



Notice of a meeting of the

STRATEGY, POLICY & FINANCE COMMITTEE

to be held Thursday 11 July 2019 at 9.30am
in the Council Chamber, Rotorua Lakes Council

Chairperson: Cr Raukawa-Tait

Members: Cr Hunt (Deputy Chair) Mayor Chadwick Cr Bentley
Cr Donaldson Cr Gould Cr Kent
Cr Maxwell Cr Sturt Cr Tapsell
Cr Kumar E Berryman-Kamp G Mohi
P Thomass S Trumper

Quorum: 8

A G E N D A

-
- 1. NGĀ WHAKAPAAHA
APOLOGIES**
 - 2. WHAKAPUAKITANGA WHAIPĀNGA
DECLARATIONS OF INTEREST**

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a member thinks they may have a conflict of interest, they can seek advice from the Chief Executive or the Corporate Planning & Governance Manager (preferably before the meeting). It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

3. **NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE URGENT ITEMS NOT ON THE AGENDA**

Section 46A of the Local Government Official Information and Meetings Act 1987 states:

- (7) An item that is not on the agenda for a meeting may be dealt with at the meeting if –
- (a) the local authority by resolution so decides, and
 - (b) the presiding member explains at the meeting at a time when it is open to the public, -
 - (i) the reason why the item is not on the agenda; and
 - (ii) the reason why the discussion of the item cannot be delayed until a subsequent meeting.
- (7A) Where an item is not on the agenda for a meeting, -
- (a) that item may be discussed at the meeting if –
 - (i) that item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
 - (b) No resolution, decision, or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.

Page

4. **TE WHAKAŪ I NGĀ MENETI CONFIRMATION OF MINUTES**

- 4.1 Minutes of the Strategy, Policy & Finance Committee meeting held 13 June 2019 7

5. **PŪRONGO KAIMAHI STAFF REPORTS**

- RECOMMENDATION 1: Progress a Revised Rates Remission and Postponement
Policy to Encourage Inner City Development 13
- RECOMMENDATION 2: Appointment of Commissioner to Rotorua District
Licensing Committee 17

**6. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI
RESOLUTION TO EXCLUDE THE PUBLIC**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987, for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing of this resolution
CONFIDENTIAL MINUTES of previous meeting held 13 June 2019	Please refer to the relevant clause/s in the open meeting minutes.	Good reason for withholding exists under Section 48(1)(a).

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Sections 6 or 7 of the Act or Sections 6, 7 or 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item

Page

**7. NGĀ TAKE MATATAPU
CONFIDENTIAL ITEMS**

7.1 Confirmation of Minutes

Confidential minutes of the Strategy, Policy & Finance Committee meeting held 13 June 2019..... 24

STRATEGY, POLICY AND FINANCE COMMITTEE DELEGATIONS

Type of Committee	Committee
Subordinate to	Council
Subordinate Committees	
Legislative Basis	Schedule 7, clause 30 (1) (a), Local Government Act 2002.
Purpose	The purpose of the Strategy, Policy and Finance Committee is to have oversight and make recommendations to the Council on the adoption and development of all Council's strategic, policy, planning and regulatory frameworks.
Reference	01-15-227
Membership	<p>Councillor Raukawa-Tait (Chair) Councillor Hunt (Deputy Chair)</p> <p>The Mayor and all councillors 2 Te Tatau o Te Arawa members 1 Lakes Community Board member 1 Rural Community Board member</p> <p>Full voting rights for all members</p>
Quorum	8
Meeting frequency	Monthly
Delegations	<p>The Committee's function is recommendatory only.¹ It is authorised to take actions precedent to the exercise by the Council of its statutory responsibilities, duties and powers, by:</p> <ul style="list-style-type: none"> • Receiving, considering, hearing submissions and making recommendations on draft plans (except the District Plan), strategies and policies (such as the Long-term Plan, Annual Plan; funding and financial policies; reserves management plans and asset management plans); • Considering and making recommendations on the development of the Council's rating policy; financial strategy and budgets; • Considering and making recommendations on the development of Council bylaws, including hearing submissions in relation to making, amending and revoking bylaws; • Considering and making recommendations on Council's strategic direction to ensure efficient and effective delivery of Council's objectives and District Vision; • Receiving and considering reports from working/strategy groups; • Considering and making recommendations on the development of guidelines for decision making to assist Council in achieving its strategic outcomes;

¹ Council is authorised to delegate anything precedent to the exercise of Council's powers, duties and functions - Schedule 7, clause 32, Local Government Act 2002

	<ul style="list-style-type: none"> • Considering and making recommendations on the establishment of levels of service across Council services to ensure alignment with strategic goals and priorities; • Considering and making recommendations on the development of Treasury and funding functions; • Considering and making recommendations on proposals for the establishment of Council controlled organisations (including the appointment and remuneration of Directors, formation of constitutions and shareholder agreements); • Considering and making recommendations on proposals for the sale and purchase of land; • Considering and making recommendations on issues relating to Council leases; • Considering and making recommendations on draft Council submissions/responses in relation to: <ul style="list-style-type: none"> ○ Central government policies, plans and proposed legislative reform; ○ Proposals by other organisations/authorities (Local and Regional). • Performing such other functions as the Council may direct from time to time.²
Relevant Statutes	All the duties and responsibilities listed above must be carried out in accordance with the relevant legislation.
Limits to Delegations	<p>The Committee does not have the delegated authority to make decisions for and on behalf of the Council. All matters requiring a decision of Council must be referred, by way of recommendation, to the Council for final consideration and determination.</p> <p>In the event that the Council resolves not to approve or adopt a Committee recommendation, the item shall be returned to the Committee via the Chief Executive for review and subsequent referral to the Council for further consideration and determination.</p>

² A committee is subject in all things to the control of the local authority, and must carry out all general and special directions of the Council given in relation to the committee - see Schedule 7, clause 30(3), Local Government Act 2002.

MINUTES OF PREVIOUS MEETING

ROTORUA LAKES COUNCIL

Minutes

**Strategy, Policy & Finance Committee meeting
held Thursday, 13 June 2019 at 9:30am
in the Council Chamber, Rotorua Lakes Council**

- MEMBERS PRESENT: Cr Raukawa-Tait (Chairperson)
Cr Hunt (Deputy Chair), Mayor Chadwick, Cr Bentley, Cr Donaldson, Cr Gould,
Cr Kent, Cr Kumar, Cr Sturt, Cr Tapsell, Mr Berryman-Kamp and Mrs Mohi (Te
Tatau o Te Arawa), Mr Thomass (Lakes Community Board) and Mrs Trumper
(Rural Community Board).
- ABSENT ON COUNCIL Cr Maxwell
- BUSINESS:
- STAFF PRESENT: G Williams, Chief Executive; G Rangī, Kaiwhakahaere Maori/Group Manager
Maori; J-P Gaston, Group Manager Strategy; H Weston, Group Manager
Operations; T Collé, CFO/Group Manager Business Support; C Tiriana,
Manager CE Office; S Michael, General Manager Infrastructure; O Hopkins,
Manager Corporate Planning & Governance; I Tiriana, Manager Council
Communications; R Griffiths, Partnership Advisor; C Pinfold, Communications
Advisor; M Bell, Cooperate Planning Co-ordinator; M Cullen
R Dunn, Governance Lead; H King, Governance Support.

The Chairperson welcomed members, members of the public and staff to the meeting.

**1. NGĀ WHAKAPAAHA
APOLOGIES**

Resolved:

That the apologies from Cr Maxwell be accepted.

Cr Sturt/Cr Tapsell
CARRIED

**2. WHAKAPUAKITANGA WHAIPĀNGA
DECLARATIONS OF INTEREST**

None

**3. NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE
URGENT ITEMS NOT ON THE AGENDA**

- Cr Donaldson asked for a Confidential verbal update on the CCO Board appointments.
- Cr Bentley asked for a Confidential verbal update on a current RLC court case & associated legal fees

**4. TE WHAKAŪ I NGĀ MENETI
CONFIRMATION OF MINUTES**

4.1 MINUTES OF THE STRATEGY, POLICY & FINANCE COMMITTEE MEETING 16 May 2019

Resolved:

That the minutes of the Strategy, Policy & Finance Committee meeting held 16 May 2019 be confirmed as a true and correct record

Mr Thomas/Mr Berryman-Kamp
CARRIED

**5. NGĀ TĀPAETANGA
PRESENTATIONS**

5.1 Road Safety and Speed Limit Review – (Rerewhakaaitu School Students)

Rerewhakaaitu School students spoke to a Powerpoint presentation titled “Road Safety and Speed Limit Review” ([Attachment 1](#)).

Resolved:

That Rerewhakaaitu School be congratulated and their presentation be received.

Cr Sturt/Cr Kent
CARRIED

**6. PŪRONGO KAIMAHI
STAFF REPORTS**

6.1 RECOMMENDATION 1: ROAD SAFETY AND TRAFFIC SPEED LIMITS AROUND RURAL SCHOOLS

01-14-011

Resolved:

- 1. That the report titled “Road Safety and Traffic Speed Limits around rural schools” be received.**

Mrs Trumper/Mr Thomas
CARRIED

Further resolved:

- 2. That the recommendation from the Rural Community Board be received.**
(Recommendation noted in Report on page 14 of the Agenda)
- 3. That the Committee recommends to Council that officers undertake a comprehensive road safety review including posted speed limits assessment around all rural schools and report back to council with its findings and recommendations.**

Mrs Trumper/Mr Thomas
SP&F 19/06/22
CARRIED

The meeting adjourned for a break at 10.48am and reconvened at 11.00am

6.2 RECOMMENDATION 2: DECISION-MAKING FOLLOWING CONSIDERATION OF COUNCIL'S ANNUAL PLAN INFORMATION/CONSULTATION DOCUMENT 2019-2020

01-65-096

Resolved:

- 1. That the report Decision-making following consideration of Council's annual plan information/consultation document 2019-2020" be received.**

Mr Thomas/Cr Hunt
CARRIED

Oonagh Hopkins spoke to a Powerpoint presentation titled "Annual Plan 2019/20 Consideration of feedback" ([Attachment 2](#)).

Stavros Michael spoke to a Powerpoint presentation titled "Waste Water Services – Activity Delivery Proposal " ([Attachment 3](#)).

Further resolved:

- 2. That the Committee recommends to Council to continue to support the on-going work around alternative methods for the delivery of wastewater services and that officers bring back to Council a statement of proposal/consultation document in order to undertake a special consultative procedure.**

Cr Donaldson/Cr Sturt
CARRIED

Thomas Collè spoke to a Powerpoint presentation titled "Annual Plan Financials" ([Attachment 4](#)).

- 3. That the Committee recommend to Council to support the overall rates increase of 4.9% (5.1% in the Long-term Plan) for 2019-2020.**

Cr Kent/Cr Donaldson
CARRIED

Cr Gould requested that his vote against this decision be recorded

ATTENDANCE: Cr Sturt moved Recommendation 2.4 and left the meeting at 12.30.

4. **That the Committee recommend to Council to introduce waste water operational targeted rate to residents at Rotomā from 1 July 2020 (not 1 July 2019 as signaled in the information/consultation document).**

Cr Sturt/Mr Thomass
CARRIED

5. **That the Committee recommend to council, that the feedback received on key projects be referred to the project steering groups for consideration.**

6. **That the Committee recommend to Council to note all the other feedback from submitters and support the responses to submitters as contained in (Attachment 5).**

Mayor Chadwick/Cr Hunt
CARRIED
SP&F 19/06/23

**7. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI
RESOLUTION TO EXCLUDE THE PUBLIC**

Resolved:

That the committee move into public excluded session.

Mrs Trumper/Mr Thomass
CARRIED

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987, for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing of this resolution
CONFIDENTIAL MINUTES of previous meeting held 16 May 2019	Please refer to the relevant clause/s in the open meeting minutes.	Good reason for withholding exists under Section 48(1)(a).

This resolution is made in reliance on Section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Sections 6 or 7 of the Act or Sections 6, 7 or 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above (in brackets) with respect to each item.”

OPEN SESSION

Meeting closed at 1.06pm

To be confirmed at the Strategy, Policy & Finance Committee meeting on 11 July 2019

.....
Chairperson

Note 1: Rotorua Lakes Council is the operating name of Rotorua District Council

Note 2: Attachments to these minutes are available on request or on Council's website

www.rotorualc.nz

STAFF REPORTS

ROTORUA LAKES COUNCIL

Mayor
Chairperson and Members
STRATEGY POLICY & FINANCE COMMITTEE

PROGRESS A REVISED RATES REMISSION AND POSTPONEMENT POLICY TO ENCOURAGE INNER CITY DEVELOPMENT

Report prepared by: Portia McKenzie, Strategic Development Manager (District Revitalisation)

Report reviewed by: Craig Tiriana, Acting Group Manager Strategy

Report approved by: Geoff Williams, Chief Executive

**1. TE PŪTAKE
PURPOSE**

The purpose of this paper is to seek a Committee recommendation to Council to revise the rates remission policy to encourage economic development in the inner city, and to undertake a process of public engagement and consultation on the revision.

**2. HE TŪTOHUNGA
RECOMMENDATION 1:**

- 1. That the report 'Progress a Revised Rates Remission and Postponement Policy to Encourage Inner City Development' be received.**
- 2. That the Committee recommends to Council to progress a revised rates remission policy to encourage development in the inner city, including a process of stakeholder engagement and public consultation.**

**3. TE TĀHUHU
BACKGROUND**

Vision 2030 identifies the creation of a vibrant city heart as a top priority. A vibrant inner city is seen as critical to Rotorua's reputation as an outstanding destination to live, invest, and visit. To achieve this, Council and the community worked together to create the Inner City Revitalisation Strategy which was completed in 2015. This resulted in an action plan and many of those projects listed have been completed or are currently underway.

While Council has undertaken a number of projects in the public realm, in the private realm, the rate of change is slow and in the hands of the owners. One of the actions listed in the strategy was the need for more work to be undertaken to understand what encouragement investors and developers require for them to invest in the inner city.

One of the projects listed in the Inner City Revitalisation Strategy was to incentivise the renewal of buildings that were deemed earthquake prone. A number of buildings in the inner city are

considered to be earthquake prone (less than 33% of new building standard) and under national regulations owners have between 12-25 years in which to strengthen or demolish. The change of use provisions under the Building Act also mean that structural performance of buildings need to be improved to as near as reasonably practicable when compared to new building standards. This requirement applies to non-earthquake prone buildings with low-medium structural ratings. Council staff have had a number of discussions with developers and investors around limiting incentives to earthquake prone buildings and the response was mixed, with many requesting that focus be on rates relief instead – thereby widening the scope.

Through the process of the Inner City Revitalisation Strategy, an Economic Assessment was undertaken by McDermott Miller. This indicated that the footprint of the city is too big for the current retail trends, resulting in a dispersed retail experience. In 2018, Rotorua's Spatial Plan set out that changes were needed to reduce the city footprint as:

- Many buildings are in need of investment and renewal.
- There are a large number of accommodation providers along Fenton Street that could be encouraged to move into the inner city.
- A smaller retail footprint could offer opportunities for a range of housing types which would contribute to night time vibrancy.

There have been recent discussions with local developers, and the Chamber of Commerce has communicated with the Mayor highlighting the need for action on improving the vibrancy of the inner city. The Chamber has said it is encouraging Council to look at options for rates remissions to support redevelopment.

The Council's current Rates Remission Policy does not allow for remissions or postponement to incentivise commercial and apartment development in the inner city. The objective of any new policy would be to make it more affordable for residential and commercial developments to be undertaken.

4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS

Councils around the country have adopted a variety of rates remission and postponement policies aimed at priorities or challenges that the district is focusing on. Gisborne District Council has a rate remission that can be considered for new and existing businesses where they promote employment and economic development in the district. Hutt City has rates remissions for new or expanded business developments for up to three years.

For Rotorua, there are a number of features that could be considered to encourage inner city living, mixed use developments, renewal of older building stock and supporting the reduction of the retail footprint.

Such a policy could include rates remission or postponement to consider:

- New commercial buildings of a certain size.
- Conversion of existing buildings to apartments.
- Conversion of existing buildings or demolition and redevelopment of sites for mixed use commercial developments (including offices, tourist accommodation, apartments, venue hire and conferencing).
- Location specific, where the focus for commercial developments on the ground floor with apartments above within a smaller city footprint and apartments at ground floor level on the periphery.
- Preferences for developments that create jobs.

For Council to fully understand the opportunities and repercussions of a rates remission or postponement policy the following process is recommended to be undertaken:

1. Create a working party made up of local developers and inner city stakeholders to formulate options.
2. Model and analyse options and present back to the working party to agree preferred option.
3. Undertake public consultation on preferred option.
4. Analysis of feedback and refining preferred option.
5. Present process and outcomes back to Council for consideration.
6. If approved, any new policy could be trialled for up to 2 years to understand progress and reviewed.

An additional option is to undertake District Plan changes that will reduce the size of the footprint over time. While this is programmed, this change alone will not transform the inner city rapidly. Changes such as this take time as existing use rights require a building to be empty for over a year before any new zoning can take effect. Instead it is recommended that Council have a number of initiatives underway with a remissions policy being one of them.

5. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE

The Local Government Act (section 102) requires that any changes to rates remission policies undergo public consultation under section 82 of the Act.

It is worth noting that the decision is consistent with actions listed in the Inner City Revitalisation Strategy and the Rotorua Spatial Plan. Both of these were subject to considerable public engagement and consultation.

6. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY

It is recommended that staff develop a draft framework and policy with an external working party, and undertake a process of public engagement and consultation. It is anticipated the process could take a maximum of six months and a proposed policy would be brought back to Council.

7. HE WHAIWHAKAARO CONSIDERATIONS

7.1 Mahere Pūtea Financial/budget considerations

Full financial and budget considerations, including any loss of rates revenue, will be considered through this process and presented back to Council once the preferred option is arrived at. Council can then make an informed decision. This decision however, does not carry any financial or budget considerations.

7.2 Kaupapa Here me ngā Hiraunga Whakariterite Policy and planning implications

The decision is consistent with actions listed in the Inner City Revitalisation Strategy and the Rotorua Spatial Plan. Both of these were subject to considerable public engagement and consultation.

7.3 Tūraru Risks

There are risks of creating distortions with a policy aimed at the Inner City. However the vibrancy is a priority for Council and the District. The inner city helps define Rotorua's reputation as a place to live, work, visit and invest.

In addition, risk will be reduced by careful engagement and consultation, and by establishing any change as a trial (with a review) in first instance.

There is arguably a greater risk of not using the levers that Council has available to stimulate activity.

7.4 Te Whaimana Authority

This report seeks approval for staff to develop a draft rates remission and postponement policy with an external working party that is consistent with that outlined and to undertake consultation with the community.

Approval or otherwise of the policy will remain with Council to consider following public consultation. The Council has the ability to do this under the Local Government Act.

8. NGĀ ĀPITIHINGA ATTACHMENTS

Nil

ROTORUA DISTRICT COUNCIL

Mayor
Chairperson and Members
STRATEGY POLICY & FINANCE COMMITTEE

APPOINTMENT OF COMMISSIONER TO ROTORUA DISTRICT LICENSING COMMITTEE.

Report prepared by: Neven Hill, Manager Community and Regulatory Services

Report reviewed by: Henry Weston, Group Manager Operations

Report approved by: Geoff Williams, Chief Executive

**1. TE PŪTAKE
PURPOSE**

The purpose of this report is to seek Council agreement to recommend that the Chief Executive appoint Councillor Karen Hunt to be a Commissioner under the Sale and Supply of Alcohol Act 2012. The reason is to ensure that the District Licensing Committee is able to continue to perform its statutory role with a Chairperson in place, through the election period and beyond.

**2. HE TŪTOHUNGA
RECOMMENDATION 2:**

- 1. That the report "Appointment of Commissioner to District Licensing Committee" be received.**
- 2. That the Committee recommends to Council that the Chief Executive appoint Councillor Karen Hunt to be a Commissioner under the Sale and Supply of Alcohol Act 2012 for a period up to five years.**

**3. TE TĀHUHU
BACKGROUND**

The District Licensing Committee is an independent decision-making body that is responsible for making a number of decisions under the Act, including determining applications for liquor licences, manager certificates, and the issue of special licences. Contested and complex applications are generally considered by the Committee; the majority of applications are considered by the Chair acting alone under delegated authority of the Act.

A DLC can only be chaired by a member of the territorial authority, or a commissioner appointed to the Committee. The requirements of Sections 189(2) and 194(2) of the Sale and Supply of Alcohol Act (2012) (the Act) set out:

- s189(2) *"A territorial authority must appoint 1 member as the chairperson and that person must be a member of that territorial authority or a commissioner appointed to the licensing committee"* and

- *s194 (2) (2) A chairperson of a licensing committee ceases to be a chairperson if he or she ceases to be a member of the licensing committee's territorial authority.*

Rotorua's DLC is chaired by Councillor Hunt. As Councillor Hunt has announced she is stepping down as a Councillor following the election, there will be no Chair in place until a new Council makes a decision on a replacement.

Even if Councillor Hunt was not stepping down, it would be prudent to ensure that a Commissioner was available to chair the Committee given there are no guarantees on which Councillors will be returning to office. This also ensures that all matters delegated to the Chair can continue and Council has followed this process at the last election.

4. TE MATAPAKI ME NGĀ KŌWHIRINGA DISCUSSION AND OPTIONS

Due to the fact that Cr Hunt would no longer be a member of this territorial authority from the 12th October, section 194(2) of the Act would then apply and Cr Hunt would be unable to continue her duties as the DLC Chair unless an alternative arrangement was put in place. The ability of the DLC to continue to issue/renew Liquor Licences and hear matters before the DLC would cease altogether until such time as a new Chairperson was appointed.

The current Committee consists of Cr Hunt, Cr Gould, Mr Gibson, Mrs Conder, Mrs Eynon-Richards and Mr Owen. Of the current members only Councillor Hunt has the experience (and Chair qualifications under the RMA) to step into the role. It should be noted that Cr Hunt has considerable experience in her current role as the DLC Chairperson and in RMA Committee hearings. This experience has helped to contribute to the consistency of approach for persons appearing before the DLC and in the licensing decisions made by the DLC. Cr Hunt also sits on the national body for DLC's.

Section 193(1) of the Act, provides the Chief Executive of a territorial authority, on the recommendation of the territorial authority, the power to appoint a commissioner to the DLC. The commissioner has all of the functions, powers and duties of the Chairperson of the DLC. Cr Hunt has expressed an interest/intention to continue in this role as a commissioner for the time being so that the work of the DLC can continue.

It is recommended that Cr Hunt be appointed as a commissioner under Section 193(1) for a term of up to five years. This will allow the DLC to continue with its legislative functions uninterrupted on behalf of the community and in a stable, consistent fashion. The new Council will then have the ability to look at the future composition of the Committee, including the Chair, at its discretion over time.

5. TE TINO AROMATAWAI ASSESSMENT OF SIGNIFICANCE

The decisions or matters of this report are not considered significant in accordance with the Council's Significance and Engagement Policy.

**6. NGĀ KŌRERO O TE HAPORI ME TE WHAKATAIRANGA
COMMUNITY INPUT/ENGAGEMENT AND PUBLICITY**

As the DLC was established under the Sale and Supply of Alcohol Act 2012, there is no requirement for this to go out to the community for input.

**7. HE WHAIWHAKAARO
CONSIDERATIONS**

**7.1 Mahere Pūtea
Financial/budget considerations**

There are no financial implications associated with this decision

**7.2 Kaupapa Here me ngā Hiraunga Whakariterite
Policy and planning implications**

It is a legislative requirement of the Sale and Supply of Alcohol Act 2012 for a territorial authority to appoint 1 member as chairperson under s189 (2) of the Act.

**7.3 Tūraru
Risks**

Should this issue not be addressed, the functions of the DLC will have to cease and would impact on the communities ability to hold liquor licences.

**7.4 Te Whaimana
Authority**

The authority for the appointment of a Commissioner is within the Sale and Supply of Alcohol Act 2012 s189 (2), s193 and s194.

**8. NGĀ ĀPITI HANGA
ATTACHMENTS**

Attachment 1 - s189 (2) of the Sale and Supply of Alcohol Act 2012

Attachment 2 - s193 (1) of the Sale and Supply of Alcohol Act 2012

Attachment 3 - s194 (2) of the Sale and Supply of Alcohol Act 2012

Sale and Supply of Alcohol Act 2012 No 120 (as at 14 November 2018), Public Act 1... Page 1 of 1



New Zealand Legislation

Sale and Supply of Alcohol Act 2012

• Warning: Some amendments have not yet been incorporated

189 Composition of licensing committees

- (1) Each licensing committee consists of 3 members appointed by the territorial authority for that territorial authority's district.
- (2) A territorial authority must appoint 1 member as the chairperson and that person must be a member of that territorial authority or a commissioner appointed to the licensing committee.
- (3) A territorial authority may appoint a member of that territorial authority to be deputy chairperson, and act in place of the chairperson if the chairperson is unable to act because of illness or absence from New Zealand, or for other sufficient reason.
- (4) While acting in place of the chairperson, the deputy chairperson is a member of the committee and has all the powers and duties of the chairperson.
- (5) No act done by the deputy chairperson serving as acting chairperson in the chairperson's absence, and no acts done by the committee while the deputy chairperson is so serving, can in any proceedings be questioned on the ground that the occasion for his or her so serving had not arisen or had ceased.
- (6) The other 2 members of each licensing committee must be appointed from the territorial authority's list maintained under section 192.
- (7) For the purposes of subsection (2), a member of a territorial authority means an elected member of a territorial authority and, in relation to the Auckland Council, includes a member of the governing body (as defined in section 4 of the Local Government (Auckland Council) Act 2009) or a member of a local board established under section 10 of that Act.



New Zealand Legislation Sale and Supply of Alcohol Act 2012

• Warning: Some amendments have not yet been incorporated

193 Appointment of commissioners

- (1) The chief executive of a territorial authority may, on the recommendation of the territorial authority, appoint a commissioner or commissioners to any of the territorial authority's licensing committees and any person so appointed has all the functions, powers, and duties of the chairperson of the licensing committee.
- (2) The chief executive may only appoint a person as a commissioner if that person is of good standing in the community and has the necessary knowledge, skill, and experience relating to matters that are likely to come before the committee.
- (3) A person must not be appointed as a commissioner if—
 - (a) 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
 - (b) the person is a constable, a Medical Officer of Health, an inspector, or an employee of the territorial authority.
- (4) A commissioner appointed under this section holds office for a term, stated when the commissioner is appointed, of up to 5 years and may be reappointed for 1 or more further periods of up to 5 years.



New Zealand Legislation
Sale and Supply of Alcohol Act 2012

• Warning: Some amendments have not yet been incorporated

194 Resignation or removal

- (1) A member of a licensing committee or a commissioner appointed to a licensing committee may resign from office at any time by written notice to the relevant territorial authority.
- (2) A chairperson of a licensing committee ceases to be a chairperson if he or she ceases to be a member of the licensing committee's territorial authority.
- (3) The territorial authority may at any time remove a member of a licensing committee or a commissioner appointed to a licensing committee for inability to perform the functions of office, bankruptcy, neglect of duty, or misconduct, proved to the territorial authority's satisfaction.