



## **Information for District Licensing Committee (DLC) Members**

### **List Members & the Commissioner or Chairperson**

This summary document has been prepared by Nelson City Council. Local Government New Zealand's website provides details of two on line learning modules relevant to District Licensing Committees [DLC Resources | We are. LGNZ.](#)

## **Background**

The Sale and Supply of Alcohol Act 2012 (the Act) required Councils to establish a District Licensing Committee (DLC).

The objective of the new Act states that:

- a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly;
- and
- b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

The Act states members can be approved for a period of up to five years and may be approved for any one or more further terms up to five years. The term of non-elected members of the DLC ends November 2018. Both current members and new members are invited to apply to be members of the DLC.

## **Functions and Powers of a District Licensing Committee**

The role and functions of a DLC are set out in s187 of the Act. A DLC is responsible for considering and determining all applications for licences (including special licences) and all managers certificate applications, renewals and temporary authorities, regardless of whether these are opposed or unopposed.

DLCs will also consider and determine applications for temporary licences and for the variation, suspension, or cancellation of special licences. DLC's may refer applications to ARLA and may be required to conduct inquiries and provide reports for the ARLA.

While a Committee of the Council, DLCs operate with the powers of a Commission of Inquiry. DLCs will function as a semi-judicial Board of Inquiry, making decisions that can be appealed. DLCs can summons witnesses and require the production of documents, and cross-examination is allowed at DLC hearings as provided in s.204 of the Act.

## **Composition of a District Licensing Committee**

The quorum necessary at any meeting of a DLC is three members comprising of:

- a) One member who must be appointed as the chairperson and who must be either an elected member of that Council or a commissioner appointed by the Council.
- b) Two list members appointed by Council who meet the eligibility standards.

The only exception to a quorum of three members relates to applications for new or renewed licences or managers certificates where no objection has been filed and no matters of opposition have been raised. In this situation the chairperson can consider and decide the application on his/her own.

The Council can also appoint an elected member to act as the deputy in the absence of the chairperson/commissioner.

## **District Licensing Committee Members**

The Council will appoint a number of committee members who will form a pool of list members. List members can be or include elected members of the Council. This approach provides flexibility for list members and ensures the DLC quorum meeting requirements can always be satisfied.

From the pool of committee members the Council will then recommend that the Chief Executive appoint a person considered suitable to be the Commissioner or nominate an elected member as the Chairperson.

Non-elected DLC list members, and the chairperson or commissioner, are appointed for a period of up to five years (as decided by the Council). They can be reappointed for one or more further periods of up to five years. The commissioner is appointed to a DLC by the Chief Executive, on the recommendation of the Council.

Any DLC member can resign at any time and can be removed for inability to perform functions, neglect, bankruptcy or misconduct.

An elected member cannot continue as the chairperson of a DLC once s/he ceases to be an elected member of the Council.

## **Eligibility to be a District Licensing Committee Member**

The Council needs to determine whether potential DLC members have relevant experience regarding alcohol licensing matters and if they have any direct, indirect or pecuniary interests with the alcohol industry.

Examples of people who could be a DLC member:

- Former licensing inspector
- Former Medical Officer of Health
- Former council employees
- Former licensee
- Justice of the Peace
- Retired district court judge
- Former politicians
- Former constable in the role of Alcohol Harm Reduction Officer
- Former consultants in the alcohol industry
- Trainer for licensing industry
- Previous member of staff of Liquor Licensing Authority

The Act states that the Council must not appoint DLC members who it believes have a direct, or by virtue of his or her relationship with another person, 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 (s192(5)a)). Subsection (b) specifically excludes sworn constables of the NZ Police, Medical Officer of Health and any employee of the Council.

Local Government New Zealand has provided guidance to Councils expanding the above criteria, thereby suggesting the exclusion of the following applicants:

- Owners/Shareholders/Directors/Licensees/Building owners of a restaurant, bar or café holding a licence
- Trustee or Governance position on a relevant charitable trust (e.g. Lions Foundation) or Licensing Trust due to funds obtained through gambling machines located in licensed premises.
- Alcohol industry representatives
- Lobbyist representatives
- Holder of a managers certificate

### **Conflict of Interest and Bias**

A conflict of interest will exist when a member's duties or responsibilities to the DLC could be affected by some other interest or duty that the member may have. Conflicts of interest can arise as a result of a number of reasons, including a DLC member having previously submitted on a licence application decision, or been a part of a community organisation that has submitted on a decision.

This conflict may arise due to a member's own financial affairs or those of persons close to them, existing relationships that could be affected by decisions of the DLC, previous roles or something that has been said or done to suggest a conflict.

The onus is on applicants intending on becoming a DLC member to disclose this information within their application covering letter. Actual or potential conflicts of interest will be assessed by the Council on a case-by-case basis.

### **Training of District Licensing Committee Members**

It is a requirement for all DLC members to undertake training provided by Local Government New Zealand (LGNZ). On-going technical support and further training will be provided by the Council as required.

### **Remuneration**

The DLC Chairperson or Commissioner is entitled to \$624.00 per day (\$78.00 per hour for part days) and committee list members will receive \$408 per day (\$51.00 per hour for part days).

DLC members will also be reimbursed for reasonable expenses.

DLC members are independent contractors to the Council and not employees of Council. All remuneration is subject to withholding tax and ACC levies.

### **Estimated Workload for District Licensing Committee Members**

It is anticipated that there will be approximately one or two hearings of the Nelson DLC per annum plus ten or so temporary authority applications to decide on (taking up to an hour each). These matters require a quorum of three members where all other decisions can be decided on the papers by the DLC Chair/Commissioner taking approximately one hour per week.

### **The Appointment Process**

Applications which include a cover letter outlining your experience against the necessary competencies and a CV containing at least two referees will be accepted until 4pm on 14 September 2018.

## Position Description

**Job Title:** District Licencing Committee – Commissioner or Chairperson

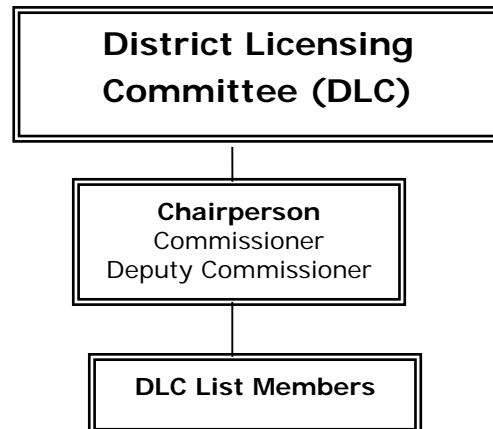
**Position Purpose:** This job exists to effectively carry out the functions and responsibilities under the Sale and Supply of Alcohol Act 2012.

This will be done to ensure:

- The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
- The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

**Job Description Reviewed:** August 2018

## Functional Relationships



## Important Functional Relationships

### External

Police

Medical Officer of Health

ARLA representatives

### Internal

Territorial authority staff members including democracy staff.

DLC administrative staff

DLC List members

Licencing Inspector

**The position of District Licencing Committee – Chairperson encompasses the following functions and Key Competencies:**

| <b>CHAIRPERSON</b>   |                               |                               |
|--|-------------------------------|-------------------------------|
| <b>Competency descriptor</b>   | <b>Essential for the role</b> | <b>Desirable for the role</b> |
| <b>1: Experience relevant to alcohol licensing matters –Demonstrates knowledge of alcohol licensing matters and demonstrates active interest and ability to build new knowledge in this area</b>   |                               |                               |
| Knowledge of alcohol licensing   |                               | ✓                             |
| Demonstrate experience of legal and regulatory alcohol environment   | ✓                             |                               |
| Knowledge of the Sale and Supply of Alcohol Act 2012   | ✓                             |                               |
| <b>2: Understanding of harm caused by the consumption of alcohol – Demonstrates knowledge of the Act and alcohol related harm</b>  |                               |                               |
| Knowledge of alcohol-related harm and its impact on communities  |                               | ✓                             |
| <b>3: Community knowledge - Demonstrates knowledge of the community for which DLC operates</b>   |                               |                               |
| Awareness and understanding of the local alcohol policy  | ✓                             |                               |
| Understanding of community expectations around licensing   |                               | ✓                             |
| <b>4: Quality decision making – Utilises analysis, wisdom, experience, and logical methods to make good decisions and solve difficult problems with effective solutions. Probes beyond stated situation to identify underlying issues.</b> |                               |                               |
| Considers information from a variety of sources in an objective, unbiased way to reach a conclusion  | ✓                             |                               |
| Ability to sort fact from fiction  | ✓                             |                               |
| Operates independently with little direction   | ✓                             |                               |
| Applies pragmatic decision-making  | ✓                             |                               |
| Chairperson experience   | ✓                             |                               |
| Balanced assertiveness   | ✓                             |                               |
| <b>5: Hearing experience – Demonstrates knowledge of the purposes of the hearing process and demonstrates knowledge of applying the legislation</b>  |                               |                               |

|   |   |   |
|---|---|---|
| Understanding and application of the legislation      | ✓ |   |
| Understanding written decisions                       | ✓ |   |
| Interpreting case law                                 | ✓ |   |
| Knowledge and understanding of hearings procedure     | ✓ |   |
| Understanding of or experience with cross-examination |   | ✓ |

**6. Strong communication – Demonstrates effective written and oral communication skills. Can write clearly and succinctly. Listens to others and asks questions to gain understanding. Facilitates good working relationships with other DLC members and offers constructive input.**

|  |   |  |
|--|---|--|
| Strong verbal and written communication skills                     | ✓ |  |
| Knowledge of and ability to operate under rules of confidentiality | ✓ |  |
| Skills in questioning- ability to drill down to the issue          | ✓ |  |
| Writes clear and well thought-out decisions                        | ✓ |  |
| Communicates well with administration staff                        | ✓ |  |
| Superior communication with key agencies                           | ✓ |  |

**7. Professional integrity – Upholds professional integrity at all times.**

|   |   |  |
|---|---|--|
| Demonstrates behaviours that are consistent with standards for professional and ethical conduct | ✓ |  |
| Refrains from behaviour that fosters the appearance of conflict of interest                     | ✓ |  |
| Applies rules and regulations in a consistent, non-biased manner                                | ✓ |  |

## Position Description

**Job Title:** District Licencing Committee - List Member

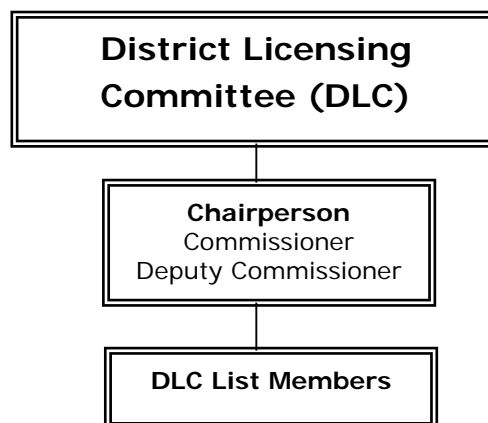
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### Functional relationships



### Important Functional Relationships

#### External

Police

Medical Officer of Health

ARLA representatives

#### Internal

Territorial authority staff members including democracy staff.

DLC List members

DLC administrative staff

Licensing inspector



The position of District Licencing Committee – List Member encompasses the following functions and Key Competencies:

| <b>DLC LIST MEMBERS</b>  |                               |                               |
|--|-------------------------------|-------------------------------|
| <b>Competency descriptor</b>   | <b>Essential for the role</b> | <b>Desirable for the role</b> |
| <b>1: Experience relevant to alcohol licensing matters –Demonstrates knowledge of alcohol licensing matters and demonstrates active interest and ability to build new knowledge in this area</b>   |                               |                               |
| Knowledge of alcohol licensing   | ✓                             |                               |
| Demonstrate experience of legal and regulatory alcohol environment   |                               | ✓                             |
| Knowledge of the Sale and Supply of Alcohol Act 2012   |                               | ✓                             |
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| <b>3: Community knowledge - Demonstrates knowledge of the community for which DLC operates</b>   |                               |                               |
| Awareness and understanding of the local alcohol policy  | ✓                             |                               |
| Understanding of community expectations around licensing   | ✓                             |                               |
| <b>4: Quality decision making – Utilises analysis, wisdom, experience, and logical methods to make good decisions and solve difficult problems with effective solutions. Probes beyond stated situation to identify underlying issues.</b> |                               |                               |
| Considers information from a variety of sources in an objective, unbiased way to reach a conclusion  | ✓                             |                               |
| Ability to sort fact from fiction  | ✓                             |                               |
| Operates independently with little direction   |                               | ✓                             |
| Applies pragmatic decision-making  | ✓                             |                               |
| Chairperson experience   |                               | ✓                             |
| Balanced assertiveness   |                               | ✓                             |
| <b>5: Hearing experience – Demonstrates knowledge of the purposes of the hearing process and demonstrates knowledge of applying the legislation</b>  |                               |                               |
| Understanding and application of the legislation   | ✓                             |                               |
| Understanding written decisions  | ✓                             |                               |

|   |   |   |
|---|---|---|
| Interpreting case law   |   | ✓ |
| Knowledge and understanding of hearings procedure   |   | ✓ |
| <b>6. Strong communication – Demonstrates effective written and oral communication skills. Can write clearly and succinctly. Listens to others and asks questions to gain understanding. Facilitates good working relationships with other DLC members and offers constructive input.</b> |   |   |
| Strong verbal and written communication skills  | ✓ |   |
| Knowledge of and ability to operate under rules of confidentiality  | ✓ |   |
| Skills in questioning- ability to drill down to the issue   | ✓ |   |
| Writes clear and well thought-out decisions   |   | ✓ |
| Superior Communication with key agencies  | ✓ |   |
| <b>7. Professional integrity – Upholds professional integrity at all times.</b>   |   |   |
| Demonstrates behaviours that are consistent with standards for professional and ethical conduct   | ✓ |   |
| Refrains from behaviour that fosters the appearance of conflict of interest   | ✓ |   |
| Applies rules and regulations in a consistent, non-biased manner  | ✓ |   |

## District Licensing Committee (DLC) Members Application Form

**POSITION(S) APPLIED FOR:**                      Committee List Member                       Commissioner/Chair

**GIVEN NAMES:** \_\_\_\_\_

**SURNAME:** \_\_\_\_\_

**OCCUPATION:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**BEST CONTACT NUMBER:** \_\_\_\_\_

**EMAIL ADDRESS:** \_\_\_\_\_

Are you legally entitled to work and live in New Zealand?                      Yes                       No

If successful, is your present employer aware and willing to approve the necessary time off work to successfully complete the duties of this role?                      N/A                       YES                       NO

Do you hold a current Driver's Licence?                      Yes                       No

Do you have any previous or pending criminal convictions relevant to this role? If so, please disclose within your cover letter.                      Yes                       No

Do you know of any possible conflicts of interest, perceived or actual regarding your application for this role? If so, please disclose these within your cover letter.                      Yes                       No

Are you currently a sworn constable of the NZ Police, Medical Officer of Health or an employee of this Council?                      Yes                       No

Are you aware that all appointments are subject to a Ministry Justice Security Clearance?                      Yes                       No

Have you provided a copy of your CV or a document outlining your previous employment history and relevance to this role?                      Yes                       No

Have you named two relevant referees who could vouch for your suitability to this role within your application?                      Yes                       No

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_