enactment, regulation or bylaw; and
- a reference in this document to a Council officer position includes any Council officer position that replaces or corresponds to that Council officer position and involves substantially the same duties.

Legislation and Authority	Powers Delegated
<p>Sale of Liquor Act 1989</p> <p>To the Chief Executive, the Deputy Chief Executive, and the Group Manager responsible for this function the powers of the Secretary of the District Licensing Agency.</p>	<p>Delegation of authority to do all things necessary for the administration of the Sale of Liquor Act 1989 including but not limited to the authority to appoint inspectors under section 103.</p>
	<p>Delegation of authority to issue: Uncontested Licences, Uncontested Temporary Authorities and Manager's Certificates.</p>