

Central Hawke's Bay District Council	POLICY MANUAL	
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<i>DISTRICT LICENSING COMMITTEE APPOINTMENT OF MEMBERS</i>	Approved by:	Council
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1. Introduction

- 1.1. Following a change in legislation, the newly enacted Sale and Supply of Liquor Act 2012 ("the Act") requires that the Council appoint one (1) or more District Licensing Committees (DLC) as required to deal with licensing matters for its District. The Committee must be ready to take on this role from 19 December 2013.
- 1.2. The District Licensing Committee must consist of three (3) members appointed by the Council. The Council must appoint one (1) member as the Chairperson, and that person must either be a member of the Council or a Commissioner appointed to the District Licensing Committee by the Chief Executive Officer of the Council on the recommendation of the Council.
- 1.3. The other two members of the District Licensing Committee must be appointed from the Councils list of persons approved to be members of the District Licensing Committee.
- 1.4. 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 the Territorial Authority.
- 1.5. Appointments made to the list of approved persons can be for a period of up to five (5) years, and they can then be approved for one (1) or more periods of up to 5 years.
- 1.6. The District Licensing Committee is responsible for considering and determining all applications, and renewals, for Licenses and Managers Certificates. The Committee is also responsible for the consideration and determination of Temporary Authorities and Special Licences made under the Act.
- 1.7. A Quorum of the Committee may consist of the Chairperson sitting alone to determine uncontested applications. Where objections are received to an application, then the quorum must consist of the full three (3) member committee.
- 1.8. The Council may also appoint a member of the Council to act as a Deputy Chairperson, to act in place of the Chairperson. This is to allow for times when the Chairperson is unable to act due to illness, absence or other sufficient reason.
- 1.9. The Purpose of this Policy Document is to guide the Council on the process for the appointment of the members of this committee.

2. Appointment of Members of the Committee

2.1 Statutory Requirements

- i) Section 192 of the Act details the statutory requirements of persons appointed to the Committee.

- ii) A Territorial Authority must establish, maintain and publish its own list of persons approved to be members of the District Licensing Committee. This may be carried out jointly with another Territorial Authority.
- iii) A Territorial Authority must not approve a person to be included on that list unless that person has experience relevant to alcohol licensing matters.
- iv) A person must not be included on the list if the Territorial Authority believes that the person has, directly or by virtue of his or her relationship with another person, such that 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 that person is a constable, a Medical Officer of Health, an inspector or an employee of the Territorial Authority.

2.2 Territorial Authority Requirements

- i) The Council considers that, in addition to the statutory requirements, any person that it appoints to the Committee should also possess;
 - Intellectual ability
 - An understanding of Regulatory issues
 - Either regulatory experience, or other experience that is relevant to the activities of the committee
 - Sound judgement
 - A high standard of personal integrity
 - The ability to work as part of a team.

2.3 Appointment Process

- i) Appointment of the Chairperson and the Deputy Chairperson shall be by Resolution of the Council.
- ii) Appointments to the Committee of the other members shall be made through an Appointments Committee. The Appointments Committee shall be made up of the Chairperson, Deputy Chairperson, and Secretary (Chief Executive) of the District Licensing Committee.
- iii) The Appointment Committee will be responsible for determining the manner in which the appointments process will be undertaken and the terms and conditions of the selected candidate.
- iv) The Appointments Committee will identify a shortlist of candidates whom it considers meets the above criteria, conduct interviews, and recommend names of approved persons for appointment to the District Licensing Committee and / or inclusion on the District Licensing Committee Members List.
- v) Council will decide whether to accept the candidates and if so, how many.

3. Appointment Period (Section 192)

Any appointment to the District Licensing Committee shall be for an initial period of up to five (5) years.

4. Resignation or Removal (Section 194)

A member of the District Licensing Committee may resign from the committee at any time by providing a written resignation to the Territorial Authority.

In the case of the Chairperson, or the Deputy Chairperson, they shall cease to be the Chairperson if he or she ceases to be a member of the Territorial Authority.

The Territorial Authority may at any time remove a member of the District Licensing Committee for inability to perform the functions of office, bankruptcy, neglect of duty, or misconduct, proved to the Territorial Authority's satisfaction.

5. Appointment by Advertisement

Where the Territorial Authority decides to advertise a vacancy, the appointments committee will consider applications.

A shortlist of candidates will be made and interviewed by the appointments committee and a recommendation made to Council.

6. Appointment Without Advertisement

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

7. Final Appointment

The 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.

An elected member who is under consideration to fill a particular vacancy may not take part in the discussion or vote on that appointment.

8. Conflicts of Interest

Members of the Committee will avoid situations where their actions could give rise to a conflict of interest.

9. Remuneration

Remuneration of members of the committee is a matter that is determined by the Ministry of Justice.