District Planning and Regulation Committee

Agenda

Tuesday 22 November 2016

1.00pm

Waimakariri District Council Chambers
215 High Street
Rangiora

Members:
Cr John Meyer (Chairperson)
Cr Peter Allen
Cr Neville Atkinson
Cr Wendy Doody
Cr Dan Gordon
Mayor David Ayers (ex officio)
The Chairman and Members
DISTRICT PLANNING AND REGULATION COMMITTEE

A Meeting of the DISTRICT PLANNING AND REGULATION COMMITTEE will be held in the WAIMAKARIRI DISTRICT COUNCIL CHAMBERS, 215 HIGH STREET, RANGIORA on TUESDAY 22 NOVEMBER 2016 at 1.00PM.

Adrienne Smith
Committee Advisor

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

BUSINESS

1. APOLOGIES

2. CONFLICTS OF INTEREST
   Conflicts of interest (if any) to be reported for minuting.

3. RECEIPT OF MINUTES
   3.1 Minutes of a meeting of the Resource Management and Regulation Committee held on Tuesday 20 September 2016

   RECOMMENDATION

   THAT the Audit Committee

   (a) Receives for information, the minutes of a meeting of the Resource Management and Regulation Committee held on 20 September 2016.

4. MATTERS ARISING

5. PRESENTATION/DEPUTATION
6. **REPORTS**

6.1 **Appointment of District Licensing Committee – Malcolm Johnston (Environmental Services Manager)**

**RECOMMENDATION**

THAT the District Planning and Regulation Committee:

(a) **Receives** report 161104113935.

(b) **Recommends** to the Council that Councillors Peter Allen, Neville Atkinson, John Meyer and Wendy Doody be appointed to the District Licensing Committee.

(c) **Recommends** to the Council that Councillor……….is appointed as Chairperson of the Waimakariri District Licensing Committee.

(d) **Recommends** to the Council that Councillor……….is appointed as the deputy chairperson of the Waimakariri District Licensing Committee.

(e) **Recommends** to the Council that Rangiora Ashley Community Board Chair Jim Gerard be appointed to the District Licensing Committee as a Commissioner until 31 January 2020.

7. **PORTFOLIO UPDATES**

7.1 **District Planning Development – Councillor Neville Atkinson**

7.2 **Regulation and Civil Defence – Councillor John Meyer**

7.3 **Business, Promotion and Town Centres – Councillor Dan Gordon**

8. **QUESTIONS**

9. **URGENT GENERAL BUSINESS**

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**BRIEFING**

At the conclusion of the meeting there will be a briefing to discuss:

1. Parking update (Malcolm Johnston)

2. District Plan Review – Recap and Next Steps (Trevor Ellis to introduce)
WAIMAKARIRI DISTRICT COUNCIL

MINUTES OF A MEETING OF THE RESOURCE MANAGEMENT AND REGULATION
COMMITTEE HELD IN THE COUNCIL CHAMBERS, 215 HIGH STREET, RANGIORA,
ON TUESDAY 20 SEPTEMBER 2016 AT 1.00PM

PRESENT

Councillor C Faass (Chairperson), Mayor D Ayers, Councillors P Allen, N Atkinson, K Barnett and J Gerard.

IN ATTENDANCE

Deputy Mayor Felstead
Messrs J Palmer (Chief Executive), S Markham (Manager Strategy and Engagement), N Harrison (Manager Regulation), T Ellis (Development Planning Manager), G Meadows (Policy Manager), Ms V Caseley (Plan Implementation Manager), B Bray (Senior Policy Planner), Ms L Beckingsale (Policy Analyst), Ian Carstens (Resource Management Planner) and E Stubbs (Minutes Secretary).

1 APOLOGIES

There were no apologies.

2 CONFLICTS OF INTEREST

There were no conflicts of interest.

3 CONFIRMATION OF MINUTES

3.1 Minutes of a meeting of the Resource Management and Regulation Committee held on 19 July 2016

Moved J Gerard seconded N Atkinson

THAT the Resource Management and Regulation Committee:

(a) Confirms as a true and correct record the minutes of a meeting of the Resource Management and Regulation Committee held on 19 July 2016.

CARRIED

4 MATTERS ARISING FROM THE MINUTES

There were no matters arising.

5 PRESENTATION

There were no presentations.
6 REPORTS

6.1 Freedom Camping in the Waimakariri District Update – Lynley Beckingsale (Policy Analyst)

L Beckingsale spoke to the report noting that Waimakariri had freedom campers and that the numbers were manageable who generally respected the environment; ongoing monitoring would be carried out. A ‘Camping in the Waimakariri District’ brochure had been developed and well received. There would be an emphasis on education rather than regulatory measures. L Beckingsale noted that a lot of land used for freedom camping in the district was not Council owned. A regional working party had been setup to consider a more collaborative approach to encourage responsible camping in the Canterbury region.

N Atkinson expressed concern that Fish and Game had not been referred to in discussions and referred to the mess left behind by fishermen, in particular whitebaiters. He noted that river mouths were the responsibility of Environment Canterbury (ECan) however there was Council land, for example along the Kaiapoi River, where fishermen were based. L Beckingsale was aware of anecdotal evidence of the mess left by fishermen and suggested the fishermen could be monitored as part of that working party’s considerations. S Markham suggested that Fish and Game be invited as a stakeholder to the regional working party, which was proving to be a useful mechanism for getting stakeholders involved. J Palmer commented that consideration needed to be given as to how to engage with whitebaiters specifically as a local response reiterating the need for education rather than enforcement.

Regarding the regional working party, P Allen asked whether there was an intention to line up bylaws across the territorial authorities. L Beckingsale commented that bylaws would have requirements specific to each area and proportionate to degrees of nuisance. The working party approach of education in relation to responsible camping would certainly help to alleviate any possible issues. J Palmer commented that the regional focus would also formulate what advocacy was required to the national regulation.

Regarding Council controlled areas, P Allen asked whether campers were being asked to park and camp in car parking areas. L Beckingsale replied yes, for example in Waikuku there were areas of soft ground which were unsuitable for vehicles and camping.

As a landlord of Waikuku Beach Holiday Park, K Barnett asked if the Council had some responsibility to take further action where freedom campers were utilising the holiday park facilities. J Palmer commented that they leased the operation to a manager who was solely responsible for the operation and it was a management issue for them.

Further to the question of campgrounds, D Ayers noted that the Council owned four and asked if it were conceivable to use the bylaw to protect lessees from undesirable activities for example designating an area around campgrounds. L Beckingsale advised that under current legislation, a creation of a bylaw would be hard justify for that reason. N Harrison confirmed the Council would struggle to justify the issue. As a theoretical question the answer was no.

D Ayers noted that the Mayoral Forum had a combined approach with territorial authorities and asked if there had been communication with Christchurch City Council (CCC) regarding what the CCC were doing that could impact on the Waimakariri District. L Beckingsale was not aware of any impacts from the CCC, noting that CCC was undertaking a review of
their Freedom Camping Bylaw and as part of that was a consultation
document. L Beckingsale added that the Council could only make a bylaw
affecting Council land.

D Ayers asked if there was a distinction between those living ‘rough’ and
freedom campers. N Harrison advised that those living rough were
managed differently and with the involvement of the Police.

D Ayers asked if staff were monitoring freedom camping applications (apps).
L Beckingsale replied that staff were in communication with ‘Campermate’
but was not aware of other apps; this could be followed up. Campermate
had been provided with information from WDC but information posted by the
public could not be controlled.

K Felstead asked if there was someone actively monitoring sites which
require toilet facilities. J Palmer advised that there was a Public Toilet
Strategy that required review and updating which in a more holistic sense
was the best way to address the issue. There was an infrastructure fund
from the Government for tourism facilities however from a review of the
criteria he did believe WDC would qualify for the fund.

Moved N Atkinson seconded P Allen

THAT the Resource Management and Regulation Committee:

(a) Receive report No. 160824085598.

(b) Notes that ongoing monitoring of freedom camping will be undertaken
with an emphasis on responsible camping education.

CARRIED

N Atkinson commented the issue of freedom campers was becoming more
complex. He noted there had been questions in relation to protecting
Council business and as a business owner himself he understood it was up
to the individual business to do what they could to protect their interests. He
believed freedom campers were a huge industry and accepted that it was
different to what it used to be when he freedom camped as a child. He
noted the New Zealand Motorhome Association members spent $180 a day
in the towns they visited, and freedom campers also had money to spend.
The issue was about having the facilities to cope with freedom campers and
education, rather than stopping freedom campers. He was concerned that
fishermen made more mess than freedom campers and was aware of the
toileting mess at the Waimakariri River mouth. He believed the collaborative
approach with CCC, Department of Conservation and ECan required more
work.

P Allen endorsed the comments of N Atkinson. He believed to set up
regulations to control the issue could be problematic because he did not
believe they could control how people behaved in the outdoors. Also many
of the freedom campers were foreign and the best approach to the issue
was through education. He thought the brochure was very clear and
suggested it could link into New Zealand promotions websites. He noted the
Air New Zealand inflight video was good. He believed it was an issue to
keep an eye on, and if tourism predictions were correct there would likely to
be an influx of visitors to the district in the future. There was a requirement
for appropriate infrastructure to cope with the extra visitors and the extra
cost to ratepayers would need to be considered. To not provide the
infrastructure would create problems.
J Gerard supported the motion. He had observed that visitors, campers and tourists were important to the economy but they also had a responsibility not to spoil the areas they visited. He believed it was an exaggeration to say that all fishermen were untidy, it may be true along the beaches. He noted in many of the tourist locations freedom campers littered badly. He had some sympathy for using certified self-contained campers but freedom campers were not self-contained campers and should be able to use campground facilities. He noted there would be ongoing monitoring of freedom camping and believed this was necessary. There was a need to work with other territorial authorities especially the Selwyn district. It was not an easy issue and one that he believed would grow over time.

D Ayers noted there was an expected growth in tourism which was why freedom camping was important to monitor. The Mackenzie and Waitaki districts had significant problems with freedom campers with the potential to effect the entire tourism industry; this was not a current issue in the Waimakariri district. He believed whitbaiters were a different and historic issue. It was important to keep talking to our district neighbours to ensure this Council’s actions did not negatively affect them.

K Barnett had looked at the community views. There had been very few complaints but she had had significant complaints from the beach areas and camp grounds, and there were issues there to keep an eye on. The Council relied on the public to inform on all issues relating to freedom camping and not all issues had likely been reported. She believed the status quo and brochure was good and recognised the economic importance of freedom campers but believed the ‘good old days’ of camping were now in the past. There was a requirement to make sure there were adequate facilities, or consider not allowing freedom camping at all. She believed there was a need to keep the review going.

As right of reply, N Atkinson commented that in the same way not all fishermen were responsible for the mess left by some, not all freedom campers were irresponsible. He believed freedom camping was a fundamental right for kiwis and would fight to keep it that way.

6.2 **Waimakariri District Development Strategy and Waimakariri District Plan Review – Progress Update – Heike Downie (Principal Planning Analyst) and Bev Bray (Senior Policy Planner)**

T Ellis stated the purpose of the report was two-fold; to update on progress of the District Development Strategy (DDS) and the District Plan Review (DPR). The report looked at governance arrangements; staff groups were now in place and operating, and there would be a recommendation to the incoming Council.

Regarding DDS, he referred to previous discussions on the topic themes and ideas to be discussed as part of wider communications and the background work being carried out. He commented on the development of the ‘Our District Our Future Waimakariri 2018’ document which was tabled, and the proposed launch event to follow.

Regarding DPR, staff were looking at its effectiveness in terms of its operation, what issues had emerged and gaps that may be apparent. This would run to the end of the year.

T Ellis sought feedback on the start time of the public launch and invited any comments on the Our District Our Future document.
P Allen asked how the launch event would be structured. T Ellis advised it would be an informal event with stakeholders and the wider community invited as well as a workshop component.

P Allen asked for clarification on the proposed governance committee. J Palmer replied it was a matter for consideration for the incoming Council. The intent was to utilise the current committee (with a name change) for that role. There would be a number of workshops that would be useful for all councillors to be involved in. He noted the current balance of committees worked well with an opportunity for a midterm review. When the Council got to the statutory element of the plan change process there may need for specific considerations.

P Allen queried the ‘Our Culture’ key theme. T Ellis advised that given the cultural values in the district, that cultural aspects warranted more consideration and would be woven throughout the document rather than contained as a separate item. The structure of the plan had not been finalised and there would be discussion with Mahaanui Kurataiao (MKT) regarding the approach. Rūnanga involvement in process was an expectation for partnership. In addition the community was becoming more culturally diverse.

K Barnett commented that the time of the launch was difficult for commuters and parents. It was noted that the upcoming Rangiora A&P Show and Kaiapoi and Rangiora Christmas carnivals would be a good opportunity to distribute information to the public.

 Moved P Allen seconded K Barnett

THAT the Resource Management and Regulation Committee:

(a) Receives report No. 160905090696.

(b) Notes the progress made toward the development of the Waimakariri District Development Strategy as outlined in 3.4 to 3.10 of this report and toward the Waimakariri District Plan Review as outlined in 3.11 to 3.16 of this report.

(c) Notes that a ‘Waimakariri District Development Strategy – Your Early Thoughts’ document will be released to the general public and key stakeholders and partners on 3 October 2016.

(d) Notes that a District Development Strategy public launch event is proposed for Wednesday 2 November 2016, 5:30pm at the Rangiora Town Hall.

(e) Notes that governance arrangements for the District Plan Review and District Development Strategy programmes of work are a matter for recommendation to the incoming 2016-19 Council.

CARRIED

P Allen commented that it was a large piece of work. It was important due to the complexity of the exercise to focus on how the community could be involved and not be lost in the complexities.

K Barnett thanked the staff for a coherent document in a short space of time. She was concerned about governance in terms of the workload and believed it was too heavy a workload for the Committee and should be it be part of the full Council’s workload. She noted the DPR was one of the most important pieces of work to be completed in the coming three years.
6.3 **Parking Bylaw 2007 Amendments – Malcolm Johnston (Environmental Services Manager)**

N Harrison spoke to the report noting it was part of an annual update to the Parking Bylaw 2007 Second Schedule. It was for the Rangiora Town Centre and an update to the Kaiapoi Town Centre was to follow. There were a number of editorial changes and some major changes related to the recent developments in Rangiora.

K Barnett queried if residents around Rangiora Borough and Southbrook Schools had been consulted on the proposed changes. N Harrison advised that the impetus came from the school community and the restrictions were time constrained. The short term parking at the eastern end of High Street was requested by business owners.

K Barnett asked when the Parking Bylaw was due for renew as the review was on a ten year cycle. N Harrison replied the Council could request a review by resolution and a change of business use could be a reason for a review.

J Gerard asked if staff had considered parking restrictions on Saturdays now that Rangiora Farmers was open. N Harrison replied it had been considered and would continue to be monitored.

J Gerard noted it was increasingly difficult to drop off children at Rangiora Borough School. N Harrison commented that a P5 restriction could be an option, however it could become congested also. It was an issue and staff would wait for the school to raise the issue before exploring options.

Moved C Faass seconded P Allen

**THAT** the Resource Management and Regulation Committee recommends that the Council;

(a) **Receives** Report No. 160712066627.

(b) **Amends** the Parking Bylaw 2007 to:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
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<tbody>
<tr>
<td>Item 2</td>
<td>High St Replace &quot;both sides&quot; with &quot;North&quot;</td>
</tr>
<tr>
<td>Item 11</td>
<td>High St move P15 to the 3rd and 4th spaces east from Good St.</td>
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<tr>
<td>Item 12</td>
<td>High St cycle stands and motorcycle parking changes</td>
</tr>
<tr>
<td>Item 13a</td>
<td>High St west of Percival St P15 remove &quot;2 parks&quot; and replace with &quot;4 parks&quot;</td>
</tr>
<tr>
<td>Item 14a</td>
<td>High St – Area adjusted slightly due to new kerb buildouts</td>
</tr>
<tr>
<td>Item 14b</td>
<td>Durham St - Private carpark behind shopping centre corner High St/Durham St, P120</td>
</tr>
<tr>
<td>Item 21a</td>
<td>Ashley St west side 1 space immediately north of Blackett St roundabout P60</td>
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<tr>
<td>Item 21b</td>
<td>Ashley St east side 2 spaces immediately north of Blackett St roundabout P60</td>
</tr>
<tr>
<td>Item 29</td>
<td>Remove from schedule</td>
</tr>
<tr>
<td>Item 29b</td>
<td>Victoria St – Private carpark at 73 and 75 Victoria St on Mandeville Properties Land, P120</td>
</tr>
<tr>
<td>Item 34</td>
<td>Percival St - Remove loading zone and replace with P60</td>
</tr>
<tr>
<td>Item 44</td>
<td>Replace Percival with Victoria</td>
</tr>
<tr>
<td>Item 44a</td>
<td>Alfred St no parking Percival St to Victoria St</td>
</tr>
<tr>
<td>Item 44b</td>
<td>21 Alfred St Mandeville Properties Ltd carpark</td>
</tr>
<tr>
<td>Item 46</td>
<td>Remove from schedule</td>
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<tr>
<td>Item 47</td>
<td>Remove from schedule</td>
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</tbody>
</table>
Item 48  Remove from schedule  
Item 49a  Queen St loading zone at rear of Countdown P15  
Item 51a  Town Hall carpark P120  
Item 51b  Town Hall carpark 4 disabled spaces  
Item 52  Remove from schedule  
Item 59  Church St extend loading zone to approximately 30 metres in length  
Item 59a  Church St Disabled carpark  
Item 59b  Church St P5 parking 2.45pm-3.30pm Mon-Fri  
Item 59c  Church St P5 Loading Zone 9.30am-6pm Mon-Fri  
Item 61a  George St Disabled carpark  
Item 61b  George St P5 parking 8.30am -9.00am and 2.30-3.30pm  
Item 62  Remove from schedule  
Item 63  Remove from schedule  
Item 64a  Southbrook Rd/Lineside Rd No stopping  
Item 64b  Southbrook Rd Bus stops  
Item 64c  Station Rd no parking  
Item 67  Remove from schedule  
Item 72a  Denches Rd P5 parking 2.30-3.30pm South side  
Item 72b  Denches Rd P5 parking 2.30-3.30pm North side  
Item 72c  Denches Rd Bus Stop  
Item 74a  Library and Council Carpark Motorcycle Parking 2 spaces  
Item 74c  Remove from Schedule  

CARRIED

7  MEMORANDUM FOR INFORMATION

7.1  Five Years of Regulatory Performance – Lynley Beckingsale (Policy Analyst)

K Barnett commented that the photo on page 63 should be a commercial photo rather than a dairy farm.

Moved J Gerard  seconded N Atkinson

THAT the information be received.  

CARRIED

8  PORTFOLIO UPDATES

8.1  District Plan - Councillor Kirstyn Barnett

Following valuable conversations with people about the Natural Hazards Plan K Barnett has asked T Ellis to contact those people to update them on progress and keep communication channels open.

8.2  Environmental Health and Civil Defence – Councillor Caroline Faass

N Harrison provided an update on the Civil Defence exercise which was a simulated earthquake in the Kermedecs. The Council participated in the 'when the earthquake' hit part of the three-part exercise. The Council was activated and the beach settlements were evacuated after which the day became a recovery for the wider community.

In terms of value to the Council it was a good exercise for a number of new staff to appreciate the Council's wider role.
There was some discussion regarding communication with, and the role of, elected members in such an exercise.

8.3 **Kaiapoi and Rangiora Town Centres – Councillor Neville Atkinson**

N Atkinson advised that following the Rangiora Farmers opening he had driven around Rangiora on different days at different times and found that there were parking spaces available. He noted that the changes to the parking schedule today would make a difference to the town centre. He commented that street design needed to be multipurpose and needed to factor the next tenant not the current tenant.

N Atkinson noted places for lease in Rangiora were expensive and a lot of business related to the construction industry were closing down. He also commented on buildings to be demolished in Kaiapoi.

D Ayers advised of complaints through the Neighbourly website that the street planters on Rangiora’s High Street were too high and affected visibility. It was noted that street design took those considerations into account.

9 **QUESTIONS**

There were no questions.

10 **URGENT GENERAL BUSINESS**

There was no urgent general business.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS CLOSED AT 2.34pm.

CONFIRMED

________________________________________  __________________________
Chairperson                                  Chief Executive

________________________________________  __________________________
Date                                          Date
1. SUMMARY

The purpose of this report is to inform the Committee regarding the operation of a District Licensing Committee (DLC) and to recommend that members of the District Planning & Regulatory (DP&R) Committee constitute the DLC. A DLC is required under the Sale and Supply of Liquor Act 2012 (the Act) to decide all applications for alcohol licences and manager’s certificates. A DLC was initially established by Council in 2013 and has been operational over the last 3 years.

This report seeks to appoint Councillors and Board Chair Gerard to the DLC. Whilst an option exists to appoint experienced members of the public, the Waimakariri District Licensing Committee constituted with Councillors has been very effective, combining a knowledge of the community with knowledge and experience of the regulatory mechanism for licencing. The change in the Act to having DLC’s has been a real success in the Waimakariri District.

This report recommends that at least five members are appointed to the District Licensing Committee.

2. RECOMMENDATION

THAT the District Planning & Regulatory Committee:

(a) Receives report 161104113935.

(b) Recommends to the Council that Councillors Peter Allen, Neville Atkinson, John Meyer and Wendy Doody be appointed to the District Licensing Committee.

(c) Recommends to the Council that Councillor……….is appointed as Chairperson of the Waimakariri District Licensing Committee.

(d) Recommends to the Council that Councillor……….is appointed as the deputy chairperson of the Waimakariri District Licensing Committee

(e) Recommends to the Council that Rangiora-Ashley Community Board Chair Jim Gerard be appointed to the District Licensing Committee as a Commissioner until 31 January 2020.
3. **ISSUES AND OPTIONS**

3.1 **General**

The *Sale and Supply of Liquor Act 2012* (the Act) was enacted on 18 December 2012 and the Waimakariri District Licensing Committee came into effect on 18 December 2013.

3.2 **The District Licensing Committee’s functions are specified in the Act as follows:**

- To consider and determine applications for renewal of licences and manager’s certificates;
- To consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136;
- To consider and determine applications for the variation, suspension, or cancellation of special licences;
- To consider and determine applications for the variation of licences (other than special licences);
- With the leave of the Chairperson for the licensing authority, to refer applications to the licensing authority;
- To conduct enquiries and make reports as may be required of it by the licensing authority;
- Any other functions conferred on licensing committees by or under the Act or any other enactment.

These decisions must have regard to a number of criteria including the provisions of any Local Alcohol Plan which is in place.

3.3 **Operation of District Licensing Committees**

Each Territorial Authority must appoint one or more licensing committees to deal with licensing matters in its District.

The DLC is treated as being a Commission of Enquiry under the *Commission of Enquiry Act*. This provides powers that include the issuing of summonses requiring the attendance of witnesses and the power to require the production of documents.

The DLC has no ability to delegate any of its functions. Any business undertaken by the DLC is subject to the official information aspects of the *Local Government Official Information and Meetings Act 1987*. All decisions of a DLC may be appealed by submitters to the Alcohol Regulatory Licensing Authority.

The Act provides that each committee shall comprise of three members and given the likely workload only one committee would need to be established in Waimakariri District. Typically over the last decade there have been only five or so contested applications in the District per annum for which a hearing would be required. These were referred to the then Liquor Licensing Authority in Wellington. Over the last 2 years however, there have been no hearings so while it can be difficult to forecast demand with great certainty it would be prudent to have at least four members on the Council’s “list” of DLC members.

Uncontested applications can be approved (on the papers), by the Chairperson of the Committee following reports from the Inspector and (if filed), reports from the Police and Medical Officer of Health. Having the DLC Chairperson attend and assess these applications, on a weekly basis, has worked well and it is recommended this arrangement continues.
3.4 Composition of District Licensing Committees

The Committee would comprise three members being the Chairperson and two members off the “list” established by the Territorial Authority.

The “list” of licensing committee members may include elected representatives.

The TA may join with other TA’s and establish and maintain a combined list of persons jointly approved by those authorities to be members of the TA’s licensing committees and the previous DLC had such an arrangement with Hurunui District Council.

3.5 Appointment of Members of District Licensing Committees

The Chairperson of the DLC must be a member of the Territorial Authority or a commissioner appointed to the committee. A member of the TA may be appointed to be deputy Chairperson to act in the absence of the Chairperson. A further option for the deputy Chairperson may be someone off the Council’s “list” who has experience in chairing or participating in hearings.

The Chief Executive may only appoint a person as a commissioner if that person is of good standing in the community and has the necessary knowledge skill and experience relating to matters that are likely to come before the committee.

The restrictions regarding potential conflicts of interest and other matters which apply to list members also apply to commissioners.

A TA must not approve a person to be included on the list unless that person has experience relevant to District Licensing matters.

A person cannot be included on the list if:

- The TA believes that person has, directly or by virtue of his or her relationship with another person, such an 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; or
- The person is a constable, a Medical Officer of Health, an inspector, or an employee of the TA.

All members of DLC’s hold office for up to five years, or by Council resolution, at which stage they may be reappointed.

It is necessary that the Chairperson of the DLC and all DLC members on the Council’s list to have the requisite skills and background knowledge to undertake the roles.

4 Options

The Council must appoint a DLC. The only options available to the Council are the selection processes for the election of the Chairperson and list members. The Council has the options of:

- Appointing a DLC entirely of elected Council members or
- Appointing a Councillor as chair and committee members selected from a list of members of the community, or
- Appointing a commissioner

If the Committee appoints a Councillor chair it would be prudent to appoint a deputy Chairperson to act in the event of the Chairperson being absent because of illness or absence for any reason.
Should a member of Council be appointed as Chairperson and they cease to be an elected member following local authority elections that person could be appointed a commissioner by the CEO to achieve continuity, should they meet the Act’s requirements.

Committee members can be selected by the Council and may include elected members and/or other members of the community.

A recommendation is made to appoint Board Chair Jim Gerard to the DLC. The reason is that with just four members the DLC could at times find a difficulty meeting a quorum. Board Chair Gerard is not an elected member of the Council in the terms of the Act. However as a previous Deputy Chair of the DLC he has the qualifications of the Act for appointment as a Commissioner, being “of good standing in the community and has the necessary knowledge, skill and experience relating to matters that are likely to come before the committee.” A commissioner’s appointment can be up for five years or such earlier time the Committee resolves. The recommendation seeks an appointment to after the next election providing sufficient time for a new DLC to be formed.

The recommendation seeks to form the DLC from elected Council members.

The Management Team/CE has reviewed this report and supports the recommendations.

5 Community Views
This report has been informed from observations of the structure, processes and procedures of the current District Licencing Committee.

6 Consultation
No consultation has taken place on the processes around DLC’s and the appointment of committee members.

7 Maori Implications
No discussion on appointment to a DLC has been held with Tangata Whenua.

8 Financial Implications and Risks
The legislation is intended to recover the costs associated with licensing as far as possible. The appointment of the DLC from elected members of Council has minimal cost.

8.1 Fees and Allowances for Members of District Licensing Committees
The Act provides that DLC members are entitled to receive remuneration. Remuneration rates have been determined by the Minister of Justice and are $624 per day ($78 per hour for part days) for Chairpersons and $408 per day ($51 per hour for part days) for other members.

8.2 Licence Fees
The Act sets out the expectation of a self-funded risk-based fee structure. Fees are expected to cover licensing system costs such as the operation of DLC’s, the costs of inspectors and any compliance activities.

9 Context
9.3 This is not a matter of significance in terms of the Council’s Significance Policy.
9.4 Legislation: The Sale and Supply of Liquor Act 2012
9.5 Delegation S-DM 1026
The Committee shall enjoy all the powers granted to a standing committee under this Manual and shall be responsible for the following activities: Liquor Sales