

# Waimakariri District Council

## District Planning and Regulation Committee

# Agenda

Tuesday 20 August 2024

1pm

Council Chambers  
215 High Street  
Rangiora

**Members:**

Cr Tim Fulton (Chairperson)

Cr Neville Atkinson

Cr Al Blackie

Cr Brent Cairns

Cr Jason Goldsworthy

Mayor Gordon (ex officio)

**AGENDA CONTENTS – DISTRICT PLANNING AND REGULATION COMMITTEE MEETING**

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**A MEETING OF THE DISTRICT PLANNING AND REGULATION COMMITTEE WILL BE HELD IN THE COUNCIL CHAMBER, 215 HIGH STREET, RANGIORA ON TUESDAY 20 AUGUST 2024 AT 1PM.**

Recommendations in reports are not to be construed as Council policy until adopted by the Council

**BUSINESS**

Page No

**1 APOLOGIES**

**2 CONFLICTS OF INTEREST**

*Conflicts of interest (if any) to be reported for minuting.*

**3 CONFIRMATION OF MINUTES**

**3.1 Minutes of the meeting of the District Planning and Regulation Committee held on Tuesday 16 July 2024**

5 – 9

*RECOMMENDATION*

**THAT** the District Planning and Regulation Committee:

- (a) **Confirms** the circulated Minutes of the meeting of the District Planning and Regulation Committee, held on 16 July 2024, as a true and accurate record.

**3.2 Matters arising (From Minutes)**

**4 DEPUTATIONS**

Nil.

**5 REPORTS**

**5.1 District Licensing Committee Membership Options – Billy Charlton (Environmental Services Manager)**

10 – 17

*RECOMMENDATION*

**THAT** the District Planning and Regulation Committee:

- (b) **Receives** Report No. 240801127115
- (c) **Endorses** the recommendation to expand the membership of the District Licensing Committee by up to three members from 5 to up to 8 members (maximum) with elected members from Council or Community Boards and allow the Secretary of the District Licensing Committee to form a District Licensing Committee with Commissioners if the situation arises that the sitting Chair or Deputy Chair are not available when a hearing is required a matter of urgency.

*AND*

**THAT** the District Planning and Regulation Committee recommends:

**THAT** the Council:

- (d) **Approves** expansion of the membership of the District Licensing Committee by \_\_\_\_\_ members, with elected members from Council or Community Boards.
- (e) **Approves** updating the District Licensing Committee Delegations to allow an all Commissioner District Licensing Committee to be formed if required and only in the absence of availability of the Chair and Deputy Chair.
- (f) **Notes** All District Licensing Committee appointments are for a period of five years by Council resolution.
- (g) **Notes** a further report will be present to Council for any new appointments to the District Licensing Committee should the Committee recommend to Council to expand the District Licensing Committee membership.

## **6 CORRESPONDENCE**

Nil.

## **7 PORTFOLIO UPDATES**

- 7.1 **District Planning – Councillor Tim Fulton**
- 7.2 **Civil Defence and Regulation – Councillor Jason Goldsworthy**
- 7.3 **Business, Promotion and Town Centres – Councillor Brent Cairns**

## **8 QUESTIONS UNDER STANDING ORDERS**

## **9 URGENT GENERAL BUSINESS**

### **NEXT MEETING**

The next meeting of the District Planning and Regulation Committee will be held on 17 September 2024.

**MINUTES OF A MEETING OF THE DISTRICT PLANNING AND REGULATION COMMITTEE HELD IN THE COUNCIL CHAMBER, 215 HIGH STREET, RANGIORA ON TUESDAY 16 JULY 2024 AT 1PM.**

**PRESENT**

Deputy Mayor N Atkinson, Councillors T Fulton (Chairperson), A Blackie, B Cairns and J Goldsworthy.

**IN ATTENDANCE**

Councillors P Redmond and P Williams.

J Millward (Chief Executive), K LaValley (General Manager Planning, Regulation and Environment), M Bacon (Development Planning Manager), P Daley (Journey Planner/Road Safety Coordinator) and C Fowler-Jenkins.

**1 APOLOGIES**

Moved: Deputy Mayor Atkinson

Seconded: Councillor Cairns

**THAT** an apology for absence be received and sustained from Mayor D Gordon.

**CARRIED**

**2 CONFLICTS OF INTEREST**

Deputy Mayor Atkinson declared a conflict of interest for the briefing as he was a Commissioner on the Proposed District Plan Hearing Panel.

**3 CONFIRMATION OF MINUTES**

**3.1 Minutes of the meeting of the District Planning and Regulation Committee held on Tuesday 28 May 2024**

Moved: Deputy Mayor Atkinson

Seconded: Councillor Blackie

**THAT** the District Planning and Regulation Committee:

- (a) **Confirms** the circulated Minutes of the meeting of the District Planning and Regulation Committee, held on 28 May 2024, as a true and accurate record.

**CARRIED**

**3.2 Matters arising (From Minutes)**

Councillor Redmond noted that he had requested clarification regarding the designation of solar farms in the District Plan. K LaValley had explained that if the solar farms were small scale with a community scale of renewable energy generation of up to a maximum of 20 sites, or if the proposal was for assessing the suitability of a site and the infrastructure was not going to be on the site for more than 24 months, these were a permitted activity. Large scale solar farms would be restricted to certain areas.

**4 DEPUTATIONS**

Nil.

## 5 REPORTS

### 5.1 District Licensing Committee Membership Options – Billy Charlton (Environmental Services Manager)

Moved: Councillor Blackie

Seconded: Deputy Mayor Atkinson

**THAT** the District Planning and Regulation Committee:

- (a) **Lays** the report on the table pending a workshop.

**CARRIED**

## 6 CORRESPONDENCE

Nil.

## 7 PORTFOLIO UPDATES

### 7.1 District Planning – Councillor Tim Fulton

- District Plan process and where to access that information concern that this was difficult process and hard for people to follow.
- The links to the Council website are below. The first page relates to the whole District Plan Review process, including submissions and further submissions, while the second was the link to the District Plan Hearings page. The second link had all of the recordings of the hearings, evidence, and minutes from the panel.

<https://www.waimakariri.govt.nz/council/district-development/district-plan-review>  
<https://www.waimakariri.govt.nz/council/district-development/proposed-district-plan-hearings>

- Minute 1 (which could be found through the second link) outlined the process quite well and helped to explain the process and what happened after a hearing stream. Note that this document had been updated a number of times and those interested should visit the website to get the most up to date information.
- The current deadline for decisions is December 2024.

### 7.2 Civil Defence and Regulation – Councillor Jason Goldsworthy

- A Community Hub had been established at North Loburn School.
- The Civil Defence Team had been doing a lot of work on structuring future staff training with increased capacity in the EOC and working on processes to minimise the impact on business as usual operations.
- Regulation Team had been doing a good job keeping on top of applications – there was a team member helping Christchurch City Council catch up on their backlog.

### 7.3 Business, Promotion and Town Centres – Councillor Brent Cairns

#### **Rangiora**

- Hunnibell Lane, workers were currently getting things done in readiness for the opening of the stores.
- Parking signage had been changed, removing Monday to Friday from the parking restrictions to have seven day restrictions.

- Rangiora Promotions Association had rebranded and become more focused. Their new name was “Rangiora Promotions” “doing good in the Community” i.e. every event was financially viable.
- Next events – Winter Festival on 10th August 2024 would be run by BlueSky events, Harry Potter Quiz on the 21st September 2024, Christmas Fair on either 21/22nd November 2024, Santa parade on the 8th December 2024 and Sunday Funday would take place in March 2025.
- Attended Rangiora Inquiry by Design workshop which was attended by some business owners, staff and elected members. Really good outcomes which would guide town centre plans. As part of the review the likes of the Last Wednesday Club would not be hosted by Rangiora Promotions but by the likes of Bev Wright and Kimberley Tonkin.

### **Oxford**

- Winter Lights – lighting of the very large tree by the library – lower key event this year.
- Dark Sky event at the school and observatory on the 2nd August 2024 from 6.30-9.30 events on Humantix. Tours, live music, food and drinks. \$5 per person and \$10 for family of up to six.
- Oxford Garage Sale event on the 4th August 2024 from 9am till 2pm.
- Water tower trail would be deferred until spring/summer.
- Oxford Promotions Action Committee had resignations of both its treasurer and secretary.

### **Kaiapoi**

- Kaiapoi Promotions Association had their next event on the 17th July 2024 at 5,30pm at the Coast Guard, they would have Bianca Punt from Attraction Studio to talk marketing tips and the Committee would talk about the review of Christmas event location and how that event would expand into an evening music event.
- Fire and Ice – Blackwells reported a busy time in store.
- Kaiapoi Art Expo – 8000 visitors, slightly lower sales. Been testing time regarding funding of the event.
  - Matariki events – very large crowd 13,000/15,000, stall holders had long queues as did the toilets and the light show on Charles Street at one point the end of their queue was past Paris for the weekend, cars were parked over driveways and filled New World car park, lots of learnings to take through to next year’s event, 30% of the audience were from Christchurch, where as 5% would attend Rangiora events.
  - Installing power at Norman Kirk park has been budgeted for, which will help run future events.

### **Other**

- Local Kaiapoi business owners had presented to bus and tour companies with the view of targeting Cruise ship customers regarding visiting Kaiapoi. Early days yet, however thus far the response is very positive.
- Mayor Gordon, Vanessa Thompson and Niamh Donnellan had been part of a Urban95 course which looked at designing our towns to take into account those at 95cms at height.
- Further to last week’s Council workshop as Portfolio holder, he had been appointed to the Enterprise North Canterbury funding application committee. The first being on the 29th August 2024. He hoped to communicate back to Governance any applications, so any groups that applied to Community Boards for funding, the Board could be told that ENC had also granted funds.

Councillor Redmond noted that parking restrictions was now for seven days a week. He asked what enforcement there would be over the weekends. K LaValley explained that first Council would like to get the word out and see how compliance went. They had done a bit during weekends in the past looking to see where the turnover was and

where there were potential issues. Staff could then look at where the issues were and start looking at resourcing.

## **8 MATTER REFERRED FROM THE RANGIORA-ASHLEY COMMUNITY BOARD**

### **8.1 Proposed Changes to the Bus Stop Facility at North Loburn School – J McBride (Roading and Transport Manager) and P Daly (Road Safety Coordinator/Journey Planner)**

*(The Rangiora-Ashley Community Board considered report 240430068062 at its meeting on 10 July 2024. Staff will provide further update at the meeting).*

P Daley spoke to the report noting that the Council was approached by the principal at North Loburn School to move the bus stop from its location outside the pedestrian gate, 40 metres north, in order to open up sightlines. The stop was being relocated to a second gate that had been used during covid. The move was supported by the Ministry of Education who had conducted a site visit.

Councillor Redmond asked if the Ministry of Education considered any funding towards the relocation. P Daley noted that they did not have any funding and the cost would be covered by the Road Marking budget.

Moved: Deputy Mayor Atkinson

Seconded: Councillor Goldsworthy

**THAT** the District Planning and Regulation Committee:

- (a) **Approves** relocation of the existing school bus stop approximately 40 metres north, along the school boundary.
- (b) **Approves** the remarking and signage of the new bus stop location.
- (c) **Notes** the cost estimate of \$1000 - \$1200.
- (d) **Notes** the support of the principal of North Loburn School, and of the Ministry of Education.

**CARRIED**

## **9 QUESTIONS UNDER STANDING ORDERS**

Nil.

## **10 URGENT GENERAL BUSINESS**

Nil.

### **NEXT MEETING**

The next meeting of the District Planning and Regulation Committee will be held on 20 August 2024.

#### **Briefing (1:17pm to 1:33pm)**

- *District Plan Update – M Bacon (Development Planning Manager)*



THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 1:33PM.

**CONFIRMED**

\_\_\_\_\_  
Councillor T Fulton

\_\_\_\_\_  
Date

DRAFT

**WAIMAKARIRI DISTRICT COUNCIL****REPORT FOR DECISION**

**FILE NO and TRIM NO:** ENV-18/240801127115

**REPORT TO:** District Planning and Regulation Committee

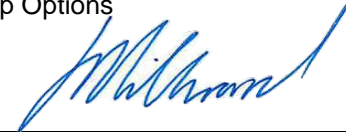
**DATE OF MEETING:** 20 August 2024

**AUTHOR(S):** Billy Charlton – Environmental Services Manager

**SUBJECT:** District Licensing Committee Membership Options

**ENDORSED BY:**  
(for Reports to Council,  
Committees or Boards)

  
\_\_\_\_\_  
General Manager

  
\_\_\_\_\_  
Chief Executive

**1. SUMMARY**

- 1.1. This report has two objectives , the first is to inform the District Planning and Regulation Committee of the changes to the Sale and Supply of Alcohol Act 2012 which are discussed in 3.12 to 3.14 of this report and the second, is to seek approval to expand the membership pool of the District Licensing Committee from five to eight members and to consider the introduction of a more flexible approach to appoint commissioners to determine applications on the papers or chair a hearing if the Chair or Deputy Chair are not available.
- 1.2. At present the Council has a District Licensing Committee comprising of five standing members, with a Chairperson and Deputy Chairperson. All members have also been appointed as Commissioners. The present members are confident and competent in their roles with the Chairperson being highly experienced heading the District Licensing Committee. The District Licensing Committee's role is to provide an unbiased and fair approach to decision making for Alcohol Licence and Manager's Certificates applications. However, there is concern that the present pool of members is too small for the anticipated future workload demands, and consideration to build the pool of District Licensing Committee members is required so Council has the required resources to meet its legislative obligations pursuant to the Sale and Supply of Alcohol Act 2012.
- 1.3. This report also discusses the option to install flexibility, if required, to create the ability to appoint commissioners to run a hearing and sign off unopposed applications if the Chair or Deputy Chair are not available. This approach would give staff the flexibility and assurances that a District Licensing Committee can be called together at short notice if needed. It will remain that the first option would be to use the Chair and/or Deputy Chair first, however, if upon discussion either is not available, there will be further flexibility of options to prevent delay.
- 1.4. All members of a District Licensing Committee, regardless of the current number are placed on a Members List and is available to view at any time on Council's website. If there is a need to form a District Licensing Committee for a hearing there is a pool of resources to call on. If an Alcohol Licence or Manager's Certificate application is opposed, the Chair and Secretary discuss the issues and the Chair will make a decision regarding whether a Hearing is required. If a hearing is required, the Chair and Secretary will discuss which members from the District Licensing Committee list should be used to form the District Licensing Committee for a particular hearing. The Secretary will then appoint those members.
- 1.5. If the Chair and Deputy Chair are not available and a hearing is required as a matter of urgency. The Secretary would have the ability to form a District Licensing Committee from the list if all were appointed as Commissioners and the Council approved the

recommended change to process discussed in 1.3 above. The Secretary would then have the flexibility required to appoint a Chair and 2 members as the District Licensing Committee for a hearing, under urgency should the sitting Chair and Deputy Chair be unavailable.

## 2. RECOMMENDATION

**THAT** the District Planning and Regulation Committee:

- (a) **Receives** Report No. 240801127115
- (b) **Endorses** the recommendation to expand the membership of the District Licensing Committee by up to three members from 5 to up to 8 members (maximum) with elected members from Council or Community Boards and allow the Secretary of the District Licensing Committee to form a District Licensing Committee with Commissioners if the situation arises that the sitting Chair or Deputy Chair are not available when a hearing is required a matter of urgency.

*AND*

**THAT** the District Planning and Regulation Committee recommends:

**THAT** the Council:

- (c) **Approves** expansion of the membership of the District Licensing Committee by \_\_\_\_\_ members, with elected members from Council or Community Boards.
- (d) **Approves** updating the District Licensing Committee Delegations to allow an all Commissioner District Licensing Committee to be formed if required and only in the absence of availability of the Chair and Deputy Chair.
- (e) **Notes** All District Licensing Committee appointments are for a period of five years by Council resolution.
- (f) **Notes** a further report will be present to Council for any new appointments to the District Licensing Committee should the Committee recommend to Council to expand the District Licensing Committee membership.

## 3. BACKGROUND

- 3.1. In 2012 the Sale and Supply of Alcohol Act (the Act) was enacted and superseded the Sale of Liquor Act 1989. There was a deliberate move to the wording to illustrate the chemical nature of alcohol rather than the recreational term of liquor. The main thrust of the change was to make legislation more holistic to ensure that harm created by and associated with alcohol was in the forefront of thinking by the decision makers, being the membership of the District Licensing Committee.
- 3.2. The decision makers are the District Licensing Committee and are engaged by Council; however, it is important to recognise that the District Licensing Committee is not a Committee of Council. The District Licensing Committee does not report to Council, it is an independent Committee with the authority to make decisions on alcohol license applications and Manager's Certificate applications pursuant to the Sale and Supply of Alcohol Act 2012. The Council cannot influence the District Licensing Committee's decisions.
- 3.3. The current District Licensing Committee has an appointed Chairperson (Mr. Neville Atkinson) who can sign off all Licence and Manager's Certificate applications that have had no opposition from either the three agencies being the Police, Medical Officer of Health and a Licensing Inspector, (known as the Tri-agencies) or when there is no objection received from a member of the general public. This procedure of sign off by the Chairperson alone is a legitimate process and is termed as signing off "On the papers". The Deputy Chair can fill this roll should the Chair be unavailable.

- 3.4. The Current District Licensing Committee also has a Deputy Chair, Mr. Jim Gerard. Mr Gerard has indicated he would like to remain on the District Licensing Committee but would like to step down from the role of Deputy Chair. After discussions, Mr. Gerard is willing to remain in the position of Deputy Chair until the membership of the District Licensing Committee has been worked through and resolved.
- 3.5. Most of the Alcohol Licence and Manager's Certificate sign offs are completed "on the papers" by the Chairperson, alone. There have been a small number of occasions where the Deputy Chair has signed off when the Chair has not been available.
- 3.6. There are three further members of the District Licensing Committee to call upon when the Chair requires further opinion on any Licence or Manager's Certificate application. Two members will join the Chair to form a committee of three to provide a quorum for discussion, which may or may not lead to the implementation of a Hearing. There does not have to be official opposition for the Chair to request a District Licensing Committee to be formed to gain other members' opinions, or to gain further opinion on whether a hearing is required. If a hearing is called when there has been no opposition there always needs to be good reasoning to do so. To note, it would be rare for this to occur.
- 3.7. A District Licensing Committee, comprising of 3 members, which would be two members and the Chair may be called together when there has been opposition from either, one or all, of the Tri-agencies, and/or objection from one or many members of the general public, to consider whether a hearing is required. It is the Secretary's role to engage the make-up of the District Licensing Committee and at present this is always done through discussion with the Chairperson and works well.
- 3.8. A hearing is usually required when there is opposition, from one or all of the Tri-agency members and/or objection from the general public that cannot be resolved before final reports are written by the Tri-agencies and submitted to the District Licensing Committee through the Secretary. The need for natural justice applies to all parties involved; meaning, that in most cases if there is opposition there needs to be a hearing to make sure all parties can put their case to the District Licensing Committee for consideration unless there are exceptional circumstances that allow the District Licensing Committee to sign off an opposed application on the papers. Exceptional circumstances do not occur often and therefore it is most likely a hearing would take place if there was opposition to an application.
- 3.9. Under the Act the Chief Executive Officer of a Council is the Secretary of the District Licensing Committee by default. Councils across New Zealand typically delegate the District Licensing Committee Secretary role to a Level 3 Manager in the regulatory environment, and at Waimakariri District Council that delegation sits with the Environmental Services Manager.
- 3.10. All District Licensing Committee members have been given Commissioner status to create continuity should any standing Councillor on the District Licensing Committee not return to Council and become a standing member of the public. The Commissioner status of members does give the Secretary the potential flexibility to call upon District Licensing Committee members to form a District Licensing Committee should the Chair or Deputy Chair not be available if the Council see merit in this solution. However, this flexibility would need Council endorsement. The District Licensing Committee could then be chaired by a Commissioner if Council passed a resolution to allow an all Commissioner District Licensing Committee if ever required. This flexibility does lower any risk that Council has regarding forming a District Licensing Committee for urgent matters if the Chair and Deputy Chair were not available.
- 3.11. All District Licensing Committee members have a five-year term which can be rolled over by Council resolution for a further five years. The current five-year term ends on 5 September 2024 for 4 of the members with one member's term running until 24 Oct 2024. One current member has indicated that they do not wish to continue as a member of the District Licensing Committee.

- 3.12. As with all legislation, amendments occur from time to time. The Act has had recent amendments which have had a two-phase implementation process. The first set of changes which are now in force (as of 31 Aug 2023) are:
- 3.12.1. Remove the ability for people to appeal provisional local alcohol policies (LAPs) to the Alcohol Regulatory and Licensing Authority (ARLA),
  - 3.12.2. Enable district licensing committees (DLCs) and ARLA to decline to renew a licence if the licence would be inconsistent with conditions on location or licence density in the relevant LAP, and
  - 3.12.3. Allow any person to object to licence applications, whether as an individual or a representative of a group or an organisation, with narrow exceptions for trade competitors and their surrogates. This change accommodates people who were excluded for reasons such as (but not limited to), may not live in the area but spend time there due to family connections, living rurally, or having a particular connection to the area.
  - 3.12.4. Objectors (the general public) have had the period to submit extended from 15 working days to 25 working days.
- 3.13. The second set of changes which are now in force from 30 May 2024 are:
- 3.13.1. DLCs and Alcohol Regulatory and Licensing Authority (ARLA) will be required to consider reasonable requests from parties to attend hearings remotely,
  - 3.13.2. Changes to how a DLC hearing is run include:
    - 3.13.2.1. Avoiding unnecessary formality,
    - 3.13.2.2. Not permitting cross-examination, or the ability for parties to question other parties or their witnesses. The DLC will test evidence instead. Therefore, all questioning must be through the DLC only.
    - 3.13.2.3. Allow for tikanga to be incorporated into proceedings and
    - 3.13.2.4. Allow evidence to be received in te reo Māori
- 3.14. Council will receive more information from the Ministry of Justice to help guide the District Licensing Committee to implement the required changes sometime in 2024. As yet, that information has not be forthcoming.
- 3.15. There is no doubt that under the second phase of amendments to the Act, the Tri-agencies, especially the Inspector, will be required to conduct far deeper investigations and expand their report writing to help the District Licensing Committee fulfil their responsibilities as the Tri-agencies will not be allowed to cross-examine any party in a Hearing. This may affect resourcing requirements in the future. However, it is too early to measure any impact on resourcing and staff will continually assess the resourcing situation across all areas that Council is required to resource for alcohol licensing.
- 3.16. Due to the changes in Hearing protocols, the District Licensing Committee may require more time to consider the questions they may want to ask at a Hearing to seek clarification of information after reading the Tri-agency reports and any public objection documentation before, during and after a Hearing. At this point in time, we do not know how the changes will impact on the timeframe for a Hearing until we conduct a Hearing under the new format.

#### 4. **ISSUES AND OPTIONS**

- 4.1. The members of the District Licensing Committee understand the changes set out in 3.12 and 3.13 of this report and will continue to follow a process that incorporates the changes to the Act by:
  - 4.1.1. Considering and allowing any party to present remotely, when appropriate, and
  - 4.1.2. Allowing for tikanga to be incorporated into proceedings and
  - 4.1.3. Allowing evidence to be received in te reo Māori
- 4.2. From 30 May 2024 the District Licensing Committee will not permit cross-examination. The District Licensing Committee have had training covering this change and will make provisions throughout any Hearing to formulate questions to gather all of the information they require to make their decision.
- 4.3. All questioning in a Hearing from 30 May must be through the District Licensing Committee. This is expected to increase the number of Hearings that will be required as there will no longer be a right of cross-examination, which is expected to lead to an increase of opposition from the Tri-agencies and possibly the general public.
- 4.4. Due to the changes of the Act, there have been extensive discussions with the District Licensing Committee Chair around the need to increase the membership of the District Licensing Committee.
- 4.5. Council has generally had an all-elected membership of the District Licensing Committee, either Councillors or Community board members. At present one member is a Commissioner and not elected as a Councillor or Community Board member due to retirement from the Council. That member has indicated that they do not wish to stand for a further term.
- 4.6. There is a need to engage more District Licensing Committee members to cover the possibility of a higher number of Hearings in the future due to the changes to the Act, and more importantly the need to look to the future to make sure the District Licensing Committee can continue to run with competent and confident members with a timely and seamless process. Sickness, annual leave, other commitments are becoming more common and could create a risk to Council regarding the formation of a District licensing Committee to sit for a Hearing or indeed, sign off licensing applications.
- 4.7. With the appointment of any District Licensing Committee member, it is important to recognise the need to consider whether any conflicts of interest or bias exist. There is a need for all members of a District Licensing Committee to not only avoid conflicts of interest or bias but to avoid the appearance of perceived conflicts of interest or bias. Having more District Licensing Committee members allows for any District Licensing Committee member(s) to 'step down' from the decision-making process if any form of Conflict of Interest or bias exists. This provides for greater robustness in the decision-making process and reduces the risk of appeals against a District Licensing Committee decision. It is noted that at all Waimakariri District Licensing Committee Hearings the Chair asks the question of members at the start of a Hearing, as part of the normal protocol, whether there is any conflict of interest or bias. There are processes to follow if there were to be a Conflict of interest or bias.
- 4.8. At this point, all current members are appointed as Commissioners, this position does give the Secretary an available pathway to allocate Chairperson duties to alternative members if there was a need, such as a Conflict of interest, or bias or unavailability. If the Council endorsed this model of approach, there would still be an allocated Chairperson and Deputy Chairperson who would always be utilised first and second respectively unless there was a conflict of interest or an extended period of time both were unavailable compromising the application process.
- 4.9. The District Licensing Committee is made up of a Chairperson and 4 District Licensing Committee members, one member is sits as Deputy Chair to fill the Chairperson's role

should the Chair not be available. All District Licensing Committee members have been given Commissioner status through Council resolution, which was put in place to make sure that there would be a continuation of membership regardless of local body election results. Meaning, that should a sitting member of the District Licensing Committee not be re-elected to the Council or a Community Board, rendering them a member of the general public, they could still be a sitting member of the District Licensing Committee.

- 4.10. As with all current members any additional member would be a working member of the District Licensing Committee and be paid for each hour worked when called upon.
- 4.11. It is recommended that the District Licensing Committee be expanded to up to eight members to accommodate the expected increase in Hearings required due to the changes in the Act discussed above. With the expected increase in Hearings, there will be more opportunity for members to be involved and put the requisite training to practice.
- 4.12. All members of a District Licensing Committee, regardless of the current number are placed on a Members List and is available to view at any time on Council's website. If there is a need to form a District Licensing Committee for a hearing there is a pool of resources to call on. If an Alcohol Licence or Manager's Certificate application is opposed, the Chair and Secretary discuss the issues and the Chair will make a decision regarding whether a Hearing is required. If a hearing is required, the Chair and Secretary will discuss which members from the District Licensing Committee list should be used to form the District Licensing Committee for a particular hearing. The Secretary will then appoint those members.
- 4.13. If the Chair and Deputy Chair are not available and a hearing is required as a matter of urgency. The Secretary would have the ability to form a District Licensing Committee from the list if all were appointed as Commissioners and the Council approved the recommended change to process discussed in 1.3 above. The Secretary would then have the flexibility required to appoint a Chair and 2 members as the District Licensing Committee for a hearing, under urgency should the sitting Chair and Deputy Chair be unavailable.
- 4.14. The available options are:
  - A. Keep a pool of five commissioners as District Licensing Committee members without additional membership. Noting that one member is stepping down from the role.
  - B. Add up to three additional members to the District Licensing Committee (from 5 to up to 8) using Councillors as the required resource.
  - C. Add up to three additional members to the District Licensing Committee (from 5 to up to 8) through a combination of Councillors and Community Board members.
- 4.15. It is noted that all options include the following for consideration: To allow the Secretary to form a District Licensing Committee using Commissioners if the Chair and Deputy Chair are not available for a length of time that could compromise an application being processed and only for this scenario.
- 4.16. Option C is the preferred option as this enhances the resource of District Licensing Committee members and also mitigates risk for Council if the Chair and Deputy Chair are unavailable for an extended period of time, which could compromise an application being processed.

#### **Implications for Community Wellbeing**

- 4.17. There are implications on community wellbeing by the issues and options that are the subject matter of this report. Having a greater pool of District Licensing Committee members creates a continued environment of good and fair decision making on alcohol licensing applications. A greater pool also allows for timely decisions, which is fair and reasonable to both applicant and residents alike to maintain the Council's commitment when considering the object of the Act, which is to minimise alcohol related harm.

4.18. The Management Team has reviewed this report and support the recommendations.

## **5. COMMUNITY VIEWS**

### **5.1. Mana whenua**

Te Ngāi Tūāhuriri hapū are not likely to be affected by or have an interest in the subject matter of this report. The information on the recent changes to the Act provided to the Committee and Council in this report has also been provided by the Ministry of Justice to all relevant parties including Mana Whenua. The allocation of three further members to the District Licensing Committee does not change any part of the application process or the decision-making process.

### **5.2. Groups and Organisations**

There are no groups and organisations likely to be affected by, or to have an interest in the subject matter of this report.

### **5.3. Wider Community**

The wider community is not likely to be affected by, or to have an interest in the subject matter of this report.

## **6. OTHER IMPLICATIONS AND RISK MANAGEMENT**

### **6.1. Financial Implications**

There are no financial implications of the decisions sought by this report.

There is sufficient budget available to provide the required training to any new members appointed to the District Licensing Committee. There is also budget available for any legal advice that may be required to support the District Licensing Committee.

This budget is included in the Annual Plan/Long Term Plan.

### **6.2. Sustainability and Climate Change Impacts**

The recommendations in this report do not have sustainability and/or climate change impacts.

### **6.3 Risk Management**

There are minimal risks arising from the adoption/implementation of the recommendations in this report.

There is the risk that with more members on the District Licensing Committee, trained members are not able to participate in Hearings frequently enough to maintain the required skillset. However, it is anticipated that due to the changes in the Act, Hearings will be required more frequently allowing greater participation than has been the case in recent years. This risk could also be mitigated by building up membership gradually as the need for Hearings increases.

### **6.3 Health and Safety**

There are not health and safety risks arising from the adoption/implementation of the recommendations in this report.

## **7. CONTEXT**

### **7.1. Consistency with Policy**

This matter is not a matter of significance in terms of the Council's Significance and Engagement Policy.

### **7.2. Authorising Legislation**

#### **7.2.1. Sale and Supply of Alcohol Act 2012**



#### 7.2.2. The Sale and Supply of Alcohol (Community Participation) Amendment Act 2023

### 7.3. **Consistency with Community Outcomes**

The Council's community outcomes are relevant to the actions arising from recommendations in this report. The social aspect of making decisions, where all people have a right to have a say promotes a place where everyone can have a sense of belonging. Having a wider pool of District Licensing Committee members.

### 7.4. **Authorising Delegations**

District Planning and Regulation Committee is responsible for activities relating to the sale and supply of alcohol.

The Council has the delegation to appoint members to the District Licensing Committee.