

7 NOVEMBER 2013

Meeting Status: **Public Excluded**

Purpose of Report: For Decision

**APPOINTMENT OF DISTRICT LICENSING COMMITTEE LIST MEMBERS****PUBLIC EXCLUDED SESSION**

The specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 as to why the public should be excluded are outlined below.

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Grounds under Section 48(1) for the passing of this resolution</b>
Approval of community members to be included in the District Licensing Committee List.	Section 7(2) (a) - to protect the privacy of natural persons.	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.

**PURPOSE OF REPORT**

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

**SIGNIFICANCE OF DECISION**

- 2 This report does not trigger the Council's significance policy.

**BACKGROUND**

- 3 The Sale and Supply of Alcohol Act 2012 (the Act) will be fully enacted on 18 December 2013. Section 186 of the Act requires that Territorial Authorities (TA's) establish a District Licensing Committee (DLC) by 18 December 2013. The Act also requires that the TA establish, maintain and publish a list of Licensing Committee members.
- 4 A DLC consists of three members. The Chairperson (an elected member) will be present at each meeting or hearing and two community members will be drawn from the Council's list of committee members each time a meeting is convened.

The Chairperson for the DLC will be decided at this Council meeting subject to a separate report.

- 5 The Regulatory Management Committee at its meeting on 25 July 2013 resolved not to have a joint list of DLC members shared with another TA and resolved that this Council's DLC list should include only people who are residents in the district.
- 6 A recruitment process was undertaken during August and September 2013. Quarter page advertisements were placed in the Kapiti News and Kapiti Observer on 14, 15, 21 and 22 August 2013 and a copy of the advertisement was sent to interested community networks asking for expressions of interest in the positions.
- 7 Eleven applications were received and six applicants were interviewed.
- 8 The selection panel consisted of four staff including the Group Manager, Community Services; the Democratic Services Team Leader, the Environmental Standards Manager and the Environmental Health Team Leader.
- 9 The selection criteria were based on the Local Government New Zealand publication "Competency Guidance for DLC members" and a position description is attached as Attachment A.
- 10 In addition, the mandatory inclusions and exclusions in terms of Sections 192 (2) and 192 (5) (a) of the Act were considered when selecting the final list. These include:
  - the TA must not approve a person to be included on the list unless that person has experience relevant to alcohol licensing matters, and
  - a person must not be included on the list if the TA believes that person has, directly or by virtue of his or her relationship with another person, an involvement or appearance of involvement with the alcohol industry that he or she could not perform duties without actual bias or the appearance of bias; or
  - a person must not be included on the list if the person is a constable, a medical officer of health, an inspector or an employee of the TA.
- 11 After interviewing, the panel found five applicants strongly met the criteria and their application documents are attached as Attachments B to F.

## CONSIDERATIONS

### Issues

- 12 The District Licensing Committee must be formed by 18 December 2013 to ensure alcohol licences can continue to be granted or renewed after that date.
- 13 A person may be approved for inclusion on the list for a period of up to five years, and may be approved for further periods of up to five years.
- 14 The Council can determine the period of time for which these members will be approved as members of the list. It is recommended the Council appoints members initially for the maximum time period of 5 years to reduce recruitment and training costs and to provide continuity of DLC members through the next Council election cycle.

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## Financial Considerations

- 15 As determined by the Minister of Justice the remuneration for the Chairperson of the DLC is set at \$624 per day or \$78 per hour. For DLC list members this rate is set at \$408 per day or \$51 per hour, in addition DLC members (including the Chairperson) can claim other reasonable costs such as transport.
- 16 An interim budget of \$5,000 has been set aside for the implementation of the DLC in 2013/14. A budget for DLC fees in 2014/15 will be considered during the development of the Draft Annual Plan.

## Legal Considerations

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

## Delegation

- 18 The Council is empowered to make these decisions pursuant to sections 186, 189 and 192 of the Sale and Supply of Alcohol Act 2012.
- 19 Although the Sale and Supply of Alcohol Act 2012 will not come fully into force until 18 December 2013 the Council is able to constitute the Committee and appoint list members at this time under Section 11(1) of the Interpretation Act 1999. This section sets out what powers can be exercised between the passing and commencement of legislation. The section provides that, amongst other things, the following statutory powers may be exercised before the statute comes into force or takes effect:
  - Appointing a person to an office or position
  - Establishing a body of persons
  - Doing any other act or thing for the purposes of a statute.

## Consultation

- 20 There is no requirement for consultation with regard to the appointment of DLC members.

## Policy Implications

- 21 There are no policy implications arising from this report.

## Tāngata Whenua Considerations

- 22 Te Whakaminenga o Kāpiti were briefed on the changes being brought about by the Sale and Supply of Alcohol Act 2013 during a meeting in July 2013. No iwi members applied for the position of DLC member.

## Publicity Considerations

- 23 A media release will be arranged to publicise appointments to the DLC list. In addition the list will be published on the Council's website.

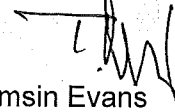
## RECOMMENDATIONS

- 24 That the Council approves the following persons as members of the District Licensing Committee list for a period of 5 years from 18 December 2013.
- Trevor Knowles
  - Michael Dodson
  - Hilary Wooding
  - Phillip Parkinson
  - Samantha Sharif
- 25 That the Council authorises this list to be published on the Council's website.
- 26 That the Council approves the release of report CS-13-1008 from public excluded business, excluding attachments B to G (being the personal application documentation of the applicants and recommended District Licensing Committee members).

**Report prepared by:**

  
Julie Lloyd

**Approved for submission by:**

  
Tamsin Evans

**Title – Environmental Health Team  
Leader**

**Title: Group Manager, Community  
Services**

## ATTACHMENTS:

- Attachment A: Role description
- Attachment B: Application documentation – Trevor Knowles
- Attachment C: Application documentation – Michael Dodson
- Attachment D: Application documentation – Hilary Wooding
- Attachment E: Application documentation – Phillip Parkinson
- Attachment F: Application documentation – Samantha Sharif
- Attachment G: List of Applicants for position of DLC list member

# DISTRICT LICENSING COMMITTEE MEMBER ROLE DESCRIPTION



## BACKGROUND

The Kāpiti 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 Tāngata whenua has been embedded within the Long Term Plan and includes principles which reflect the way both parties will work together. Principle 3 Kotahitanga and Principle 4 Tino Rangatiratanga align the way in which Tāngata 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 Kāpiti 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 80 licensed 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 Kāpiti Coast District and appointment to the list will be conditional upon a 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, managers 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/ Tāngata 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
<b>1: Experience relevant to alcohol licensing matters</b> –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		✓
<b>2: Understanding of harm caused by the consumption of alcohol</b> – 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 Māori		✓
<b>3: Community knowledge</b> - 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	✓	
<b>4: Quality decision making</b> – 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		✓
<b>5: Hearing experience</b> – 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		✓
<b>6. Strong communication</b> – 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		✓
<b>7. Professional integrity</b> – 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	✓	