

CONFIDENTIAL MEMORANDUM

TO: Council

MEETING DATE: 23 September 2019

TITLE: District Licensing Committee Membership and Policy on Appointments to Council Committees

PRESENTED BY: John Annabell, Legal Counsel

APPROVED BY: Sheryl Bryant, General Manager - Strategy & Planning

It is recommended that this report be considered with the public excluded, as permitted by the Local Government Official Information and Meetings Act 1987 under clause:

s7(2)(a) Privacy

REASON FOR CONFIDENTIALITY

The reason for this report to be confidential is to protect the privacy of individuals.

RECOMMENDATION FOR PUBLIC RELEASE

Information may be released after District Licensing Committee Members have been advised of extensions to their terms of appointments.

RECOMMENDATION(S) TO COUNCIL

- 1. That the term of appointment for Susan Baty as member and Chairperson of the District Licensing Committee be extended to now expire on 30 November 2020, that she also be appointed as Commissioner under the Sale and Supply of Alcohol Act 2012 effective until 30 November 2020 and that she retain her position as member, Chairperson and Commissioner of the District Licensing Committee until 30 November 2020 irrespective of whether or not she is re-elected at the 2019 local government elections.**
- 2. That the term of appointment for Tangi Utikere as member and Deputy Chairperson of the District Licensing Committee be extended to now expire on 30 November 2020, and that he retain his position as member and Deputy Chair of the District Licensing Committee until 30 November 2020 irrespective of whether or not he is re-elected at the 2019 local government elections except that his appointment as Deputy Chair (but not as member) will cease at the time election results are officially published if he is**

not re-elected.

3. That the terms of appointment for Vicki Beagley and Graham Rossiter be extended to 30 November 2020, subject to their agreement.
 4. That prior to 30 November 2020, the incoming Council undertakes and completes an appointment process for all members of the District Licensing Committee, including appointments of Chairperson and Deputy Chairperson.
 5. That with respect to the appointment of members of the District Licensing Committee, the CCNZ/Arts and Culture Fund Committee, and any other committees that include external appointments, the following procedures apply:
 - a. Applications for membership will be invited from elected members (if appropriate) and from the wider community and will be publicly advertised.
 - b. A selection panel will be established to consider all applications for membership and will make recommendations to the Council with regard to final appointments to be made.
 - c. The selection panel will comprise the Mayor or Deputy Mayor, the Chairperson of the Community Development Committee or equivalent committee with regard to the CCNZ/Arts and Culture Fund Committee and the Chief Executive in other cases, and two other Councillors who have not nor will be able to apply to become a member of the relevant committee.
 - d. The decision on the two Councillors for the selection panel will be made by the Mayor or Deputy Mayor in conjunction with the Chairperson of the Community Development or equivalent committee in the case of appointment to the CCNZ/Arts and Culture Fund Committee and by the Mayor and Deputy Mayor in the case of other appointments.
 - e. The panel will appoint its own chair at the meetings as soon as possible to determine membership of the relevant committee.
 - f. The selection panel's report to the Council will include the names and brief biographical statements of those persons recommended for appointment, will list the names of all other applicants, and will include recommendations regarding chairpersonship and deputy chairpersonship of committees as appropriate.
 - g. Appointments to the District Licensing Committee will be made for a period of up to three years whilst those of other committees will be made for the then current term of Council.
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1. ISSUE

This memorandum addresses the need to:

- (i) Make decisions regarding the membership of the District Licensing Committee; and
- (ii) Establish policy to cover appointments of external members to the District Licensing Committee and other Council committees and sub-committees

2. BACKGROUND

The current terms of members of the Council's District Licensing Committee expire on the following dates:

- Susan Baty (28 February 2020)
- Tangi Utikere (28 February 2020)
- Vicki Beagley (3 October 2019)
- Graham Rossiter (3 October 2019)
- Rod Titcombe (30 November 2020)

So that there can be time for the Council to consider replacements, it is recommended that the term of all members of the committee expire on 30 November 2020, with a view to a new appointment process being completed by that date. Note however that the Deputy Chair must be an elected member of the Council.

There is also a need to consider recommendations made by the Office of the Ombudsman in a recent report to the Council recommending that the Council:

- (i) Review its recruitment and recommendation process for members of committees such as the DLC.
- (ii) Put in place a policy with safeguards to ensure that future recruitment processes are fair, transparent and free from conflicts of interest (real or perceived).

The recommendations from the Office of the Ombudsman arose from a recent investigation which reviewed the appointment process adopted by the Council for making appointments to the District Licensing Committee. Appropriate recommendations are set out above.

3. NEXT STEPS

In the event that the Council adopts the recommendations set out above, the members of the District Licensing Committee will be contacted to be advised of the new terms and seek their agreement where appropriate. The new Council, sometime before 30 November 2020, will commence and complete the process for appointment of members of the District Licensing Committee. The same or similar process will be used for other committees that include external members.

4. COMPLIANCE AND ADMINISTRATION

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| Does the Committee have delegated authority to decide? | Yes |
| Are the decisions significant? | No |
| If they are significant do they affect land or a body of water? | No |
| Can this decision only be made through a 10 Year Plan? | No |
| Does this decision require consultation through the Special Consultative procedure? | No |
| Is there funding in the current Annual Plan for these actions? | Yes |
| Are the recommendations inconsistent with any of Council's policies or plans? | No |
| The recommendations contribute to Goal 5: A Driven and Enabling Council | |
| The recommendations contribute to the outcomes of the Driven and Enabling Council Strategy | |
| The recommendations contribute to the achievement of action/actions in a plan under the Driven and Enabling Council Strategy | |
| The action is: To ensure Council meets proper processes for appointments. | |
| Contribution to strategic direction | To ensure appointments are made and Committees can act to implement the appropriate strategies. |

ATTACHMENTS

Nil