



# **AGENDA**

## **Environmental Services Committee Meeting**

**Tuesday, 26 November 2019**

**Date** Tuesday, 26 November 2019

**Time** following the Council meeting

**Location** Council Chamber  
District Council Building  
King George Place  
Timaru

**File Reference** 1297911

## **Timaru District Council**

**Notice is hereby given that a meeting of the Environmental Services Committee will be held in the Council Chamber, District Council Building, King George Place, Timaru, on Tuesday 26 November 2019, following the Council meeting.**

### **Environmental Services Committee Members**

Clrs Barbara Gilchrist (Chairperson), Gavin Oliver (Deputy Chairperson), Allan Booth, Peter Burt, Richard Lyon, Paddy O'Reilly, Sally Parker, Stu Piddington, Steve Wills, Tewera King (Mana Whenua) and the Mayor Nigel Bowen

Quorum – no less than 6 members

### **Local Authorities (Members' Interests) Act 1968**

Committee members are reminded that if you have a pecuniary interest in any item on the agenda, then you must declare this interest and refrain from discussing or voting on this item, and are advised to withdraw from the meeting table.

Tracy Tierney

**Group Manager Environmental Services**

**Order Of Business**

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- 1 Apologies**
- 2 Identification of Items of Urgent Business**
- 3 Identification of Matters of a Minor Nature**
- 4 Declaration of Conflicts of Interest**
- 5 Chairperson's Report**

## 6 Reports

### 6.1 Declaration by Representative of Tangata Whenua

**Author:** Tracy Tierney, Group Manager Environmental Services

**Authoriser:** Tracy Tierney, Group Manager Environmental Services

#### **Declaration**

As a result of resolution from the Ordinary Council Meeting on 31 October 2019 to establish the Environmental Services Committee, a representative of Tangata Whenua is requested to make and sign a declaration as required by the provisions of Clause 14, Schedule 7 of the Local Government Act.

The wording of the declaration is below.

#### **Declaration by Member**

I, **Tewera KING**, declare that I will faithfully and impartially, and according to the best of my skill and judgement, execute and perform, in the best interests of the Timaru District, the powers, authorities, and duties vested in, or imposed upon me, as a member of the Timaru District Council Environmental Services Committee by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

## 6.2 Appointment of Members to the District Licensing Committee

**Author:** Debbie Fortuin, Environmental Compliance Manager

**Authoriser:** Tracy Tierney, Group Manager Environmental Services

### Recommendations

That the Environmental Services Committee:

- (a) Nominates a Deputy Chair and one other member to the District Licensing Committee (DLC);
- (b) Endorses a reciprocal arrangement whereby the Timaru DLC, Mackenzie DLC and Waimate DLC members have the ability to stand in for each other, during times of a conflict of interest or unavailability of the local DLC member.

### Purpose of Report

- 1 The purpose of the report is to discuss the composition of the District Licensing Committee (DLC) and for the Committee to make a determination on the available options.

### Assessment of Significance

- 2 This matter is not deemed significant under the Council's Significance and Engagement Policy.

### Background

- 3 The Sale and Supply of Alcohol Act 2012 requires each Council to have a District Licensing Committee comprising at least two members. These members can be elected members or ordinary members of the community who have experience in alcohol licensing matters. In recent years it was decided to select elected members for representation on the DLC as there were not enough hearings being held to warrant the time and effort to remain current with issues for a non-elected member. Members of the DLC can be appointed for a period of up to five years and have the option of resigning at any time.
- 4 The Act also requires either a chairperson or a commissioner be appointed to chair the DLC. Sharyn Cain was recently appointed to the position of Commissioner until 8 August 2024 and represents Timaru District Council, Mackenzie District Council and Waimate District Council.
- 5 Former Mayor Odey was appointed as the Deputy Chair and Cllr Peter Burt and David Jack were appointed as DLC members. The Deputy position has to be an elected officer, hence Former Mayor Odey's membership as the Deputy Chair has terminated. Cllr Burt and Mr Jack, continue as members for the remainder of the five year term which expires on 8 August 2021, unless they resign earlier.

### Discussion

- 6 Given the recent Council elections, we now have a vacancy for the Deputy Chair position. The role of the Deputy Chair would be to stand in for the Commissioner during times of conflict of interest or absence.
- 7 We further propose an additional DLC member to ensure we have a backup member should one member not be available for hearings.

- 8 The Act requires the following in relation to a DLC member:
  - 8.1 They must have experience relevant to alcohol licensing matters;
  - 8.2 Cannot be included in the list if the territorial authority 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
  - 8.3 Cannot be included, if the person is a constable, a Medical Officer of Health, an inspector or an employee of the territorial authority.
- 9 Newly elected DLC members would need to undergo training in the Sale and Supply of Alcohol Act 2012.
- 10 Section 187 of the Sale and Supply of Alcohol Act 2012 outlines the functions of the licensing committee as follows:
  - 10.1 To consider and determine applications for licences and manager's certificates; and
  - 10.2 To consider and determine applications for renewal of licences and manager's certificates; and
  - 10.3 To consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136; and
  - 10.4 To consider and determine applications for the variation, suspension, or cancellation or special licences; and
  - 10.5 To consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280; and
  - 10.6 With the leave of the chairperson for the licensing authority, to refer applications to the licensing authority;
  - 10.7 To conduct inquiries and to make reports as may be required of it by the licensing authority under section 175;
  - 10.8 And other functions conferred on licensing committees by or under this Act or any other enactment.
- 11 Timaru District Council manages the liquor licensing contract for Mackenzie and Waimate District Councils and as a consequence the DLC function is commonly referred to as a joint DLC for the three councils. However, each district Council provides their own members for their respective DLC's chaired by one Commissioner.
- 12 This model has one constraint and that is that when one of the DLC members' are not available or there is a conflict of interest, then, they are unable to hold the hearing due to lack of numbers. In the past, Timaru DLC members have assisted Mackenzie DLC for this reason. This has been an informal arrangement to date, and it is preferred that this be formalised via Environmental Services Committee resolution.
- 13 It is therefore proposed that Timaru DLC, Mackenzie DLC and Waimate DLC members have a reciprocal arrangement whereby members have the ability to stand in for each other, during times of a conflict of interest or unavailability of the local DLC member.

### **Options and Preferred Option**

#### **14 Option 1 – preferred option**



**Nominate a new Deputy Chair and an additional DLC member and permit inter-council DLC membership.**

This option will ensure that we would be able to have an alternate for the Commissioner during periods of unavailability allowing hearings to proceed unhindered on schedule. It also permits for Timaru DLC to have an additional member to fill in for current DLC members during times of unavailability.

If this option is not adopted then it leaves the DLC with minimal capacity and unable to run a hearing until members become available which could unnecessarily delay decisions for applicants.

**Option 2 – status quo****Retain the current DLC comprising a Commissioner and two members and to not support inter-council DLC member swap out.**

This option may lead to delays in hearings as has occurred from time to time. It does not have a contingency for the unavailability of the Commissioner and DLC members when hearings are required to take place. This means that hearings will need to be postponed until members / Commissioner are available. This does not provide for an optimal service being offered by Council.

**Option 3****Retain the current DLC comprising a Commissioner and two members and support inter-council DLC membership.**

This option would permit for the DLC to be able to function when availability of DLC member is compromised, but not during times when the Commissioner is not available, so it potentially would also result in delays in hearings with the consequential negative flow on effect for applicants.

**Consultation**

- 15 Waimate District Council, and Mackenzie District Council have been consulted with regards to the ability for DLC members to stand in for each other and are in favour of this proposal. Cllr Peter Burt and Mr David Jack have agreed to continue their membership of the DLC for the remainder of their term which expires on 8 August 2021.

**Relevant Legislation, Council Policy and Plans**

- 16 The Sale and Supply of Alcohol Act 2012 and the Mackenzie, Timaru and Waimate District Councils Joint Local Alcohol Policy.

**Financial and Funding Implications**

- 17 There are no significant financial or funding implications. There may be additional costs for training which will be met within existing budgets.

**Other Considerations**

- 18 There are no other relevant considerations.

**Attachments**

Nil

- 7      Consideration of Urgent Business Items**
- 8      Consideration of Minor Nature Matters**