

# SOUTH WAIRARAPA DISTRICT COUNCIL

26 JUNE 2013

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## AGENDA ITEM C5

### THE DISTRICT LICENSING AGENCY

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#### **Purpose of Report**

To inform Councillors of the recommendations from the Wairarapa Liquor Working Group about the formation of the District Licensing Committee (DLC).

#### **Recommendation**

Officers recommend that the Council:

1. *Receive the information.*
2. *Adopt the four recommendations from the Working Group OR*
3. *Adopt the first three recommendations and amend recommendation 4 to state:*

*"That the South Wairarapa District Council agrees to delegate to the Wairarapa Liquor Working Group the authority to shortlist the persons to be members of the District Licensing Committee. The appointment of the persons to be members of the DLC is to be made by Council."*

#### **1. Executive Summary**

As a result of the Sale and Supply of Alcohol Act 2012 (the Act), District Licensing Agencies (DLAs) will cease to exist on 18 December 2013. Decisions on all licenses and managers' certificates (opposed and unopposed) will be made by District Licensing Committees (DLC). By 18 December 2013, every territorial authority must have established one or more DLCs, with members ready to fulfill their roles and functions under the Act.

The change from DLAs to DLCs has created a new space in which territorial authorities are now required to operate. While a committee of council, DLCs operate with the powers of a commission of inquiry. DLCs will function under a new regulatory framework as a semi-judicial board of inquiry, making decisions that can be appealed.

Territorial authorities need to decide whether their DLC should have an elected member or a commissioner as a Chairperson. A decision to use an

elected member as Chairperson will mean that if that member does not stand, or is not re-elected, then the new Council will need to pass a resolution to appoint them as a Commissioner. A decision to use a Commissioner will allow that person to continue in that role as Chairperson.

The territorial authorities are also required to compile a list of people who may be potential DLC members.

To enable this process to move forward as quickly as possible to meet the 18 December deadline required by the Act there are a number of resolutions sought by the Wairarapa Liquor Working Group.

## **2. Recommendations of the Wairarapa Liquor Working Group**

- 1a. That the South Wairarapa District Council appoints an Elected Member to act as Chairperson for the South Wairarapa District Licensing Committee; or
- 1b. That the South Wairarapa District Council appoints a Commissioner to act as Chairperson for the South Wairarapa District Licensing Committee.

Note: The Commissioner so appointed has all the functions, powers, and duties of a chairperson and should have specialist skills and expertise in the hearing environment and/or judiciary.

2. That the South Wairarapa District Council together with Carterton District Council and Masterton District Council agree to establish, maintain and publish a joint list of no less than six persons approved as members of the District Licensing Committee.
3. That the term for the initial appointees to the District Licensing Committee will terminate on 30 June 2014.
4. That the South Wairarapa District Council agrees to delegate to the Wairarapa Liquor Working Group the authority to appoint persons to be members of the District Licensing Committee.

## **3. Supporting Information**

### **3.1 Legal Implications**

Sale and Supply of Alcohol Act 2012.

### **3.2 Financial Considerations**

Money has been allocated in the 2013/14 Annual Plan.

Contact Officer: Bronwyn Johnson Environmental Health Team Leader  
Reviewed by Vanessa Tipoki: Group Manager Planning and Environment  
(Acting)