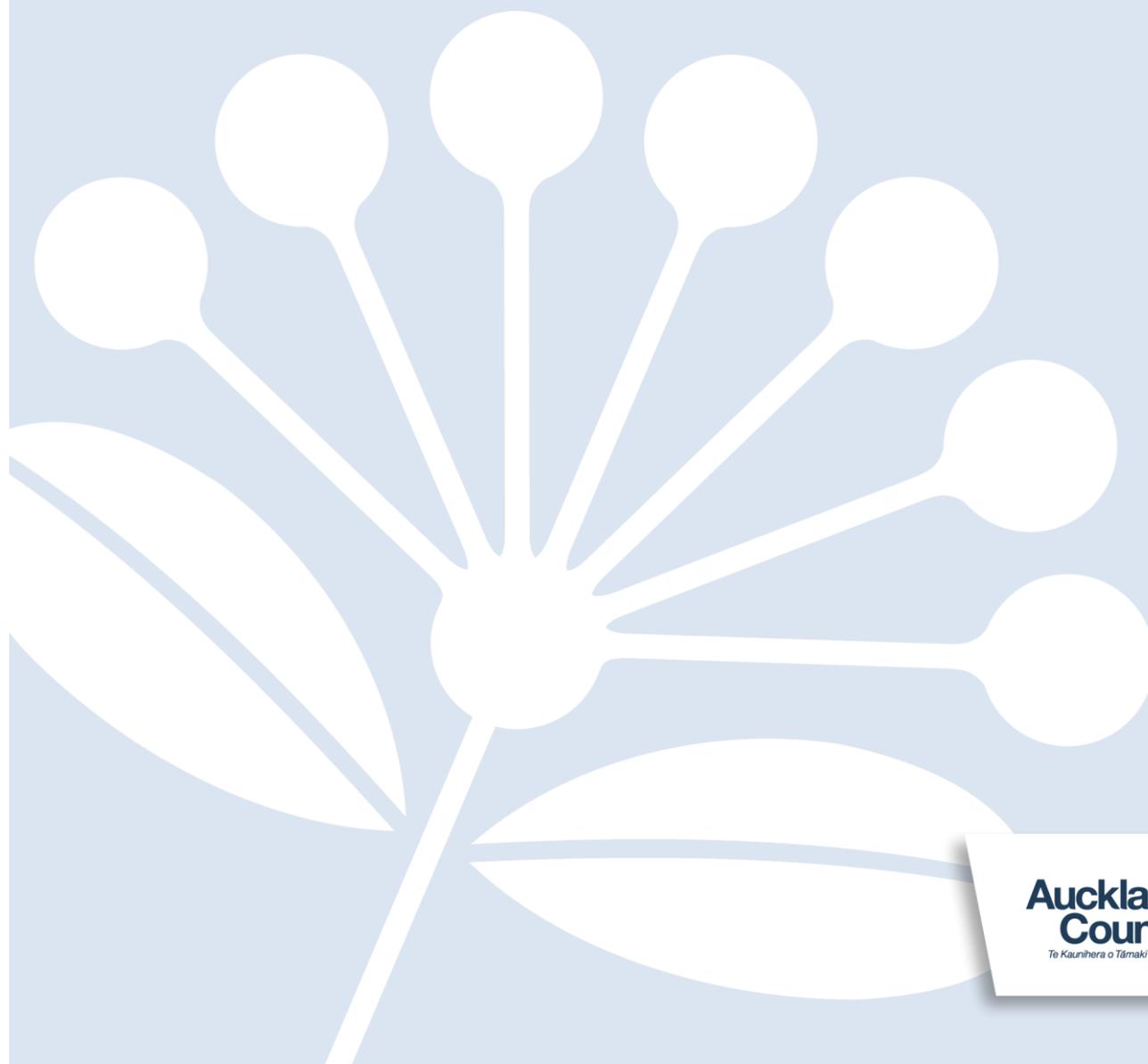


Terms of Reference

Sub-committee for urgent decisions or directions relating to court proceedings involving the Provisional Auckland Council Local Alcohol Policy

Established by the Regulatory Committee: March 2019



1. INTRODUCTION

- 1.1.1 The Terms of Reference for the sub-committee outlines the structure, purpose, scope, decision-making requirements and processes for the sub-committee.
- 1.1.2 The sub-committee members are expected to act within and abide by the Terms of Reference and the Regulatory Committee Policy as well as the Code of Conduct for Elected Members of the Auckland Council.

2. PURPOSE

- 2.1.1 The purpose of the sub-committee is to make urgent decisions or provide directions on urgent matters relating to the court proceedings involving the Provisional Auckland Council Local Alcohol Policy:
 - (1) on whether to appeal a decision to the higher court (i.e. High Court to Court of Appeal) including any required interlocutory steps; and/or
 - (2) on other court related matters that are outside the scope of the authority delegated to the General Manager, Community and Social Policy and the Manager, Litigation and Regulatory i.e. outside the approved parameters; and
 - (3) where time does not allow for formal decision-making by the Regulatory Committee.
- 2.1.2 Attachment A provides for a summary of the court proceedings as at March 2019 involving the policy.

3. SCOPE AND AUTHORITY

- 3.1.1 Where time does not allow for formal decision-making by the Regulatory Committee or any relevant subsequent committee, the sub-committee may make decisions about the following matters:
 - (1) whether, after receipt of legal advice, to bring an appeal against a decision issued by:
 - (a) the Alcohol Regulatory and Licensing Authority; or
 - (b) the High Court; or
 - (c) the Court of Appeal
 - (2) on other court related matters that are outside the scope of the authority delegated to the General Manager, Community and Social Policy and the Manager, Litigation and Regulatory.
- 3.1.2 In making any decisions under the above authority, the sub-committee must have regard to the following matters:
 - (1) merits of the appeal; and
 - (2) likelihood of success; and
 - (3) likely timeframes and whether further delay would occur; and
 - (4) previous views expressed by local boards; and
 - (5) decision-making requirements pursuant to the Local Government Act 2002.

4. MEMBERSHIP

4.1 Sub-committee members

4.1.1 The sub-committee comprises three members, including one each of the following:

- (1) the Chair or Deputy Chair of the Regulatory Committee or any relevant subsequent committee; and
- (2) a councillor; and
- (3) a member of the Independent Maori Statutory Board.

4.2 Vacancies

4.2.1 Should a position on the sub-committee become vacant, the chairperson of the sub-committee has the authority to approve a replacement member.

5. GOVERNANCE

5.1 Chairperson

5.1.1 The chairperson of the sub-committee is the member that is the Chair or Deputy Chair of the Regulatory Committee or any relevant subsequent committee.

5.2 Decision-making

5.2.1 Decisions must be made by majority.

5.2.2 Decisions may be made following discussions held either:

- (1) orally, at an informal meeting of the sub-committee; or
- (2) by way of email.

5.2.3 Decisions made by the sub-committee must be reported to the Regulatory Committee or any relevant subsequent committee as soon as reasonably practicable.

5.2.4 The sub-committee may request advice from any council officer before making a decision.

6. DISSOLUTION OF SUB-COMMITTEE

6.1.1 The sub-committee will cease to exist once the Auckland Council Provisional Local Alcohol Policy is no longer subject to any court proceedings and has been brought into force in accordance with the provisions of the Sale and Supply of Alcohol Act 2012.

Attachment A – summary of court proceedings as at March 2019 involving the Provisional Auckland Council Local Alcohol Policy

