

Mayor and Councillors
COUNCIL

1 NOVEMBER 2018

Meeting Status: **Public Excluded**

Purpose of Report: For Decision

APPOINTMENT OF DISTRICT LICENSING COMMITTEE LIST MEMBERS

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under Section 48(1) for the passing of this resolution
<p>APPOINTMENT OF DISTRICT LICENSING COMMITTEE LIST MEMBERS (Corp-18-647)</p>	<p>Section 7(2)(a) – to protect the privacy of natural persons.</p>	<p>Section 48(1)(a) - that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

PURPOSE OF REPORT

- 1 The purpose of this report is to seek Council's approval to appoint two additional members of the community to the District Licensing Committee list and to determine the period of such appointment.

DELEGATION

- 2 The Council is empowered to make these decisions pursuant to sections 186,189 and 192 of the Sale and Supply of Alcohol Act 2012.

BACKGROUND

- 3 Section 186 of the Sale and Supply of Alcohol Act 2012 requires Territorial authorities to appoint district licensing committees.
- 4 On 25 July 2013 the Council approved the establishment of a District Licensing Committee and agreed a recruitment campaign be undertaken to source local committee members for the District Licensing Committee.
- 5 The composition of this Committee was to include a Chair and Deputy Chair (who would be Councillors) and two list members drawn from a pool of suitably qualified appointees.
- 6 On 7 November 2013 the Council approved the following persons as members of the District Licensing Committee list for a period of five years from 18 December 2013:

- Trevor Knowles
 - Michael Dodson
 - Hilary Wooding
 - Phillip Parkinson
 - Samantha Sharif
- 7 At the beginning of this triennium, on 26 October 2016, the Council appointed Cr Fiona Vining as the Chair and Cr Janet Holborow as the Deputy Chair of the District Licensing Committee for the 2016-2019 Triennium.
- 8 Ms Samantha Sharif resigned from the District Licensing Committee with effect from 1 January 2017.
- 9 Ms Hilary Wooding advised Mayor Gurunathan that she will not be standing again for membership of the District Licensing Committee from 18 December 2018 at the end of the five year period.
- 10 On 8 August 2018 the Council:
- approved the appointment of Trevor Knowles, Michael Dodson and Phillip Parkinson as members of the District Licensing Committee list for a period of five years from 18 December 2018.
 - agreed a recruitment campaign be undertaken to source an additional two local committee members for the District Licensing Committee list.
 - agreed a selection panel comprising the Chair of the District Licensing Committee, Deputy Chair of the District Licensing Committee and the District Licensing Committee Advisor be delegated the authority to manage the appointment of the second external member for Council Approval.

ISSUES AND OPTIONS

Issues

- 11 Under the Sale and Supply of Alcohol Act a territorial authority must either:
- a) establish, maintain and publish its own list of persons approved to be members of the territorial authority's licensing committee or committees; or
 - b) together with 1 or more other territorial authorities, establish, maintain, and publish a combined list of persons jointly approved by those authorities to be members of the territorial authorities' licensing committee.
- 12 Section 192(2) of the Act states 'A territorial authority must not approve a person to be included on the list unless that person has experience relevant to alcohol licensing matters'.
- 13 A person may be approved for inclusion on the list for a period of up to 5 years and may be approved for any 1 or more further periods of up to 5 years.
- 14 Six applications were received and, after initial screening by the panel against the competency guidelines and legislative requirements, four applicants were selected for interview.

- 15 The selection criteria were based on the Local Government New Zealand publication 'Competency Guidelines for DLC members'. A position description is attached as Appendix 1.
- 16 After interviewing, the panel found all Applicants met the criteria but found that two Applicants had particular skills that were more complimentary to current members due to their past experience. The current Committee has members with experience in the regulatory and enforcement sectors but does not currently have Members with experience in the sale and supply of alcohol.
- 17 The application documents of the Applicants recommended by the panel are attached as Appendices 2 and 3.

CONSIDERATIONS

Policy considerations

- 18 There are no policy considerations arising from this report.

Legal considerations

- 19 These approvals are considered under the requirements of sections 186, 187, 189 and 192 of the Sale and Supply of Alcohol Act 2012.

Financial considerations

- 20 As determined by the Minister of Justice the remuneration for District Licensing Committee list members is set at \$51 per hour. In addition District Licensing Committee members can claim other reasonable costs such as mileage.
- 21 There is sufficient funding, for what is proposed, under existing budgets.

Tāngata whenua considerations

- 22 The competencies for District Licensing Committee members include an understanding of alcohol related harm and its impact on Māori.
- 23 A report was presented to Te Whakaminenga o Kāpiti on 28 August 2018 providing information to members regarding appointments to the District Licensing Committee. Advertisements for the roles on the District Licensing Committee list were circulated through iwi networks.

SIGNIFICANCE AND ENGAGEMENT

Significance policy

- 24 This matter has a low level of significance under Council's Significance and Engagement Policy.

Engagement planning

- 25 An engagement plan is not needed to implement this decision.

Publicity

- 26 Appointments to the DLC list will be publicised through the appropriate channels. In addition the list will be published on the Kāpiti Coast District Council website.

RECOMMENDATIONS

- 27 That the Council approves the following persons as members of the District Licensing Committee list for a period of 5 years from 18 December 2018.
- Fraser McInnes
 - Susie Mills
- 28 That the Council approves the release of report Corp-18-647 from public excluded business, excluding appendices 2 and 3.

Report prepared by	Approved for submission	Approved for submission
Leyanne Belcher	Natasha Tod	Janice McDougall
Democracy Services Manager	Group Manager Regulatory Services	Acting Group Manager Corporate Services

ATTACHMENTS

- Appendix 1: District Licensing Committee Member Role Description
 Appendix 2: Application documentation – Fraser McInnes
 Appendix 3: Application documentation – Susie Mills



DISTRICT LICENSING COMMITTEE MEMBER ROLE DESCRIPTION

Background:

The Kapiti Coast District Council is one of the faster growing districts in the region. The Council has signalled in its Long Term Plan that it will work in partnership with the community to achieve the community interests and vision. The Long Term Plan provides a twenty year programme to deliver around community interests including the improvement of the quality of the urban environment and town centres, social wellbeing and providing a significant contribution to sustainable economic growth. The partnership with Tangata Whenua has been embedded within the Long Term Plan and includes principles which reflect the way parties will work together. Principle 3 Kotahitanga and Principle 4 Tino Rangatiratanga align the way in which Tangata Whenua wish to engage in the wellbeing of the wider community.

The Sale and Supply of Alcohol Act 2012 requires each Territorial Authority to establish a District Licensing Committee. The Kapiti Coast District Licensing Committee will provide the central role in the processing, administration and decision making of all Liquor Licensing applications throughout the District.

The Council deals with a number of applications each year regarding:

- New and renewal premises applications (On, Off and Club)
- New and Renewal Managers Certificate applications (General Managers and Club)
- Special Licence applications
- Temporary Authorities

The Council has around 140 licensed premises throughout the district and deals with approximately 20 licenced premises applications, 180 special licence applications, 250 manager's applications and 20 temporary authorities each year.

Purpose:

The District Licensing Committee (DLC) is responsible for considering and determining applications for liquor licences and manager's certificates, temporary authorities and special licences.

The DLC may consider opposed and unopposed applications for licences and manager's certificate applications.

DLC list members will be local residents of the Kapiti Coast District and appointment to the list will be conditional upon satisfactory result to the Council in relation to criminal history check, police vet and credit check.

Key tasks:

- To consider and determine applications for licences, manager’s certificates, temporary authorities and special licences in a consistent manner with the DLC Chair;
- To assist the DLC Chair during liquor hearings (opposed and unopposed);
- Manage own personal health and safety appropriately;
- Comply with all legislative requirements; and
- Adhere to any applicable Codes of Conduct.

Key Relationships:

The role of Committee member will report to the District Licensing Committee Chair.

Internal:

- DLC Chair and members
- DLC Secretary
- Staff and elected representatives
- Chief licensing inspector

External:

- Customers/Members of the public/Tangata whenua
- Police
- Medical Officer of Health
- Alcohol Regulatory Licensing Authority Representatives

Competencies:

DLC LIST MEMBERS		
Competency descriptor	Essential for the role	Desirable for the role
1: Experience relevant to alcohol licensing matters –Demonstrates knowledge of alcohol licensing matters and demonstrates active interest and ability to build new knowledge in this area		
Knowledge of alcohol licensing	✓	
Demonstrate experience of legal and regulatory alcohol environment		✓
Knowledge of the Sale and Supply of Alcohol Act 2012		✓
2: Understanding of harm caused by the consumption of alcohol – Demonstrates knowledge of the Act and alcohol related harm		
Knowledge of alcohol-related harm and its impact on communities	✓	
Knowledge of alcohol-related harm and its impact on Maori		✓
3: Community knowledge - Demonstrates knowledge of the community for which DLC operates		
Awareness and understanding of the local alcohol policy (if relevant)	✓	
Understanding of community expectations around licensing	✓	
4: Quality decision making – Utilises analysis, wisdom, experience, and logical methods to make good decisions and solve difficult problems with effective solutions. Probes beyond stated situation to identify underlying issues.		
Considers information from a variety of sources in an objective, unbiased way to reach a conclusion	✓	

Ability to sort fact from fiction	✓	
Operates independently with little direction		✓
Applies pragmatic decision-making	✓	
Chairperson experience		✓
Balanced assertiveness		✓
5: Hearing experience – Demonstrates knowledge of the purposes of the hearing process and demonstrates knowledge of applying the legislation		
Understanding and application of the legislation	✓	
Understanding written decisions	✓	
Interpreting case law		✓
Knowledge and understanding of hearings procedure		✓
6. Strong communication – Demonstrates effective written and oral communication skills. Can write clearly and succinctly. Listens to others and asks questions to gain understanding. Facilitates good working relationships with other DLC members and offers constructive input.		
Strong verbal and written communication skills	✓	
Knowledge of and ability to operate under rules of confidentiality	✓	
Skills in questioning- ability to drill down to the issue	✓	
Writes clear and well thought-out decisions		✓
7. Professional integrity – Upholds professional integrity at all times.		
Demonstrates behaviours that are consistent with standards for professional and ethical conduct	✓	
Refrains from behaviour that fosters the appearance of conflict of interest	✓	
Applies rules and regulations in a consistent, non-biased manner	✓	