



What to expect at a District Licensing Committee hearing

District Licensing Committees (DLC) make decisions on applications for alcohol license's, managers' certificates and other matters relating to alcohol licensing. They are set up under the Sale and Supply of Alcohol Act 2012 (the Act) and while administered by Council they are independent of Council.

A hearing happens when the application is opposed by a member of the public, the Medical Officer of Health, the Police or a Licensing Inspector. In a hearing, the DLC will receive information, listen to evidence and arguments for and against an application, and ask questions about the application. They will make a decision based on the information and evidence presented, along with any legal considerations under the Act.

The hearing is as informal as possible, but specific rules are followed so that all parties have a fair opportunity to present their case and so the decisions are robust and legal. DLC hearings are open to the public and media may also attend.

How to prepare for a hearing

- We will tell you the date, time and location of the hearing at least ten working days before the hearing.
- A copy of the agenda will be sent to you to read before the hearing. The agenda will include reports from the Police, Medical Officer of Health, Council's Licensing Inspector and any public objections.
- You may receive pre-hearing instructions about administrative matters, such as when any extra information should be provided before the hearing, and these instructions must be followed.
- If your application or objection is complex, you may like to consider seeking advice from someone with relevant experience, such as a lawyer, consultant, or community group. You'll need to consider the costs of any advice before you seek it.
- Consider whether you want to call witnesses on the day to support your case. Witnesses need to be able to present solid evidence to support your application or objection to help the DLC to make its decision.
- Prepare evidence to support your application or objection. Evidence can be verbal, written or visual (such as photographs or drawings). Evidence should focus on facts, not emotions, and be directly relevant to the application.
- It's a good idea to prepare some reasonable conditions that could be applied if the DLC decides to grant the application.

Attending a hearing

- If you are not going to attend the hearing, please tell us before the hearing date. If you don't appear in person (or through an agent or legal counsel) the matter may be heard and determined in your absence.
- If you are an objector, you'll be invited to attend the hearing. You don't have to speak at the hearing, but your objection may have less impact on the DLC than if you had spoken.
- Before you give evidence, you'll be asked to swear an oath or say an affirmation promising to tell the truth.

Who is involved in a hearing?

A DLC has a chairperson and two members that make decisions on applications. When a licence or manager's certificate application doesn't have any objections or matters raised in opposition, the chairperson can make the decision on their own without the need for a hearing.

- **DLC chairperson** - runs the hearing and gives direction which all hearing participants must follow.
- **DLC members** - two members that make decisions with the chairperson.
- **Secretary to the DLC** - your point of contact. They support the hearing and advise on correct processes.
- **Applicant** - will usually have a team supporting them including a lawyer and witnesses.
- **Objectors** - give their views on the application and may bring along witnesses to support them.
- **The reporting agencies:**
 - **Licensing inspector** - a council officer who will present their report and may be supported by other experts.
 - **Police** - attend the hearing to oppose the application or assist the committee.
 - **Medical Officer of Health** - attend the hearing to oppose the application or assist the committee.

What happens during a hearing?

The order of speakers may vary but in general, hearings follow this format:

Opening and introduction

The chairperson introduces the DLC members and invites the hearing participants to introduce themselves. The chairperson will give a brief outline of the hearing procedure.

Presentation from the applicant

The applicant (either in person or through a representative) introduces their application and presents their case. This may include evidence from witnesses. The DLC may have questions for the applicant and witnesses. The chairperson then invites all other parties to ask the applicant and/or witnesses questions about the evidence they've given.

Presentation from the reporting agencies

The Police, Medical Officer of Health and Licensing Inspector make their submission and present their evidence. They may be asked questions by the DLC. The applicant and objectors may then cross-examine the reporting agencies about the evidence they have presented.

Presentation from objectors

Objectors who wish to speak will be invited to talk about their objections. They can do this themselves or through a representative, and they can also call witnesses. At the hearing, objectors can't introduce new grounds for objecting, but can present evidence to support their reasons for objecting. The DLC may have questions for objectors and their witnesses, and then the applicant and the reporting agencies can cross-examine objectors about their evidence.

Closing statements

Once objections, questions and cross-examination have finished, the applicant is invited to sum up their case and respond to arguments made during the hearing. No new evidence can be introduced at this stage.

What happens after the hearing?

All DLC decisions are issued in writing, and this may take some weeks. In some cases, the DLC will meet briefly in private and deliver a verbal decision on the day, with a written decision issued later. You'll be sent a copy of the decision which will include a summary of the evidence and arguments heard at the hearing along with the reasons for the decision.

How are decisions appealed?

Appeals must be lodged with the Alcohol Regulatory and Licensing Authority within ten working days of the decision being notified. You must also notify the other hearing parties and pay the applicable appeal fee. Further information is available at [Justice.govt.nz](https://www.justice.govt.nz)