

I hereby give notice that an ordinary meeting of the Regulatory Committee will be held on:

Date: Thursday, 10 August 2017
Time: 9.30am
Meeting Room: Room 1, Level 26
Venue: 135 Albert St
Auckland

Regulatory Committee

OPEN ADDENDUM AGENDA

MEMBERSHIP

Chairperson Cr Linda Cooper, JP
Deputy Chairperson Cr Wayne Walker
Members Cr Fa'anana Efeso Collins
Cr Richard Hills
Cr Daniel Newman, JP
Cr Dick Quax
Cr Sharon Stewart, QSM
IMSB Chair David Taipari
Cr John Watson
IMSB Member Glenn Wilcox

Ex-officio Mayor Hon Phil Goff, CNZM, JP
Deputy Mayor Bill Cashmore

(Quorum 5 members)

Maryke Fouche
Governance Advisor

7 August 2017

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High Court time extension to appeal the Provisional Local Alcohol Policy

File No.: CP2017/15885

Item 15

Purpose

1. To seek approval to the High Court seeking an extension of time to bring an appeal against the Alcohol Licensing and Regularity Authority local alcohol policy decision.

Executive summary

2. In May 2015, Auckland Council adopted its Provisional Local Alcohol Policy (Alcohol Policy). Eight appeals were lodged against elements of the Alcohol Policy.
3. The Alcohol Regulatory and Licensing Authority (Authority) have heard the appeals and the decision was released on 19 July 2017.
4. The Authority has directed the council to reconsider a few elements which were found to be unreasonable.
5. Where the Authority has directed the council to reconsider an element of the Alcohol Policy, one of the options available to the council is to appeal part or all of the Authority's findings to the High Court.
6. Staff are preparing a report for the Regulatory Committee meeting on 14 September 2017 on the decision and the elements to be reconsidered. As part of the report, staff are obtaining legal advice on the possible merits and grounds of an appeal to the High Court of the Authority's decision.
7. Legal advice obtained is that an appeal to the High Court would need to be lodged within 20 working days of the date of receiving the decision. The final date for an appeal to be lodged with the High Court is 16 August 2017. This is before the date when staff will report to the Regulatory Committee.
8. An extension to the timeframe to bring an appeal can be sought from the High Court. Staff recommend that an extension be sought to a date at least 14 days after the committee has considered the full report on 14 September 2017.
9. In recommending that the council apply for an extension of time, staff have considered:
 - there is insufficient time for staff to complete a full report to the Regulatory Committee ahead of the 16 August 2017 date
 - the potential loss of opportunity to bring an appeal against the Authority's decision if an extension is not granted.

Recommendation/s

That the Regulatory Committee:

- a) direct that an application is made to the High Court seeking an extension of time to bring an appeal against the decision of the Alcohol Regulatory and Licensing Authority to a date at least 14 days after the Regulatory Committee meets on 14 September 2017.

Attachments

There are no attachments for this report.

Signatories

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|-------------|---|
| Author | Nadine Hopkins - Policy Analyst |
| Authorisers | Kataraina Maki - GM - Community & Social Policy Grant Barnes - General Manager Licensing and Compliance Services |

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