

Appointment of members of the Komiti Tuku Raihana ā-Rohe District Licensing Committee Policy



Division Democratic Services

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1. INTRODUCTION

- 1.1 The Sale and Supply of Alcohol Act 2012 requires that Council appoint one or more District Licensing Committees as required to deal with licensing matters for its district.¹
- 1.2 The purpose of this policy document is to guide Council on the process for the appointment of the members of this Committee.
- 1.3 The Komiti Tuku Raihana ā-Rohe | District Licensing Committee must consist of three members appointed by Council. Council must appoint one member as the Chair, and that person must either be a member of Council or a Commissioner appointed to the Komiti Tuku Raihana ā-Rohe | District Licensing Committee by the Chief Executive of Council on the recommendation of Council.²
- 1.4 The other two members of the Komiti Tuku Raihana ā-Rohe | District Licensing Committee must be appointed from Council's list of persons approved to be members of the Komiti Tuku Raihana ā-Rohe | District Licensing Committee.²
- 1.5 Council may also appoint a member of Council to act as a Deputy Chair, to act in place of the Chair. This member must either be a member of Council or a Commissioner appointed to the Committee by Council. This is to allow for times when the Chair is unable to act due to illness, absence or other sufficient reason. While acting as Chair the Deputy Chair has all the powers and duties of the Chair.²
- 1.6 This list consists of persons who have experience relevant to Liquor Licensing matters, but are not involved with, nor have the appearance of being involved with, the alcohol industry; nor can they be a Police Constable, a Medical Officer of Health, an Inspector or an employee of Council.³
- 1.7 Appointments made to the list of approved persons can be for a period of up to five years, and they can then be approved for further periods of up to five years.³
- 1.8 The Komiti Tuku Raihana ā-Rohe | District Licensing Committee is responsible for considering and determining all applications for Licenses and Managers Certificates, and all renewals of Licenses and Managers Certificates. The Committee is also responsible for the consideration and determination of Temporary Authorities and Special Licences made under the Act.⁴
- 1.9 The Komiti Tuku Raihana ā-Rohe | District Licensing Committee may, with the leave of the Chair for the licensing authority, refer applications to the licensing authority.⁴ They may also conduct inquiries and provide reports as required by the licensing authority.⁵
- 1.10 A quorum of the Komiti Tuku Raihana ā-Rohe | District Licensing Committee to determine uncontested applications consists of the Chair sitting alone. Where oppositions or objections are received to an application, then the quorum is a three-member Committee.⁶
- 1.11 If no objection to an application is filed within the prescribed time, the Komiti Tuku Raihana ā-Rohe | District Licensing Committee may either grant the application on the papers or convene a public hearing to consider the application.⁷ The Komiti Tuku Raihana ā-Rohe | District Licensing Committee may decide an application on the papers if there are no reports opposing renewal, or objections.⁸ Meetings of the Committee may be held at any time and place it or its Chair decides.⁹

¹ Section 186 of the Sale and Supply of Alcohol Act 2021. of the Sale and Supply of Alcohol Act 2021

² Section 189

³ Section 192

⁴ Section 187

⁵ Section 175

⁶ Section 191

⁷ Section 202

⁸ Section 134

⁹ Section 190

2. APPOINTMENT OF MEMBERS OF THE KOMITI TUKU RAIHANA Ā-ROHE | DISTRICT LICENSING COMMITTEE – REQUIRED SKILLS AND EXPERIENCE

Statutory Requirements

Section 192 of the Sale and Supply of Liquor Act 2012 (“the Act”) provides:

- (1) *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 committees.*
- (2) *A territorial authority must not approve a person to be included on the list unless that person has experience relevant to alcohol licensing matters.*
- (3) *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.*
- (4) *The name of a person must be removed from the list:*
 - (a) *when 5 years have elapsed since the territorial authority approved the person's name on the list unless the approval is renewed under subsection (3); or*
 - (b) *if the person resigns or is removed under [section 194](#).*
- (5) *A person must not be included on the list if:*
 - (a) *the territorial authority believes that person has, directly or by virtue of his or her relationship with another person, such an involvement or appearance of involvement with the alcohol industry that he or she could not perform his or her duties without actual bias or the appearance of bias; or*
 - (b) *the person is a constable, a Medical Officer of Health, an inspector, or an employee of the territorial authority.*

Territorial Authority Requirements

- 2.1 Council considers that, in addition to the statutory requirements, any person that it appoints to the Committee should also possess:
 - an understanding of the object of the Sale and Supply of Alcohol Act
 - knowledge and understanding of Te Tiriti o Waitangi/ The Treaty of Waitangi
 - strong communication skills
 - an understanding of regulatory issues
 - an understanding of alcohol related harm
 - hearings experience
 - investigative abilities
 - excellent analytical skills
 - skills to facilitate community facilitation
 - the ability to work as part of a team.

3. APPOINTMENT PROCESS

- 3.1 Appointment of the Chair and the Deputy Chair shall be \ by resolution of the full Council.

Appointment of Komiti Tuku Raihana ā-Rohe | District Licensing Committee members

- 3.2 Appointments to the Komiti Tuku Raihana ā-Rohe | District Licensing Committee of the other members shall be made through the Appointment Panel (comprising two Councillors, the Chief Legal Officer and the Director of Environment and Sustainability). The Appointment Panel will be responsible for determining the manner in which the appointments process will be undertaken and the terms and conditions of the selected candidate. A quorum of the Appointment Panel will be two members.
- 3.3 The Appointment Panel will identify a shortlist of candidates whom it considers meets the above criteria and will forward those to Council together with a report explaining why those candidates meet the criteria. The Appointment Panel may make a recommendation.
- 3.4 Council will, after receiving a report from the Appointment Panel, decide whether to accept the candidates. Council may determine the number of candidates.
- 3.5 Appointment of the additional members of the Komiti Tuku Raihana ā-Rohe | District Licensing Committee shall be made on the resolution of Council.

Appointment Period (Section 192)

- 3.6 Any appointment to the District Licensing Committee shall be for an initial period of up to 5 years.

Resignation or Removal (Section 194)

- 3.7 A member of the District Licensing Committee may resign from the committee at any time by providing a written resignation to Council.
- 3.8 In the case of the Chair, or the Deputy Chair, they shall cease to be the Chair if he or she ceases to be a member of Council.
- 3.9 Council may at any time remove a member of the District Licensing Committee if it is deemed the member is unable to perform the functions of office, bankruptcy, neglect of duty, or misconduct, proved to Council's satisfaction.

Appointment by Advertisement

- 3.10 Where Council decides to advertise a vacancy, the Appointment Panel will consider applications and make a recommendation to the full Council.
- 3.11 A shortlist of candidates will be made and interviewed by the Appointment Panel and the Appointment Panel will report to the full Council on each of the candidates. The Appointment Panel may make a recommendation if it wishes to do so.
- 3.12 Any potential candidates known to Council may be approached and asked if they would consider applying for the role.

Appointment Without Advertisement

- 3.13 Where Council decides not to advertise a particular vacancy, it will refer the matter to the Appointment Panel. The Appointment Panel will identify a shortlist of candidates who it considers meet the above criteria and will forward those to Council together with a report explaining why these candidates meet the criteria. The Appointment Panel may make a recommendation.

Final Appointment

- 3.14 Council will make a decision in a public-excluded session (thus protecting the privacy of natural persons). Public announcement of the appointment will be made as soon as practicable after the Council has made its decision.
- 3.15 An elected member who is under consideration to fill a particular vacancy may not take part in the discussion or vote on that appointment.
- 3.16 All appointments will specify the term of the appointment. Council may decide that, to prevent unwanted vacancies occurring during an election period, an appointment will be specified to extend beyond the end of a local government triennium. In such a case, it is prudent to specify that the appointment will last until the first ordinary meeting of the new triennium.
- 3.17 If a reappointment is made without having first completed the process outlined above, Council will record in the minutes of the meeting at which the appointment is made the reasons for not having followed that process.

4. CONFLICT OF INTEREST

- 4.1 Council expects that members of the Appointment Panel will avoid situations where their actions could give rise to a conflict of interest.

5. REMUNERATION

- 5.1 Remuneration of members of the Committee is a matter that is determined by the Ministry of Justice under the Cabinet fees framework. The Komiti Tuku Raihana ā-Rohe | District Licensing Committee Chair is entitled to \$624.00 per day (\$78.00 per hour for part days) and committee list members will receive \$408 per day (\$51.00 per hour for part days).
- 5.2 Additionally, a member of the Committee is entitled to be reimbursed for the actual and reasonable travelling and other expenses incurred in carrying out his or her office as a member.

6. REVIEW

- 6.1 This policy will be reviewed on or before June 2028.