

# Raihana aa Takiwaa Komiti | District Licensing Committee Hearings

Information Pack

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**Hamilton  
City Council**  
Te kaunihera o Kirikiriroa

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## WHAT IS A DISTRICT LICENSING COMMITTEE?

Hamilton's District Licensing Committee (DLC) determines all applications for licensed premises, managers' certificates and other matters in relation to alcohol licensing within the Hamilton Territorial Authority.

The Hamilton DLC is a tribunal made up of a Commissioner and a committee of appointed members. When an application has opposition from reporting agencies (Licensing Inspector, Police and Medical Officer of Health) and public objections required, it will be set down to be heard at a public hearing.

The hearing will be held with two committee members and a Commissioner.

## I HAVE OBJECTED, NOW WHAT?

You will receive an acknowledgment stating that your objection has been received. The person or company making the application for the licence will also receive notice of your objection.

Section 102 of the Sale and Supply of Alcohol Act 2012 states *"A person may object to the grant of a licence only if he or she has a greater interest in the application for the licence than the public generally"*.

The DLC will need to make a decision about whether you meet this criteria. To do this, they rely on information such as whether you are working or living within the area and/or the issue of the licence will directly affect you. They also base their decision on case law i.e., findings from other decisions.

If the issues are complex or the DLC doesn't have enough information, you may be asked to appear at an "objector status" hearing. The DLC will then decide whether you are a person of greater interest or not.

If the DLC determines you meet the criteria as an objector, you will be invited to participate in the hearing against the application and will be sent all the information relating to the application.

## WHAT IS A HEARING?

The DLC is a Commission of Enquiry which means the hearing process is a legal process and is like a court hearing but more informal. The focus is for the DLC to hear evidence from all parties deemed to have status, that will help them make their decision on an application.

Depending on the nature of the application and the information presented, a hearing can be completed in short time or it can take a few days to be completed.

As an objector, you'll be invited to attend the hearing. We need to know whether you will attend the hearing or not so that the DLC knows who will be there and how much time to allocate to hearing everyone.

You don't need to be there to present your objection, but it is strongly encouraged. If you are not present it limits the weight the DLC can apply to your objection because you cannot be questioned about your views or the evidence you have given.

## HOW TO PREPARE FOR A HEARING

The District Licensing Committee Advisor will contact you with a date, time, and location of the hearing. They will ask if you are attending or not. **If a response is not received, it will be assumed that you are not appearing.**

You will be advised of a date and a time that your evidence to support your objection needs to be submitted by. Failure to meet the timeframes could be grounds for the DLC declining to receive your document or hear your witness.

You also cannot introduce new grounds for objecting in your evidence or on the day of the hearing. Your brief of evidence is your chance to expand on the objection you have provided initially. You should consider what evidence you want to show and if you will be calling any witnesses to provide evidence as well.

Evidence can be verbal, written, or visual (photographs) and should be factual. You'll be asked to swear an oath or say an affirmation promising to tell the truth before you present your evidence.

Hearing documents will be circulated to all parties (including other public objectors), this will include your objection with your personal details. You will also receive reports from the Liquor Licensing Inspector, Police and the Medical Officer of Health.

## WHO WILL BE THERE

- **DLC Commissioner:** This person runs the hearing and gives direction which all participants must follow
- **DLC members:** Two members will be present to hear the evidence and will help make the decision
- **Hearing Advisor:** This will be the person who stays in contact with you. They provide support to the hearing participants and advise on correct procedures or procedural matters.
- **Applicant:** The person applying for the licence. Sometimes they will have a lawyer or agent making opening/closing statements on their behalf and will question the other parties to the hearing.
- **Objectors:** Members of the public who have objected to the application (and have status) and are there to speak to their objection and provide evidence. Objectors can also question the applicant directly once the applicant has given their evidence.
- **The reporting agencies:**
  - **Licensing Inspector** – Will present their report and may call witnesses to provide evidence
  - **Police** – Will attend in opposition or to assist the committee, if presenting

evidence, they may also call witnesses

- **Medical Officer of Health** – Will attend in opposition or to assist the committee, if presenting evidence, they may also call witnesses

- **Anyone sitting in the public gallery:** As DLC hearings are open to the public, anyone can come and observe a hearing. This may be people who are there to support objectors or even media.

## WHAT HAPPENS AT A HEARING?

The order may change but generally the order is:

### 1. Opening and introduction

A time where the Chair/Commissioner will open the hearing, discuss any procedural matters, everyone who is party to the hearing will introduce themselves.

### 2. Applicant

The applicant or their agent will present their case. The applicant will then give their evidence. Once the applicant has finished giving evidence everyone who is involved in the hearing will be given a chance to ask the applicant questions (this is called cross examination).

### 3. Reporting agencies

The reporting agencies will open their arguments and provide evidence. At the end of each reporting agency giving evidence, everyone involved in the hearing will have a chance to cross examine the agency on any evidence that has been presented.

### 4. Objectors

Objectors who have chosen to speak at the hearing will present their evidence and/or call their witnesses. This can also be done using a legal representative if you wish to do so. Everyone involved in the hearing will be given a chance to ask the public objector questions, including the applicant.

### 5. Closing statements

All parties are given an opportunity to sum up everything that has been presented and state whether they remain opposed or whether the evidence presented has made them change their mind.

## WHAT HAPPENS AFTER A HEARING?

After the hearing the DLC will discuss their decision in private. There is no timeframe as to how long a decision can take. As a party to the hearing, you will receive a copy of the decision in writing.

If you disagree with the decision that has been made you can appeal the decision to be heard at the Alcohol Regulatory Licensing Authority (ARLA) within 10 working days of the DLC decision being notified. There is a cost to appeal the decision. More information can be found at [justice.govt.nz/tribunals](https://justice.govt.nz/tribunals)

## WHERE CAN I GO FOR MORE HELP?

For local advice, [Waikato Community Law](#) is available to provide free support to public objectors.

There is a guide which will provide you with more detail on how to prepare for a hearing. This guide can be collected from our office at Garden Place, or a [PDF copy can be downloaded here](#).

If you have any further questions, please contact our Licensing Team at [licensing@hcc.govt.nz](mailto:licensing@hcc.govt.nz)

