

WESTLAND DISTRICT LICENSING COMMITTEE APPLICANT INFORMATION

BACKGROUND

The Sale and Supply of Alcohol Act 2012 requires each Territorial Authority to establish a District Licensing Committee (DLC). The Westland District Council Licensing Committee will provide a central role in the processing, administration, and decision making of alcohol licensing applications throughout the district.

WDC receives the following types of applications for consideration by the DLC:

- New / Renewal Premises Applications (On / Off / Club)
- New / Renewal Manager Certificate Applications
- Special Licence Applications
- Temporary Authorities

REMUNERATION

The role of the DLC Chairperson and Members are remunerated as prescribed in Section 195 of the Sale and Supply of Alcohol Act 2012.

As determined by the Minister of Justice and in accordance with the Cabinet Fees Framework, DLC members will receive the following remuneration:

- Chairperson \$624 per day (\$78 per hour for part days)
- Members \$408 per day (\$51 per hour for part days)

DLC members will also be reimbursed for reasonable expenses.

PURPOSE

The DLC is responsible for considering, and making a determination for the approval, variation, suspension, or cancellation of all applications, regardless of whether they are opposed or unopposed.

The DLC functions as a quasi-judicial body. Decisions made by the Committee can be subject to an appeal by any party involved in a hearing.

The Chairperson of the DLC can either be a WDC elected member or a Commissioner appointed by the Chief Executive at the recommendation of the Council. The Chairperson is responsible for issuing written decisions for any matters heard by the DLC.

A member of the DLC can either be a WDC elected member or person with standing in the community. This position will act as a member of a three person DLC, to consider and determine (or recommend) matters under the Sale and Supply of Alcohol Act 2012.

The quorum for a DLC meeting is three members, except for unopposed applications, where one member, who must be the Chairperson, is required for quorum. When the Chairperson considers unopposed applications on his/her own, this is considered to be a meeting of the DLC.

KEY TASKS

- To consider and determine applications for licences, manager's certificates, temporary authorities, and special licences, in a consistent manner.
- To refer applications to the Alcohol and Regulatory Licensing Authority as necessary.
- To conduct inquiries and to write reports as required by the Licensing Authority for matters referred to them.
- Manage own personal health and safety.

- Comply with all other legislative requirements
- Adhere to WDC's Code of Conduct.

KEY RELATIONSHIPS

Internal:

- WDC Staff
- Licensing Inspectors
- DLC Secretary
- DLC Members

External

- Applicants
- Police
- Medical Officer of health
- Alcohol Regulatory and Licensing Authority Representatives

PERSON SPECIFICATION

- Demonstrates experience of alcohol and regulatory functions
- Sound knowledge of the Sale and Supply of Alcohol Act 2012
- Awareness and understanding of alcohol related harm and community views
- Highly developed decision-making ability to assess information in an objective manner, with clear and concise reasoning.
- Strong written and oral communication skills, and demonstrates clear ability for effective questioning.
- Excellent interpersonal skills and assertiveness with a proven ability to establish and maintain effective relationships with internal and external customers.
- Conveys a professional and positive image, with a courteous and efficient manner.
- Proven experience in chairing hearings (Chairperson) and interpreting legal matter

CONFLICTS OF INTEREST AND BIAS TO BE AVOIDED

Any actual or perceived conflict of interest is to be avoided so that decisions can be made without any perception of bias. To achieve that standard, the following should be avoided:

- Owning or having an interest in a licensed property in Westland District
- Owning or residing on a property in close proximity to a licensed premises
- Being a member of a Club that holds a licence within Westland District
- Involvement with an organisation that has submitted on a licence application within Westland District
- Having personally submitted on a licence application

COMPETENCIES

The table below provides an overview of the essential and desirable knowledge, skills and experience for the DLC Chairperson/Commissioner (C) and members (M)

| | Essential | Desirable | Explanation |
|---|-----------|-----------|--|
| Knowledge, understanding or experience of: | | | |
| Te Tiriti o Waitangi / The Treaty of Waitangi | C, M | | While the Sale and Supply of Alcohol Act does not refer to the Treaty of Waitangi, it is good practice for all people in public office to have knowledge and understanding of the Treat and its implications for their decision-making roles |

| Law and legal process | | | |
|---|------|---|--|
| The law and its application (including the Act, case law and written decisions) | C | M | An understanding of the law and how it is applied is essential for Chairs. Chairs need to understand and apply the Act, Case Law, and written decisions. |
| Judicial processes | C | M | DLC's are quasi-judicial bodies so understanding or experience of judicial processes is essential for Chairs who manage hearings |
| Natural justice and its application | C, M | | Chairs and members must understand what natural justice is and what they need to do as decision makers to achieve it. |
| Sale and Supply of Alcohol Act 2012 | | | |
| The object of the Act | C, M | | All members must be familiar with the object of the Act |
| Alcohol-related harm and its impacts on communities | C, M | | All members must have an understanding of the nature of alcohol related harm – what it is, how it impacts communities (particularly vulnerable communities), and how it can be minimised. |
| The Act and its application | C | M | Chairs must have a thorough understanding of provisions of the Act and their application |
| Alcohol licensing | C | M | Chairs need a thorough understanding or experience of alcohol licensing processes |
| Hearings | | | |
| The purpose of hearings | C, M | | Chairs and members must understand the purpose of hearings |
| Hearing procedures (and the unique nature of DLC hearing procedures) | C | M | Chairs are responsible for running hearings, so must have knowledge, skills and/or experience in hearing procedures generally, and DLC hearings in particular |
| The nature of evidence | C | M | Chairs need to understand the nature of evidence, what does (and doesn't) constitute evidence, and how evidence differs from submissions |
| Conflict of interest and bias, and the appearance of conflict of interest or bias | C, M | | Chairs and members must understand the nature of conflicts of interest and bias and be able to apply them to their own situations |
| Operating under rules of confidentiality | C, M | | Chairs and members must be able to operate under rules of confidentiality |
| The Community | | | |
| The local community in which the DLC operates | C, M | | Chairs and members need to have a good understanding of the local community in which the DLC operates, including: <ul style="list-style-type: none"> • The demography of the community • Whether, and how, it is changing • The environment that the premises are, or would be, in • Groups within the community who are particularly vulnerable to alcohol-related harm • Whose views are (aren't) being presented |

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| The local community's concerns and expectations around alcohol and alcohol-related harm | C, M | | Chairs and members need to have a good understanding of the local community's concerns around alcohol-related harm |
| The nature of the licensing environment and alcohol-related harm in the community in which the DLC cooperates | C, M | | Chairs and members need to be familiar with: <ul style="list-style-type: none"> • The local licensing environment: <ul style="list-style-type: none"> ○ Numbers and types of on, off, and club licensed premises • The local environment that the application is for, and the nature of the current alcohol-related harm that exists there (if any): <ul style="list-style-type: none"> ○ Who is affected, where, when? ○ Where is the alcohol sold, supplied and consumed? |
| The local iwi, hapū, and Māori communities | C | M | Chairs should have an understanding of local Māori communities: their aspirations, their concerns, and their expectations about alcohol and alcohol related harm |
| The cultural and ethnic make-up of the local community | C | M | Chairs should have an understanding of the cultural and ethnic make-up of local communities: their aspirations; their concerns, and their expectations about alcohol and alcohol related harm |
| Working with community and community groups | | C, M | Previous experience or skills in working with community groups would be valuable to have on any DLC, particularly if they are to provide an environment that is welcoming to public objectors who are not familiar with legal environments |
| Communication and Teamwork | | | |
| Oral Communication | C, M | | Chairs and members need to be able to communicate effectively with one another, with staff, and participants at hearings |
| Listening and asking questions to gain understanding | C, M | | Chairs and members must be active listeners who can use questions to gain understanding |
| Considering information from a variety of sources in an objective, unbiased way and being open-minded in reaching a conclusion | C, M | | The key role of the DLC is to evaluate information from a range of parties (often in opposition to one another), consider this in an objective and unbiased way, and come to a conclusion within the context of the Act |
| Written communications | C | M | Chairs undertake most written communications on behalf of the DLC (including minutes and decisions) so must have strong skills in this area |
| Te Reo and Tikanga Māori | C | M | Chairs should have a basic understanding of Te Reo and tikanga so they are able to run and manage hearings effectively and appropriately (as required) |
| Computer literacy | C, M | | Chairs and members need computer literacy to carry out their role effectively, for example: |

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| | | | <ul style="list-style-type: none"> • Email communications • Research (e.g. case law) • Downloading, uploading and amending DLC documents and decisions |
| Facilitating good working relationships with other DLC members | C, M | | Chairs and members need to have good interpersonal skills and be able to build good working relationships with others |
| Responsibilities of the Chair | | | |
| Running hearings | C | | <p>The Chair must be able to run or Chair hearings in a way that:</p> <ul style="list-style-type: none"> • Is fair and effective • Is inclusive of members of the community appearing as objectors who may not be familiar with the judicial process • Ensures that no party dominates proceedings • Ensures procedures are correctly followed • Achieves natural justice |
| Writing clear and well thought out decisions | C | | <p>Chairs are responsible for writing decisions on behalf of the DLC. They must be able to write decisions that:</p> <ul style="list-style-type: none"> • Are well structured, logical and clear • Outline the considerations of the DLC in reaching its evaluations, opinions and conclusions • Refer to relevant case law • Are legally sound |
| Personal Qualities | | | |
| Willingness to upskill and develop knowledge | C, M | | Chairs and members need to be open to upskilling where necessary and developing their own knowledge |
| Willingness to make decisions (that may be unpopular) and subject to media scrutiny and appeals by higher authorities such as ARLA and the High Court | C, M | | The decisions made by DLC's will sometimes be unpopular and subject to scrutiny by the courts and media. Members and Chairs need to have the resilience to manage such scrutiny and criticism |