

## CONFIDENTIAL MEMORANDUM

**TO:** Council

**MEETING DATE:** 25 November 2020

**TITLE:** District Licensing Committee Appointments

**PRESENTED BY:** Desiree Harvey, Legal Counsel

**APPROVED BY:** David Murphy, Acting General Manager - Strategy and Planning

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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 - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person**

### **RECOMMENDATION FOR PUBLIC RELEASE**

The report and decisions, as outlined below, can be released from Part II after applicants and have been advised of the outcome.

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### **RECOMMENDATIONS TO COUNCIL**

- 1. That the decision and report titled 'District Licensing Committee Appointments' presented to Council on 25 November 2020, be released from Part II following notification of appointments to applicants.**
  - 2. That Councillor Susan Baty be appointed as Chairperson of the District Licensing Committee for a term of three years, expiring 30 November 2023, and be included on Palmerston North City Council's list of approved District Licensing Committee members.**
  - 3. That Councillor Rachel Bowen be appointed as Deputy Chair of the District Licensing Committee for a term of three years, expiring 30 November 2023, and be included on Palmerston North City Council's list of approved District Licensing Committee members.**
  - 4. That Mr Stewart Davies, Councillor Aleisha Rutherford and Mr Rod Titcombe be appointed to the District Licencing Committee for a term of three years, expiring 30 November 2023, and be included on Palmerston North City Council's list of approved District Licensing Committee members.**
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## **1. ISSUE**

- 1.1 On 23 September 2020 Council instructed the Chief Executive to commence a recruitment process for four persons, including at least one Elected Member, to be included on Palmerston North City Council's list of approved District Licensing Committee members. The recruitment process commenced 25 September and closed on 23 October 2020.
- 1.2 A selection panel comprising the Mayor, Chief Executive, Legal Counsel, an independent District Licensing Committee Chair, and Cr. Naylor was appointed following an expression of interest process.

## **2. BACKGROUND**

- 2.1 Palmerston North City Council District Licensing Committee (DLC) hears and make decisions on applications for alcohol licences and managers' certificates, as required by the Sale and Supply of Alcohol Act 2012. Sections 189-193 of the Act set out the required composition of licensing committees.
- 2.2 Each DLC consists of three members, including the appointment of one member as the Chairperson. The Chairperson can be an Elected Member, or a Commissioner appointed to the committee. The other two members of the committee hearing and making decisions on applications must be appointed from the Council's approved list maintained under section 192.
- 2.3 Council is also able to appoint an Elected Member to be Deputy Chairperson, and act in place of the Chairperson if they are unavailable.
- 2.4 The Act sets out eligibility for the list as follows:
  - a) Members must have experience relevant to alcohol licensing matters; and
  - b) Members must not be appointed if they have such an involvement or appearance of involvement with the alcohol industry that they could not perform their duties without actual or perceived bias, or the person is a constable, a Medical Officer of Health, an inspector or an employee of a territorial authority.

## **3. RECOMMENDATIONS**

- 3.1 Seven applications were received.
- 3.2 The selection panel met on 16 November 2020 to review applications received and select preferred candidates.
- 3.3 The appointment panel recommends the following appointments:

Chair: Cr Susan Baty  
 Deputy Chair: Cr Rachel Bowen

List members: Mr Stewart Davies, Cr Aleisha Rutherford and Mr Rod Titcombe

3.4 Recommended applicants’ resumes are attached as Appendix 1.

**4. NEXT STEPS**

4.1 In the event Council adopts the appointment recommendations set out above, the appointed member(s) and unsuccessful applicants will be advised of the outcome of their application.

4.2 The approved list will be published on the Council’s website.

**5. COMPLIANCE AND ADMINISTRATION**

Does the Council have delegated authority to decide?	<b>Yes</b>
Are the decisions significant?	<b>No</b>
If they are significant do they affect land or a body of water?	<b>No</b>
Can this decision only be made through a 10 Year Plan?	<b>No</b>
Does this decision require consultation through the Special Consultative procedure?	<b>No</b>
Is there funding in the current Annual Plan for these actions?	<b>Yes</b>
Are the recommendations inconsistent with any of Council’s policies or plans?	<b>No</b>
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: N/A	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	To ensure Council meets proper processes for appointments, including ensuring the appointment process is fair, transparent and free from conflicts of interest (real or perceived).

**ATTACHMENTS**

1. District Licensing Committee applications 2020