

Information for District Licensing Committee Members

Background

The Sale and Supply of Alcohol Act 2012 (the Act) requires Councils to establish a District Licensing Committee (DLC).

The objective of the Act states that:

- a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
- b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

The Act promotes a regime aimed at reducing harm to the community. It provides scope for DLCs and the Alcohol Regulatory and Licensing Authority (ARLA) to consider whether the granting of a licence is likely to increase alcohol-related harm, and whether it will negatively impact on the community.

Functions and Powers of a District Licensing Committee

The role and functions of a DLC are set out in s187 of the Act and include the following:

- DLCs will consider and determine all applications for licences, managers' certificates and temporary authorities.
- DLC's may refer applications to ARLA and may be required to conduct inquiries and provide reports for the ARLA.
- While a committee of Council, DLCs operate with the powers of a commission of inquiry.
- DLCs will function as a semi-judicial board of inquiry, making decisions that can be appealed.
- DLCs can summons witnesses and require the production of documents.

Composition of a District Licensing Committee

The Hurunui District Council has just passed a resolution that the DLC can be appointed from elected members or Hurunui district residents who meet the criteria.

Quorum:

- The quorum necessary at any meeting of a DLC is three members comprising of a Chairperson and two list members.
- The only exception to a quorum of three members relates to applications for new or renewed licences or managers certificates where no objection has been filed and no matters of opposition have been raised. In this situation the chairperson can consider and decide the application on his/her own.

Membership:

- A Chairperson must be appointed. This can be either an elected member, or a Hurunui resident who has been appointed as a commissioner.
- Council can also appoint an elected member to act as the deputy in the absence of the chairperson.
- List members can be chosen from elected members or Hurunui district residents who meet the criteria.
- DLC list members and the chairperson will be appointed for a period of up to 5 years. This can be renewed for any period of up to 5 years.
- Any DLC member can resign at any time and can be removed for inability to perform functions, neglect, bankruptcy or misconduct.
- An elected member cannot continue as a member of the DLC once he/she ceases to be an elected member.

Eligibility to be a District Licensing Committee Member

S192 (5)(a) of the Act states that Council must not appoint DLC members who they believe have a direct or by virtue of his or her relationship with another person, 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.

Local Government New Zealand (LGNZ) has provided guidance to Councils expanding the above criteria, thereby suggesting the exclusion of the following applicants:

- Owners/Shareholders/Directors/Licensees/Building owners of a restaurant, bar or café holding a licence
- Trustee or Governance position on a relevant charitable trust (e.g. Lions Foundation) or Licensing Trust due to funds obtained through gambling machines located in licensed premises.
- Alcohol industry representatives
- Lobbyist representatives
- Holder of a managers certificate

Conflict of Interest and Bias

A conflict of interest will exist when a member's duties or responsibilities to the DLC could be affected by some other interest or duty that the member may have.

Conflicts of interest can arise because of a number of reasons such as a DLC member having:

- Previously submitted on a licence application decision.
- Been a part of a community organisation that has submitted on a decision.
- Involvement in something that has been said or done to suggest a conflict.
- Personal financial affairs or those of persons close to them involved with something that may suggest a conflict.
- An existing relationship/s that could be affected by decisions of the DLC.
- Had previous roles in a matter, which would suggest a conflict.

The onus is on applicants intending on becoming a DLC member to disclose any information that could suggest a conflict or bias in their application covering letter. The Council on a case-by-case basis will assess actual or potential conflicts of interest.

Training of District Licensing Committee Members

It is a pre-requisite for all DLC members to complete both the on-line training provided by LGNZ and attend the pre-arranged DLC training hosted by Alastair Sherriff (Legal consultant for Alcohol for Buddle Findlay and co-author of Sale of Alcohol). On-going technical support and further training will be provided by the Council as required.

Remuneration

- DLC Chairperson or Commissioner is entitled to \$624.00 per day (\$78.00 per hour for part days).
- Committee list members will receive \$408 per day (\$51.00 per hour for part days).
- DLC members will also be reimbursed for reasonable expenses.
- All remuneration is subject to withholding tax and ACC levies.

The Appointment Process

All expressions of interest are required to be received by The Secretary Hurunui District Licensing Committee by and will be presented at the Council meeting on.....

.

POSITION DESCRIPTION

Job Title: **District Licensing Committee – Chairperson and/or List Member**

Position Purpose: This job exists to:

- Effectively carry out the functions and responsibilities under the Sale and Supply of Alcohol Act 2012.

This will be done to ensure:

- The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
- The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

Key Relationships

External

- Police
- Licence inspector
- Medical Officers of Health
- ARLA representatives

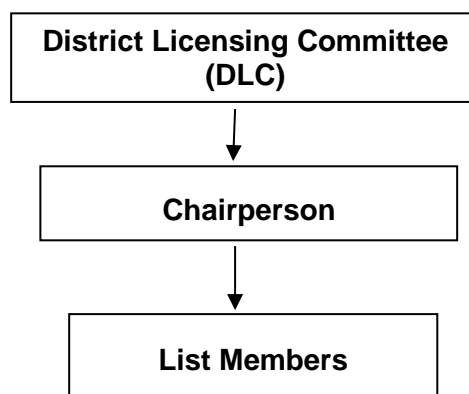
Internal

- DLC Secretary
- DLC Committee Members
- Council staff

Term of Committee

The Chairperson and list members will be appointed for up to 5 years.

Important Functional Relationships



Key Competencies and Functions of the District Licencing Committee Chairperson

CHAIRPERSON		
Competency descriptor	Essential for the role	Desirable for the role
1: Experience relevant to alcohol licencing matters –Demonstrates knowledge of alcohol licencing matters and demonstrates active interest and ability to build new knowledge in this area		
Knowledge of alcohol licencing		√
Demonstrate experience of legal and regulatory alcohol environment	√	
Knowledge of the Sale and Supply of Alcohol Act 2012	√	
2: Understanding of harm caused by the consumption of alcohol – Demonstrates knowledge of the Act and alcohol related harm		
Knowledge of alcohol-related harm and its impact on communities		√
3: Community knowledge - Demonstrates knowledge of the community for which DLC operates		
Awareness and understanding of the local alcohol policy	√	
Understanding of community expectations around licencing		√
4: Quality decision making – 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	√	
5: Hearing experience – 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	√	
6. Strong communication – 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	√	
Communicates well with administration staff	√	
Superior communication with key agencies	√	
7. Professional integrity – 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	√	

Key Competencies and Functions of the District Licencing Committee List Member

DLC LIST MEMBERS		
Competency descriptor	Essential for the role	Desirable for the role
1: Experience relevant to alcohol licencing matters –Demonstrates knowledge of alcohol licencing matters and demonstrates active interest and ability to build new knowledge in this area		
Knowledge of alcohol licencing	√	
Demonstrate experience of legal and regulatory alcohol environment		√
Knowledge of the Sale and Supply of Alcohol Act 2012		√
2: Understanding of harm caused by the consumption of alcohol – Demonstrates knowledge of the Act and alcohol related harm		
Knowledge of alcohol-related harm and its impact on communities	√	
3: Community knowledge - Demonstrates knowledge of the community for which DLC operates		
Awareness and understanding of the local alcohol policy	√	
Understanding of community expectations around licencing	√	
4: Quality decision making – 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	√	
Balanced assertiveness		√
5: Hearing experience – 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		√
6. Strong communication – 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		√
Communicates well with administration staff		√
Superior communication with key agencies		√
7. Professional integrity – 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	√	



District Licensing Committee (DLC) Members Application Form

POSITION(S) APPLIED FOR: Committee List Member **Chair**

GIVEN NAMES: _____

SURNAME: _____

OCCUPATION: _____

ADDRESS: _____

Do you know of any possible conflicts of interest, perceived or actual regarding your application for this role? Yes No

Do you own or have owned shares in a company associated with the alcohol industry? Yes No

Are you a beneficiary or, or a trustee in, at trust which has an association in the alcohol industry? Yes No

Are or have you been a spokesperson for the alcohol industry? Yes No

Have you personally, or through a company or trust, any property interests that rely on or are used by the alcohol industry? Yes No

Have you previously been involved in any aspect of the alcohol industry? All professional, personal and family connections should be disclosed? Yes No

Have you provided a document outlining your qualifications / experience relevance to this role and any information relating to the questions above? Yes No

Signature: _____