

RELEASE OF INFORMATION

The attached decision/information was previously included in a confidential agenda/minutes for the Environment and Regulatory Committee on 23 November 2023.

The reasons for withholding the information no longer apply, the information is therefore being made publicly available.

Moved Councillor Maru/Councillor Ellis

RC23-11-1

That the Environment and Regulatory Committee

- 1. receives the Reappointment of Commissioners to the District Licensing Committee report RRC23-11-9; and**
- 2. approves the reappointments of Mr. Laurie Gabites and Mr. David Lewis as Commissioners of the District Licensing Committee, for a term of five years from 18 December 2023 to 18 December 2028, because of their skills, attributes and knowledge that will continue to assist the work of the District Licensing Committee; and**
- 3. agrees that the decision and report be made publicly available once the reappointment process has been finalised.**

CARRIED

23 November 2023

8.2 REAPPOINTMENT OF COMMISSIONERS TO THE DISTRICT LICENSING COMMITTEE - CONFIDENTIAL**Decision Required**

Report To:	Environment and Regulatory Committee
Meeting Date:	23 November 2023
Report Author:	Daniel Winter, Team Leader Environmental Health
Report Authorisers:	Adrian Humphries, Regulatory Services Manager; Kim Drummond, Group Manager - Environmental Assurance
Report Number:	RRC23-11-9

This report is confidential in accordance with the Local Government Official Information and Meetings Act 1987 (s7(2)(a)) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.

1. Purpose of the Report / Te Take mō te Pūrongo

1.1 This report seeks approval for the reappointments of Mr. Laurie Gabites and Mr. David Lewis as Commissioners of the District Licensing Committee (DLC), for a term of five years from 18 December 2023 to 18 December 2028. The recommendation to reappoint reflects their skills, attributes, and knowledge.

2. Summary / Te Tuhinga Whakarāpototo

- 2.1 The functions of the District Licensing Committee (DLC) under The Sale and Supply of Alcohol Act 2012 (the Act) are to consider and decide on all applications for alcohol licences within their local areas.
- 2.2 In the main, decisions are made by the Chair sitting alone, but when a contested hearing is called for the hearing is before a panel of Commissioners. The DLC has three Commissioners:
- 2.2.1 Mr. Michael Fitzsimons
 - 2.2.2 Mr. Laurie Gabites
 - 2.2.3 Mr. David Lewis
- 2.3 The Act requires a commissioner to be someone who: “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” (s 193(2)).
- 2.4 The five-year term for Mr. Laurie Gabites and Mr. David Lewis will expire on 18 December 2023. The recommendation is to reappoint both Mr. Laurie Gabites and Mr. David Lewis for a further five-year term.

3. Recommendation/s / Ngā Tūtohunga

23 November 2023

REAPPOINTMENT OF COMMISSIONERS TO THE DISTRICT LICENSING COMMITTEE**That the Environment and Regulatory Committee**

- 1. receives the Reappointment of Commissioners to the District Licensing Committee report RRC23-11-9; and**
- 2. approves the reappointments of Mr. Laurie Gabites and Mr. David Lewis as Commissioners of the District Licensing Committee, for a term of five years from 18 December 2023 to 18 December 2028, because of their skills, attributes and knowledge that will continue to assist the work of the District Licensing Committee; and**
- 3. agrees that the decision and report be made publicly available once the reappointment process has been finalised.**

4. Background / Horopaki

- 4.1 The Sale and Supply of Alcohol Act 2012 (the Act) aims to minimise harm from alcohol by managing the way it is sold, supplied, and consumed. The Act provides for a system of alcohol licensing intended to enhance community participation in licensing decisions.
- 4.2 The functions of the District Licensing Committee (DLC) under the Act are to consider and decide on all applications for alcohol licences within their local areas.
- 4.3 The DLC is chaired by a Councillor, presently Cr Brent Maru, with Cr Jo Ellis as Deputy Chair. In the main, decisions are made by the Chair sitting alone, but when a contested hearing is called for, the hearing is before a panel of Commissioners.
- 4.4 The DLC has three Commissioners:
 - 4.4.1 Mr. Michael Fitzsimons
 - 4.4.2 Mr. Laurie Gabites
 - 4.4.3 Mr. David Lewis
- 4.5 Mr. Laurie Gabites and Mr. David Lewis both have extensive experience relevant to alcohol licensing matters. Further details are set out below:

Mr. David Lewis

Mr. Lewis has been involved with the Sale and Supply Alcohol since its inception under the Sale and Supply of Liquor Act. Mr Lewis was actively involved in Tasman District Council's first Sale of Liquor Policy and was the Co-ordinator of Regulatory Services at Tasman District Council from 2000 to 2008. Mr Lewis has provided valuable contributions to recent alcohol licence applications, including sitting on the committee for a 4-day hearing for the Super Liquor application in Mapua. Mr. Lewis continues to meet the criteria to be a DLC Commissioner and wishes to continue working in the role.

Mr. Laurie Gabites

23 November 2023

REAPPOINTMENT OF COMMISSIONERS TO THE DISTRICT LICENSING COMMITTEE

Mr Gabites is very familiar with the detail of the Sale and Supply of Alcohol Act 2012 as well as case law and the hearing process. Mr Gabites has been involved in the Local Government Alcohol Reference Group since 2007 and has vast experience working with communities to reduce alcohol related harm. He has worked on the New Zealand Know How programme to develop and deliver training to local authorities on the implementation of the Act. Prior to his retirement from the New Zealand Police, Mr. Gabites held a number of positions including Policy Adviser and Project Officer. Mr. Gabites continues to meet the criteria to be a DLC Commissioner and wishes to continue working in the role.

Summary

Mr. Gabites and Mr. Lewis have a proven track record of working well together and meeting the objectives of the DLC.

5. Options / Kōwhiringa

The options are outlined in the following table:

Option	Advantage	Disadvantage
1. Both Mr. Laurie Gabites and Mr. David Lewis are re-appointed	Mr. Laurie Gabites and Mr. David Lewis are both competent and experienced DLC Commissioner's. They have a proven track record of working well together and other a very different but valuable skill set. Both are experience relevant to alcohol licensing matters. He is very familiar with the detail of the Act as well as case law and the hearing process and is suitable to continue his work as a DLC Commissioner.	Other potential candidates have not been considered or been given the opportunity to apply for the position. (It should be noted that will be commencing a scoping exercise in the new year to appoint two new DLC members. The successful appointments will result in a total of five DLC members.)
2. Only Mr. Laurie Gabites is re-appointed	Other potential candidates will have the opportunity to apply for the position.	The DLC would lose a very valuable and experienced member.
3. Only Mr. David Lewis is re-appointed	Other potential candidates will have the opportunity to apply for the position.	The DLC would lose a very valuable and experienced member.
4. Neither Mr. Laurie Gabites or Mr. David Lewis are re-appointed	Other potential candidates will have the opportunity to apply for the position.	The DLC would lose two valuable and experienced members.

Option 1 recommended.

6. Legal / Ngā ture

23 November 2023

REAPPOINTMENT OF COMMISSIONERS TO THE DISTRICT LICENSING COMMITTEE

- 6.1 The Sale and Supply of Alcohol Act 2012 governs the way alcohol is sold, supplied, and consumed. The Act requires a commissioner to be someone who: “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” (s 193(2)).

7. Communication / Whakawhitiwhiti Kōrero

- 7.1 A DLC member receives remuneration at a rate of \$408.00 per day or \$51.00 per hour for part days. A list member will also be reimbursed for reasonable expenses incurred in the discharge of duties associated with the position.

8. Conclusion / Kupu Whakatepe

- 8.1 The recommendation is to reappoint both Mr. Laurie Gabites and Mr. David Lewis to their roles of DLC Commissioner’s. They both have the necessary experience relevant to alcohol licensing matters.

9. Next Steps and Timeline / Ngā Mahi Whai Ake

- 9.1 Once the reappointment process has been finalised, the decision and report will be made publicly available, and the Council’s website updated accordingly.

1. Attachments / Tuhinga tāpiri

Nil