

**Mayor and Councillors**  
COUNCIL

28 NOVEMBER 2013

Meeting Status: **Public**

Purpose of Report: For Decision

## **DISTRICT LICENSING COMMITTEE - APPOINTMENT OF CHAIR AND DEPUTY CHAIR**

### **PURPOSE OF REPORT**

- 1 This report asks Council to appoint a Chair and Deputy Chair to the District Licensing Committee (DLC).

### **SIGNIFICANCE OF DECISION**

- 2 This report does not trigger the Council's Significance Policy.

### **BACKGROUND**

- 3 On 7 November 2013 Council approved a Governance Structure and Delegations for the 2013-2016 Triennium, including the establishment of the new DLC as required by the new Sale and Supply of Alcohol Act 2012. The Committee's delegations were also approved (see Appendix 1), as was the appointment of the pool of five list members (the latter in public excluded session.) However, the decision to appoint the Chair and Deputy Chair was postponed pending some legal clarification, which has now been received.

### **CONSIDERATIONS**

#### Issues

- 4 In the past the District Licensing Agency (DLA) only convened when an application for a temporary authority or an application for a special licence was opposed. All other opposed applications were sent to the Liquor Licensing Authority (LLA) for decision. This meant the DLA met only sporadically.
- 5 However, under the new Act the newly-established DLC will now consider and determine all unopposed and opposed applications and the Alcohol Regulatory and Licensing Authority (ARLA) will only determine enforcement applications and appeals. This means the number of meetings to consider applications is expected to increase.
- 6 It is estimated that the DLC (comprising the Chair and two list members) would need to be convened for 37 meetings with all meetings totalling approximately 60 hours. In addition to this, the Chair can make decisions on unopposed applications as a quorum of one, and in the majority of cases this is the likely scenario. It is anticipated that the Chair would need to be available on at least a weekly basis to decide on applications and would spend approximately 7.5 hours each week solely related to DLC tasks.

- 7 The Councillor who is appointed as Chair will need to understand that they hold a semi-judicial role and cannot allow a personal political standpoint to influence their decisions (Competency Profile provided by Local Government New Zealand (LGNZ) at Appendix 2).
- 8 It is also important to note that the Chair cannot choose to arbitrarily step aside from the role in favour of the Deputy Chair. The Act stipulates only very few instances where this would be legally allowable (principally illness and absence from New Zealand).
- 9 Appropriate training has been arranged with a one-day seminar being hosted by LGNZ on 4 December.

### Financial Considerations

- 10 The positions on the DLC are remunerated. As set by the Ministry of Justice the rates would be \$624 per day for the Chair (\$78 per hour) and \$408 for the members (\$51 per hour). There is sufficient funding available to meet these costs.

### Legal Considerations

- 11 There are no additional legal considerations.

### Delegation

- 12 Only Council may make this decision.

### Consultation and Policy Considerations

- 13 There are no consultation or policy considerations.

### Tāngata Whenua Considerations

- 14 There are no tāngata whenua considerations.

### Publicity Considerations

- 15 There will be community interest in these appointments and so a media release will be prepared.

## RECOMMENDATIONS

- 16 That the Council appoints Cr ..... as the Chair of the District Licensing Committee for the 2013-2016 Triennium.
- 17 That the Council appoints Cr..... as the Deputy Chair of the District Licensing Committee for the 2013-2016 Triennium.

**Report prepared by:**

**Approved for submission by:**

Vyvien Starbuck-Maffey

Stephen McArthur

**Democratic Services Team Leader**

**Group Manager Strategy and Partnerships**

**ATTACHMENTS:**

Appendix 1 – Extract from Governance Structure and Delegations document (as approved by Council 7 November 2013) showing DLC delegations

Appendix 2 – Competency profile for DLC Chair

## Appendix 1 to Corp-13-1053

**EXTRACT FROM CURRENT GOVERNANCE STRUCTURE AND DELEGATIONS –  
7 NOVEMBER 2013 VERSION****Section B.4 DISTRICT LICENSING COMMITTEE**

Chairperson	
Deputy Chairperson	
Membership	Two list members

**PARTNERSHIP FRAMEWORK**

- 1 This Committee is convened under the provisions of the Sale and Supply of Alcohol Act 2012.

**CONSTITUTION:**

- 2 The Committee membership will comprise one Elected Member as Chair, and two committee members appointed by the Chair from the list membership maintained by Council. (A Deputy Chair is also required and while acting in place of the Chair the Deputy Chair is a member of the committee and has all the powers and duties of the Chair).
- 3 The Chair, Deputy Chair and members will be appointed for a period of up to five years. Members of the Committee are entitled to be remunerated in accordance with the provisions of Section 195 of the Sale and Supply of Alcohol Act.

**MEETING FREQUENCY:**

- 4 The Committee will meet at any time and place as decided by the Chair in consultation with the Group Manager Community Services.

**QUORUM:**

- 5 The Chair is able to meet on a quorum of one.
- 6 At any meeting of the Committee the quorum is three members.
- 7 At a meeting to consider and determine an application of a kind where no objection has been filed and no matters of opposition have been raised under section 103, 129 or 141 of the Sale and Supply of Alcohol Act 2012, the quorum is one member who must be the Chair. The applications are:
  - a) An application for a licence
  - b) An application for a manager's certificate
  - c) An application for renewal of a licence or manager's certificate.
- 8 At a meeting where three members are present, the decision of a licensing committee on any matter is determined by a majority of the valid votes recorded on it.

**OBJECTIVES:**

- 9 The Committee will carry out the duties and functions as prescribed in the Sale and Supply of Alcohol Act 2012.

**DELEGATIONS:**

- 10 The Committee has all the powers conferred on it by the Sale and Supply of Alcohol Act 2012 under this Act or any other Act, and all powers as may be reasonably necessary to enable it to carry out its functions. Specifically it will:
- a) Consider and determine applications for licences and manager's certificates; and
  - b) Consider and determine applications for renewal of licences and manager's certificates; and
  - c) Consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136; and
  - d) Consider and determine applications for the variation, suspension, or cancellation of special licences; and
  - e) Consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280; and
  - f) With the leave of the Chairperson for the licensing authority, refer applications to the licensing authority; and
  - g) Conduct enquiries and make reports as may be required of it by the licensing authority under section 175; and
  - h) Carry out any other functions conferred on licensing committees by or under the Sale and Supply of Alcohol Act 2012 or any other enactment.

**Power of Chair of District Licensing Committee to appoint Committee members**

- 11 The Chair or in their absence, the Deputy Chairperson of the District Licensing Committee has authority to appoint Committee members for each hearing, from the list of suitably qualified members maintained and published by Council.

## Appendix 2 to Corp-13-1053 – Competency Profile for Chair of DLC

Competency descriptor	Essential	Desirable
Knowledge of alcohol licensing	√	
Demonstrates experience of legal and regulatory alcohol environment		√
Knowledge of the Sale and Supply of Alcohol Act 2012		√
Knowledge of alcohol-related harm and its impact on communities		√
Understanding of community expectations around licensing		√
Considers informaton from a variety of sources in an objective, unbiased way to reach a conclusion	√	
Ability to sort fact from fiction	√	
Ability to operate independently	√	
Applies pragmatic decision-making	√	
Chairperson experience	√	
Balanced assertiveness	√	
Understanding and application of legislation	√	
Understanding written decisions	√	
Interpreting case law	√	
Knowledge and understanding of hearings procedure	√	
Strong verbal and written communication skills	√	
Knowledge of and ability to operate under rules of confidentiality	√	
Skills in questioning	√	
Demonstrates behaviours that are consistent with standards for professional and ethical conduct	√	
Refrains from behaviour that foster the appearance of conflict of interest	√	