

Extracts from the Sale and Supply of Alcohol Act 2012

186 Territorial authorities to appoint district licensing committees

Each territorial authority must appoint 1 or more licensing committees as, in its opinion, are required to deal with licensing matters for its district.

187 Functions of licensing committees

A licensing committee's functions are—

- (a) to consider and determine applications for licences and manager's certificates; and
- (b) to consider and determine applications for renewal of licences and manager's certificates; and
- (c) to consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136; and
- (d) to consider and determine applications for the variation, suspension, or cancellation of special licences; and
- (e) to consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280; and
- (f) with the leave of the chairperson for the licensing authority, to refer applications to the licensing authority; and
- (g) to conduct inquiries and to make reports as may be required of it by the licensing authority under section 175; and
- (h) any other functions conferred on licensing committees by or under this Act or any other enactment.

188 Powers of licensing committees

A licensing committee has all the powers conferred on it by or under this Act or any other Act, and all powers as may be reasonably necessary to enable it to carry out its functions.

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.

190 Meetings of licensing committees

(1) Meetings of a licensing committee may be held at any time and place it or its chairperson decides.

(2) At a meeting where 3 members are present, the decision of a licensing committee on any matter is determined by a majority of the valid votes recorded on it.

191 Quorum

(1) Except as provided in subsection (2), at any meeting of a licensing committee, the quorum necessary is 3 members.

(2) At a meeting to consider and determine an application of a kind listed in subsection (3) where no objection has been filed and no matters of opposition have been raised under section 103, 129, or 141, the quorum necessary is 1 member who must be the chairperson.

(3) The applications are:

(a) an application for a licence:

(b) an application for a manager's certificate:

(c) an application for renewal of a licence or manager's certificate.

192 Territorial authority to establish and maintain list of licensing committee's members

(1) A territorial authority must either—

(a) establish, maintain, and publish its own list of persons approved to be members of the territorial authority's licensing committee or committees; or

(b) together with 1 or more other territorial authorities, establish, maintain, and publish a combined list of persons jointly approved by those authorities to be members of the territorial authorities' licensing committees.

(2) A territorial authority must not approve a person to be included on the list unless that person has experience relevant to alcohol licensing matters.

(3) A person may be approved for inclusion on the list for a period of up to 5 years and may be approved for any 1 or more further periods of up to 5 years.

(4) The name of a person must be removed from the list—

(a) when 5 years have elapsed since the territorial authority approved the person's name on the list unless the approval is renewed under subsection (3); or

(b) if the person resigns or is removed under section 194.

(5) A person must not be included on the list 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.

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.

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.

195 Fees and allowances for members

- (1) A member of a licensing committee is entitled to receive remuneration not within subsection (2) for services as a member at a rate and of a kind determined by the Minister in accordance with the fees framework.
- (2) A member of the licensing committee is entitled, in accordance with the fees framework, to be reimbursed for actual and reasonable travelling and other expenses incurred in carrying out his or her office as a member.
- (3) For the purposes of this section, **fees framework** means the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies in which the Crown has an interest.
- (4) A commissioner is to be treated as a member of a licensing committee for the purposes of this section.