

District Licensing Committee (DLC) hearings

Some alcohol licensing applications must be heard by a District Licensing Committee at a public hearing.

Where an objection is filed to an application the District Licensing Committee has three members – a Commissioner (or Chairman) and two ‘list’ members. The Committee members and Chair are independent from the Council and have experience in hearings like this as well as in the community.

Hearings will usually be held at the Municipal Building, 101 Guyton Street, Wanganui but may need to be held at a different location if a suitable room is not available. The applicant, and anyone objecting to the application who wishes to be heard, will be given 10 working days’ notice of the date, time and venue of the hearing.

The DLC is a tribunal and therefore the hearings are reasonably formal, similar to a District Court, to ensure applications are dealt with consistently and fairly, and all parties are given a fair opportunity to present their views.

At the beginning of the hearing, the Committee Clerk will ask all people who wish to have their say to complete an appearance slip. On the slip you will indicate in what role you are appearing e.g. applicant, objector witness or one of the reporting agencies.

If you have a written submission that you wish to present at the hearing (and this is preferred), 8 copies of your submission should be given to the Committee Clerk for distribution to the Committee, Applicant and the reporting agencies.

It is not compulsory for objectors to attend or speak at the hearing, and in that case your submission will be taken as ‘read’ however the Chairman may give more weight to an objection if the objector attends the hearing to speak about their concerns.

(Case law suggests that objections will have less or little value if those making the allegations in the objection are not able or prepared to appear at the hearing to affirm or swear to the truth of what they are saying. By not appearing, their opinions and concerns can not be tested by a cross-examination by the applicant or questioned by the members of the Authority.)

Objections

[2014] NZARLA PH 623 **ROCK-IT LIMITED**

[8] Only two objectors appeared at the hearing. In addition, Mr and Mrs Van Der Helder (who did not appear at the hearing) submitted a lengthy submission. It is axiomatic that if objectors do not appear at the hearing to present evidence in support of their objection, it is unlikely that their objection will be given much weight by the Authority. The reason for this is that the validity of an objection needs to be tested by way of cross examination. See, for example, Liquor World Limited, PH 1189/2009 at paragraph [23].

Opening and Introduction

The Committee Clerk announces that the hearing is about to commence and everyone stands as the Committee comes into the room. The Chairman asks everyone to sit down before introducing the Committee members. If you recorded your attendance you will be asked to introduce yourself. The Chairperson then gives a brief outline of the hearing procedure.

The applicant

If you are the applicant you will be asked to swear your evidence either on oath (e.g. on the Bible) or by affirmation.

You will then (either personally or through a representative) introduce your application and present your case. You can ask witnesses to speak in support of the application. The Committee may have questions for you and your witnesses. The Chairman will then invite the reporting agencies (Police, Medical Officer of Health and licensing inspector) and any objectors to ask questions.

What is 'evidence'.

Re Lander v Richardson LLA PH456/04:

"[38] While the Act allows the introduction of hearsay evidence, that evidence will still be examined to test it's probative value. If the evidence is disputed on oath, then unless the witness is not capable of being believed, it is unlikely that the hearsay evidence will form the basis of an enforcement order."

Reporting agencies

The Police, Medical Officer of Health and licensing inspector, if presenting evidence at the hearing, will be sworn in before presenting their evidence.

They may be asked questions from the Committee and then by the applicant and objector.

Objectors

If you are an objector and wish to speak at the hearing, you will be sworn in before you can talk about your objection – in person or through a representative.

At the hearing you cannot introduce new grounds for objecting but you can present evidence to support the reasons why you object to the licence application. For example, you may provide evidence that the licensed premises have continued to cause problems since you lodged your objection.

As an objector, you can also call witnesses to support your objection. The Committee members or Chairman may have questions for you or your witnesses, and the applicant and reporting agencies can also ask questions.

Applicant's right of reply

If you are the applicant you have the right of reply, to comment on any matters that come up at the hearing and to briefly sum up your case. No new evidence may be introduced at this stage.

Conclusion of the Hearing

When the hearing is finished, the Chairman will usually advise everyone that the hearing is finished and the Committee will make its decision in private.

The Committee Clerk will ask everyone to stand while the Committee leaves the room.

The Decision

It may take up to six weeks for the written decision (including the reasons for it) to be issued.

The district licensing committee must give a copy of the decision to—

- (a) the applicant; and
- (b) each objector who appeared at the hearing; and
- (c) any other objector who requests a copy; and
- (d) the constable, the inspector, and the Medical Officer of Health, to whom a copy of the application has been sent in accordance with this Act.

A decision takes effect on the date stated on the decision (or, if no date is stated, on the date the decision is given).

Appeals

Any party to any proceedings before a licensing committee who is dissatisfied with the decision or any part of the decision may appeal to the licensing authority against the decision or any part of the decision. (refer to ss.154 & 204(3)).

An appeal must be lodged with the Alcohol Regulatory Licensing Authority within 10 working days after the decision was supplied.

More information?

Please contact Wanganui District Council's Alcohol Licensing Team:

- Phone: (06) 349 0001
- DLCadministration@wanganui.govt.nz
- Fax: (06) 349 0000
- Hours: Monday - Friday, 8.00am - 5pm