

Report to:	Council – Public Excluded
Date:	31 August 2022
Subject:	Appointment of Community Member to the District Licensing Committee
Prepared by:	Will Doughty – Chief Executive Officer
Input sought from:	Bonnie Denson – Food & Health Alcohol Licensing Admin Becky Makin – Executive Officer Councillor Gulleford – DLC Chair
Authorised by:	Will Doughty – Chief Executive Officer

1. SUMMARY

The Kaikōura District Licensing Committee (DLC) currently has four members comprising of three Elected Members and one Independent Member. The quorum is three members, as per the Delegations Manual.

Two of the DLC Elected Members declared a conflict of interest in respect of an upcoming hearing. The reason for appointing Tracy McIlraith as a community member is because she has no conflict of interest and is completely impartial for this hearing.

Tracy McIlraith is an active member of the Selwyn DLC and has committee experience from December 2016 to date. She has attended all available training, both local and through the DLC network and is currently expanding her skills with a view to a future role as Chair.

The Chair of the DLC recommends that Council consider appointing Tracy McIlraith as a community member. Tracy McIlraith is not considered an excluded person, has the desirable knowledge, skill set and experience in line with the Act.

As part of the appointment, the Council will need to adopt the recommended changes to the Delegations Manual showing Tracey McIlraith as a Community Member under the DLC (specifically 4.11). It must be noted that Sue Griffin was appointed by the Council as an independent commissioner/member at a meeting on 24 March 2021 and this update to the Delegations Manual is also included.

This report is in Public Excluded session as it contains the curriculum vitae for Tracy McIlraith and consideration of her appointment (protects the privacy of natural persons under the LGOIMA Section 7(2)(a)).

2. RECOMMENDATION

It is recommended that the Council:

- a) Receives this report
- b) Receives the curriculum vitae for Tracy McIlraith (Appendix 1)
- c) Appoints Tracy McIlraith as a member of the DLC with immediate effect
- d) Adopts the changes to the Delegations Manual to reflect the appointments (Appendix 2)
- e) Delegates the Chief Executive Officer to determine the release of this public excluded report.

3. BACKGROUND

3.1 District Licensing Committee

The role of the District Licensing Committee (DLC) is to consider and decide on all applications for alcohol licenses within the District in accordance with The Sale and Supply of Alcohol Act 2012 (the Act).

Council can appoint community members to the DLC for a fixed term of up to five years and can be reappointed for one or more further periods of up to five years. The Act states that a local authority must not approve a person to be included on the DCL membership list unless that person has experience

relevant to alcohol licensing matters. That person cannot be a police officer, Medical Officer of Health, an alcohol licensing inspector, or an employee of the Council.

3.2 Delegations Manual

The delegations document sets out the delegations made by the Kaikōura District Council. The manual is split into the following key sections:

- **Delegations Policy** – This part of the manual sets out the Council’s philosophy for making delegations and establishes the legal power for making delegations. It then establishes the framework through which the delegations are made and structured.
- **Governance Delegations** – This section of the manual sets out delegations of governance powers made by Council to Committees. Council’s delegation model is designed to enable committees of Council to undertake their roles fully, completely and consistent with their terms of reference. The principles incorporate the reporting and monitoring process that enables the Council to ensure that the powers they have delegated are not exceeded.
- **Statutory Delegations** – This section sets out all of the relevant legislation that Council has responsibility for and the powers duties and responsibilities delegated under the relevant clauses of each statute and associated regulations and bylaws. These delegations are made consistent with the provisions of the Local Government Act 2002, which allows a local authority to delegate to any other local authority, organisation, or person the enforcement, inspection, licensing and administration related to bylaws and other regulatory matters.
- **Financial Delegations** – The delegation of financial powers enables the works and service objectives of the Council as set out in the Long Term Plan and Annual Plan to be achieved. This section of the register sets out the limits of financial delegations to Council sub-committees and Council officers.
- **Management Delegations** – This section of the manual sets out the delegations made by the Chief Manager Support Services of the management powers to facilitate the effective and efficient operation of the Council administration.
- **Contractor Delegations** – Council has determined to contract out the delivery of many of its services to independent contractors. The contracts in place with each contractor specify the detail of the services and levels of service to be provided. This part of the delegations register sets out the delegations of powers and functions required by contractors to carry out their contracted services.
- **Warrants** – This final part of the register sets out the warrants of powers issued to individual officers of Council and employees of contractors.

4. COMMUNITY OUTCOMES SUPPORTED



Community

We communicate, engage and inform our community



Development

We promote and support the development of our economy



Services

Our services and infrastructure are cost effective, efficient and fit-for-purpose



Environment

We value and protect our environment



Future

We work with our community and our partners to create a better place for future generations

Appendix 1

Appendix 2

Version history

Date	Changes	By
4 December 2016	Manual Created	A Oosthuizen
7 December 2016	Updated to incorporate changes made by Council.	S Syme
14 November 2017	Update to Finance, Audit and Risk Committee as per Council resolution 25/10/2017	S Syme
28 February 2018	Update of roles and titles in section 5 – Statutory Delegations adopted by Council 28 February 2018.	M Mitchell / S Syme
2 April 2018	Update Audit & Risk Committee and Works and Services Committee as per Council resolution 28 March 2018	S Syme
23 May	Update to Financial delegations	Paul Numan
29 August 2018	Update the Delegations Manual to reflect the current Financial Delegations.	Paul Numan
November 2019	Update to Manual following inauguration of New Mayor and Councillors	A Oosthuizen / M Madden
04 June 2020	Update to Delegations Manual to reflect Community Services Chair	A Oosthuizen
30 September 2020	Update to financial delegations as per report to Council 30 September 2020	A Oosthuizen
02 February 2021	Update to financial delegations, addition of Team Leader delegation of up to \$20,000	W Doughty
27 April 2022	Update to Building Act 2004 following the recent Building Controls Authority IANZ/MBIE assessment which finds sections required under the Building Act 2004 not included in the current Delegations Manual	W Doughty
<u>31 August 2022</u>	<u>Update to District Licensing Committee Members as per report to Council 31 August 2022 and 24 March 2021</u>	<u>W Doughty</u>

4.11 District Licensing Committee

Type of Committee	Council committee
Subordinate to	Council
Subordinate Committees	None
Legislative basis	Sale and Supply of Alcohol Act 2012. Part 2, s 187 - 211
Membership	Chair - Councillor Vicki Gulleford Councillor Derrick Millton Councillor Robby Roche One Independent Member (1) – Sue Griffin One Community Member (1) - Tracy McLraith Each Territorial Authority must appoint 1 or more licensing Committees to deal with licensing matters in its District. The Act provides that each Committee shall comprise of 3 <u>members</u> and it would be prudent to have a least 4 members on the Council's list in addition to a chairperson. This will enable a quorum to be available in each instance. Community members may be appointed if approved by Council and meet the criteria under the Act.
Delegations/Functions	Functions of licensing committees (Sale and Supply of Alcohol Act s187) A licensing committee's functions are— (a) to consider and determine applications for licences and manager's certificates; and (b) to consider and determine applications for renewal of licences and manager's certificates; and (c) to consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136; and (d) to consider and determine applications for the variation, suspension, or cancellation of special licences; and (e) to consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280; and (f) with the leave of the chairperson for the licensing authority, to refer applications to the licensing authority; and (g) to conduct inquiries and to make reports as may be required of it by the licensing authority under section 175; and (h) any other functions conferred on licensing committees by or under this Act or any other enactment. Powers of licensing committees (Sale and Supply of Alcohol Act s188)

Council Resolutions

A Licensing Committee has all the powers conferred on it by or under the Sale and Supply of Alcohol Act or any other Act, and all powers as may be reasonably necessary to enable it to carry out its functions.

THAT THE COUNCIL CONFIRMS THE ESTABLISHMENT OF THE DISTRICT LICENSING COMMITTEE AS A COMMITTEE OF COUNCIL.

THAT THE COUNCIL DETERMINES THE CHAIRPERSON AND THE COMMITTEE'S MEMBERSHIP BEING:

- *THE CHAIRPERSON OF THE COMMITTEE IS COUNCILLOR GULLEFORD*
- *THE LIST MEMBERSHIP BEING COUNCILLORS MILLTON AND COUNCILLORS ROCHE.*

THE QUORUM IS THREE MEMBERS

THAT THE COUNCIL APPOINTS A DEPUTY CHAIRPERSON OF THE DISTRICT LICENSING COMMITTEE.

THAT THE COUNCIL DELEGATES THE POWER TO ACT TO THE DISTRICT LICENSING COMMITTEE.