

## **INSTRUMENT OF DELEGATION UNDER THE LIQUOR LICENSING ACT 1997**

### **Preamble**

### **NOTES**

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

### **POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT**

#### **Delegation Sources**

- Liquor Licensing Act 1997

#### **Titles**

- Chief Executive Officer
- Director Corporate & Community Services
- Manager Community Services: Manager Community Services
- Manager People & Culture: Manager People & Culture

## Instrument of Delegation under the Liquor Licensing Act 1997

Liquor Licensing Act 1997			
Provision	Item Delegated	Delegate	Conditions and Limitations
s22(1), 22(2) and (3)	0. Application for Review of Commissioner's Decision The power pursuant to Section 22(1) and subject to Sections 22(2) and (3) of the Liquor Licensing Act 1997 (the Act), to apply to the Court for a review of the Commissioner's decision.	Chief Executive Officer	
s69(3)(e)	1. Extension of Trading Area 1.1 The power pursuant to Section 69(3)(e) of the Act, on application by a licensee who holds a licence authorising the sale of liquor for consumption on the licensed premises to the extent the authority conferred by the licence so that the licensee is authorised to sell liquor in a place adjacent to the licensed premises for consumption in that place, to approve or not approve the application for extension where the relevant place is under the control of the Council.	Director Corporate & Community Services, Manager Community Services, Manager People & Culture	
s76(2)	2. Rights of Intervention 2.1 The power pursuant to Section 76(2) of the Act where licensed premises exist or premises propose to be licensed are situated in the Council area, to introduce evidence or make representations on any question before the licensing authority where proceedings are on foot or underway.	Chief Executive Officer	
s106(2)(b)	3. Noise 3.1 The power pursuant to Section 106(2)(b) of the Act to lodge a complaint about an activity on, or the noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises in the Council area with the Commissioner under Section 106(1).	Chief Executive Officer	
s106(4)	3. Noise 3.2 The power pursuant to Section 106(4) of the Act to engage in conciliation between the parties facilitated by the Commissioner.	Chief Executive Officer	
s106(5)	3. Noise 3.3 The power pursuant to Section 106(5) of the Act to request the Commissioner to determine the matter where the complaint is not to be conciliated, or is not resolved by conciliation under Section 106(4).	Chief Executive Officer	
s120(1) and (2)	4. Disciplinary Action Before the Court 4.1 The power pursuant to Section 120(1) and (2) of the Act to lodge a complaint, provided the subject matter of the complaint is relevant to the responsibilities of the Council and within whose area the licensed premises are situated, with the Court alleging that proper grounds for disciplinary action exists on those grounds stated in the complaint, against a specified person.	Chief Executive Officer	
s120A(3)	5. Commissioner's Power to Suspend or Impose Conditions Pending Disciplinary Action	Chief Executive	

<b>Liquor Licensing Act 1997</b>		
	5.1 The power pursuant to Section 120A(3) of the Act to apply to the Court for a review of the Commissioner's decision as if the Council were a party to proceedings before the Commissioner.	Officer

**Document history and version control**

<b>Date</b>	<b>Council/Chief Executive Officer</b>	<b>Comment</b>
27/6/2017	Full annual review adopted at the Council meeting of 27 June 2017	