



Briefing Information for District Licensing Committee (DLC) Members

This summary document has been jointly prepared by Ashburton District Council and Selwyn District Council. The full version of Local Government New Zealand's guidance document is available online.

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. A DLC is responsible for all licences (including special licences) and all managers' certificate applications, renewals and temporary authorities, regardless of whether these are opposed or unopposed.

DLCs also consider and determine applications for temporary licences and for the variation, suspension, or cancellation of special licences. 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 function under a regulatory framework 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 quorum necessary at any meeting of a DLC is three members comprising of:

- a) One member who must be appointed as the chairperson and who must be either an elected member of that Council or a commissioner appointed by the Council.
- b) Two list members appointed by Council who meet the eligibility standards.

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.

Council can also appoint an elected member to act as the deputy in the absence of the chairperson/commissioner.

District Licensing Committee Members

Selwyn and Ashburton District Councils have jointly appointed committee members to form a pool of list members. This shared list provides flexibility for members and ensures the DLC quorum meeting requirements can always be satisfied.

DLC list members, and the chairperson or commissioner, are appointed for a period of up to five years (as decided by the Council). They can be reappointed for one or more further periods of up to five years. The commissioner is appointed to a DLC by the chief executive, on the recommendation of the Council.

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 the chairperson of a DLC once s/he ceases to be an elected member of the Council.

Eligibility to be a District Licensing Committee Member

Council needs to determine whether potential DLC members have relevant experience regarding alcohol licensing matters and if they have any direct, indirect or pecuniary interests with the alcohol industry.

Examples of people who could be a DLC member:

- Former licensing inspector
- Former Medical Officer of Health
- Former council employees
- Former licensee
- Justice of the Peace
- Retired district court judge
- Former politicians
- Former constable in the role of Alcohol Harm Reduction Officer
- Former consultants in the alcohol industry
- Trainer for licensing industry
- Previous member of staff of Liquor Licensing Authority

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 (s192(5)a)). Subsection (b) specifically excludes sworn constables of the NZ Police, Medical Officer of Health and any employee of the Council.

Local Government New Zealand 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 as a result of a number of reasons, including a DLC member having previously submitted on a licence application decision, or been a part of a community organisation that has submitted on a decision. This conflict may arise due to a member's own financial affairs or those of persons close to them, existing relationships that could be affected by decisions of the DLC, previous roles or something that has been said or done to suggest a conflict.

The onus is on applicants intending on becoming a DLC member to disclose this information within their applications covering letter. Actual or potential conflicts of interest will be assessed by the Council on a case-by-case basis.

Training of District Licensing Committee Members

Training will be provided as well as on-going technical support.

Remuneration

The DLC Chairperson/Commissioner is entitled to \$624.00 per day (\$78.00 per hour for part days) and committee members will receive \$408 per day (\$51.00 per hour for part days).

DLC members will also be reimbursed for reasonable expenses.

DLC members are independent contractors to the Council and not employees of Council. All remuneration is subject to withholding tax and ACC levies.

Estimated Workload for District Licensing Committee Members

There are around six hearings per year across both Councils. On average Commissioners can expect to work an approximate maximum of 10 hours per month, and less for committee members.

The Appointment Process

Applications which include a cover letter outlining your experience against the necessary competencies and a CV containing at least two referees will be accepted until the close of business on 1 May 2023.

All applicants will receive an acknowledgement of their application and a Ministry of Justice Security Clearance Form to complete and return as part of their application.