



DISTRICT LICENSING COMMITTEE PUBLIC HEARINGS – HOW THEY WORK

PUBLIC HEARINGS

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

Each Committee has three members – a Commissioner (or Chairperson) 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 or hospitality industry.

Hearings are usually held at Wellington City Council's offices (113 The Terrace) but may need to be held at a different venue if a suitable room is not available or if large numbers of people are expected to attend. The applicant, and anyone opposing the application who wishes to be heard, will be given 10 working days' notice of the date, time and venue of the hearing.

Public hearings are reasonably formal so that applications are dealt with consistently and fairly, and all parties are given a fair opportunity to present their views.

If you wish to present your evidence in Te Reo Māori at the hearing, either written or oral, please let us know in advance so we can arrange for a translator to be there.

If you require assistance from a NZ sign language interpreter at the hearing please let us know in advance so we can arrange that.

District Licensing Committee hearings are open to the public, including the news media. It may be necessary to exclude the public from some parts of a hearing or limit the release of information for commercial or personal privacy reasons.

WHAT HAPPENS AT THE HEARING?

When you arrive at the hearing, you'll be asked by the Governance Advisor to record your attendance if you are appearing as an applicant, on behalf of an applicant, as an objector, as a witness or representing one of the reporting agencies. If you have a written submission you wish to present at the hearing, 10 copies of your submission should be given to the Advisor for distribution to the Committee and others who are appearing.

The hearing will usually follow this format:

Opening and introduction

The Governance Advisor announces that the hearing is about to start and everyone stands as the Committee comes into the room

The Chairperson asks everyone to sit down before introducing the Committee members, and advises which licence application is being heard. If you recorded your attendance when you arrived at the hearing, you'll be asked to introduce yourself. The Chairperson then gives a brief outline of the hearing procedure.

The applicant

If you are the applicant, you'll be asked to swear your evidence either on oath (eg 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 Chairperson will then invite the reporting agencies (Police, Medical Officer of Health and licensing inspector) and any objectors, to ask questions.

Reporting agencies

The Police, Medical Officer of Health and licensing inspector will all be sworn in before presenting their evidence.

They must answer questions from the Committee. As the applicant, you may also ask them questions.

Objectors

If you are an objector and you wish to speak at the hearing, you'll 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 Chairperson 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

The Chairperson advises everyone that the public part of the hearing is finished and the decision

will be made by the Committee in private. The Governance Advisor will ask everyone to stand while the Committee leaves the room.

THE DECISION

The Committee may make a site visit after the public hearing and may also meet in private to discuss the evidence submitted before finalising their decision.

The written decision of the Committee (including the reasons for it) will be sent to the applicant, the reporting agencies and all objectors.

APPEALS

All those who took part in the hearing have the right to appeal to the Alcohol Regulatory Licensing Authority if they are dissatisfied with the decision or any part of the decision.

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

