

## Item 4: Alcohol Licensing Matters

**SESSION TYPE:** Briefing

### **PURPOSE/DESIRED OUTCOME:**

To discuss and clarify alcohol licensing matters, Queenstown Lakes District Licensing Committee (DLC) role, and other alcohol related matters.

Much of the workshop will be conducted in public, but the meeting will need to exclude the public if there needs to be discussion about DLC members' employment or experience or any questions about certain alcohol applications.

### **DATE/START TIME:**

Thursday, 16 April 2026 at 3.45pm.

### **TIME BREAKDOWN:**

Presentation: 15 minutes

Questions: 15 minutes

### **PRESENTERS:**

Sian Swinney – Manager, Alcohol Licensing

Anthony Hall – Regulatory Manager

Katherine Harbrow – General Manager Assurance, Finance and Risk

### **PUBLIC EXCLUDED:**

It is recommended that parts of the subject matter discussed have the public excluded. This recommendation is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

<i>Section and Grounds</i>	<i>Reason for this recommendation</i>
7(2)(a) to enable Council to protect the privacy of natural persons, including that of deceased natural persons	Private information regarding the qualifications and experience relating to the current DLC members should be considered in public excluded (as is done when they are appointed in Council meetings).
	<i>Public interest statement</i> To attract high quality candidates and to ensure the best possible recruitment outcome, candidates must be able to apply and be confident that a successful or unsuccessful application will be confidential. This

	requirement outweighs any public interest in the membership of the District Licensing Committee.
7(2)(a) to enable Council to protect the privacy of natural persons, including that of deceased natural persons	<p>If Councillors wish to discuss complaints, it would be appropriate to exclude the public to protect the complainant’s name and the nature of the complaint.</p> <p><i>Public interest statement</i>                  Complainants need to have confidence that the detail of a complaint and a complainant’s identity remains public excluded. The need to maintain this confidentially outweighs any public interest in a complaint.</p>

<b>Prepared by:</b>	<b>Reviewed and Authorised by:</b>
	
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<b>Title:</b> Alcohol Licensing Inspector Manager	<b>Title:</b> GM Assurance Finance Risk
7 April 2026	7 April 2026

**ATTACHMENTS:**

A	Presentation
B	Selecting and appointing district licensing committees: A guide for councils

# Alcohol Licensing and the District Licensing Committee

Councillor Briefing 16 April 2026

Sian Swinney Manager Alcohol Licensing

Anthony Hall Regulatory Manager

Katherine Harbrow GM Assurance Finance and Risk

# Overview

- Legislation, bylaws and policies
- Who's involved in alcohol licensing
- What is a District Licensing Committee (DLC)
- How a DLC is appointed
- DLC hearings
- Councils role in alcohol matters
- Licensing challenges for the Queenstown Lakes district
- Statistics relating to Queenstown Lakes licensing matters
- Other alcohol related matters
- Questions

# Legislation, Bylaws and Policies

- Sale and Supply of Alcohol Act 2012 (the Act)
- Sale and Supply of Alcohol Regulations 2013
- Sale and Supply of Alcohol (Fees) Regulations 2013
- QLDC Alcohol-Free Areas in Public Places Bylaw 2018
- QLDC Alcohol Licensing Fee Reduction Policy
- New Managers Certificate Applicants Experience - DLC Policy

# Who's Involved In Alcohol Licensing

## ○ **Alcohol Licensing Team**

- Six staff including: Manager, Team Leader, Senior, Inspectors, Support Staff

## ○ **Agency Partners**

- Police (Alcohol Harm Prevention Officers or AHPOs)
- Medical Officer of Health (MOH) and their delegates
- Fire and Emergency New Zealand

## ○ **District Licensing Committee (DLC)**

- Local alcohol licensing committee
- Secretary of the DLC position

## ○ **Alcohol Regulatory and Licensing Authority (ARLA)**

- Independent Tribunal under the Ministry of Justice

# What Is A District Licensing Committee (DLC)

- Every territorial authority must appoint a DLC (s.186)
- Functions of the DLC (s.187)
- Powers of the DLC (s.188)
- Deemed to be a Commission of Inquiry (s.201)

# How A DLC Is Appointed

- Publicly advertising expressions of interest
- Panel meetings of candidates who meet the selection criteria (as provided in the “Selecting and Appointing District Licensing Committees – A Guide for Councils”)
- Report provided to full council (public excluded)
- Chief Executive makes appointments (s.189)
- DLC appointed for up to five years
- Training

# DLC Hearings

- When are they required
- Hearing processes
- Natural Justice obligations
- DLCs can consider any information before it
- Decisions
- Appeals of DLC decisions

# Councils Role In Alcohol Matters

- Local Alcohol Policy (LAP) owners
- Administrative functions
- DLC appointment
- DLC Secretary appointment
- Licensing Inspectors are appointed and monitor compliance
- Ensuring Licensing Inspectors can exercise their role independently

# Licensing Challenges For The Queenstown Lakes District

- Complex applications
- Greater community interest
- Large numbers per capita

# Statistics Relating To Licensing Matters

- Currently 533 current licences in the district
- Currently 2270 certified duty managers in this district
- Since December 2013:
  - DLC application decisions issued = ~14,448
  - DLC hearings = 145
  - Appeals of DLC decisions lodged with ARLA = 5
  - 708 objections across 22 applications
  - Third highest number of objections to one application in the country

# Other Alcohol Related Matters

- Law changes and amendments
- New members Bill introduced in March 2026 – Sale and Supply of Alcohol (Improving Alcohol Regulation) Amendment Bill
- Ministry of Regulation – hospitality sector review

# Questions?



# Selecting and appointing district licensing committees

## A guide for councils

*We would like to acknowledge the input and support provided by the advisory group established for the purposes of this project as well as members of the District Licensing Committee Advisory Group, the Local Government Alcohol Reference Group and the Regulatory Agencies Steering Group. We would also like to thank Ko Tātou Local Government New Zealand, and the Taituarā for their contributions.*

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# About this guide

## Who is this guide for?

This guide is for council staff responsible for managing the selection and appointment of district licensing committees (DLCs). The guide will be useful whether you are new to the process or you have had previous experience. It may also be of interest to elected members of council and prospective DLC members.

## How will this guide help you?

This guide will support you to:

- understand the range of skills that a DLC needs
- run a robust selection and appointment process
- appoint a DLC with the necessary knowledge, skills and experience
- give effect to the Sale and Supply of Alcohol Act.

The Sale and Supply of Alcohol Act 2012 (the Act) aims to minimise harm from alcohol by managing the way it is sold, supplied and consumed. The Act introduced a system of alcohol licensing intended to enhance community participation in licensing decisions.

DLCs have an important role under the Act – to consider and decide on all applications for alcohol licences within their local areas. DLCs need the right mix of skills to do their job well.

Councils are responsible for selecting and appointing DLCs. This is an important first step in ensuring that DLCs can carry out their role effectively. This guide will help you run a robust selection and appointment process. You can tailor the guidance to fit your local circumstances, the size of your community and the number of licensing applications you receive.

## What does this guide cover?

1. A brief introduction to DLCs
2. Who can be on a DLC?
3. Who can't be on a DLC?
4. Considering your local context
5. Running a robust selection and appointment process
6. Dealing with challenges
7. Providing ongoing support for your DLC

Section 8 provides resources such as examples of advertisements, job descriptions and interview materials that you can use and adapt for your council.

# 1. A brief introduction to DLCs

**This section provides background information on DLCs and relevant legal requirements under the Act. It covers:**

**1.1 What DLCs do**

**1.2 The legal status of a DLC**

**1.3 Relevant sections of the Act**

## 1.1 What DLCs do

Anyone wanting to sell and supply alcohol to the public in New Zealand must apply to their local council (territorial authority) for a licence. DLCs consider and decide all applications for licences and manager's certificates (s 187 of the Act).

DLCs are established under the Act and administered by councils. Each council must establish and maintain a list of DLC members. They can have their own list or have a combined list with one or more other councils (s 192).

A DLC considers the application, agency reports, evidence and submissions presented to it against the criteria in the Act and any relevant case law. It then objectively evaluates the evidence, determines facts, forms opinions and draws conclusions to make its decision.

Within their local areas, DLCs decide applications for:

- new and renewal applications for on-, off- and club licences
- special licences
- new and renewal applications for manager's certificates
- opposed acting or temporary appointments of managers
- variation of licence conditions

- temporary authorities and temporary licences
- orders to vary, revoke, suspend or cancel a special licence.

## 1.2 The legal status of a DLC

A DLC is a committee of council (s 200(1)), is administered by the council, and may include councillors. However, it is an independent inquisitorial and impartial body. In DLC hearings the parties or their representatives cannot question other parties or witnesses of other parties, this will be the role of the DLC. In addition, DLCs are not required to publicise or run their meetings in the same way as other council committees (s 207 of the Act and part 7 Local Government Official Information and Meetings Act 1987 [LGOIMA]).

DLCs have the powers of a commission of inquiry under the Commissions of Inquiry Act 1908. As a commission of inquiry, a DLC has a quasi-judicial role. DLCs have powers and procedures similar to those of a court of law or a judge and are obliged to objectively make findings of facts and draw conclusions from them. This means, for example, that a DLC can issue summonses requiring the attendance of witnesses before it or the production of documents. It also has the power to rehear any matter that it has determined (s 201(4)). DLCs should not be subject to influence from the council (or from any other third party). A council can, if it wishes, be represented and participate in a DLC hearing (s 204). However, a council cannot override a decision of a DLC.

A decision of a DLC can be appealed to the Alcohol Regulatory and Licensing Authority (ARLA) by any party to the decision. Decisions of ARLA can be appealed to the High Court, then the Court of Appeal, and up to the Supreme Court.

### 1.3 Relevant sections of the Act

The following sections of the Act relate to the appointment and operation of DLCs:

99	Applications to be made to licensing committee
186	Territorial authorities to appoint district licensing committees
187	Functions of licensing committees
188	Powers of licensing committees
189	Composition of licensing committees
190	Meetings of licensing committees
191	Quorum
192	Territorial authority to establish and maintain list of licensing committee's members
193	Appointment of commissioners
194	Resignation or removal
200	Application of Local Government Official Information and Meetings Act 1987
201	Licensing authority and licensing committees have powers of commissions of inquiry
202	Procedure
203	Proceedings of licensing authority and licensing committees
203A	Licensing committees must establish appropriate procedures
204	Right of certain persons to appear in proceedings
207	Evidence in proceedings before licensing authority or licensing committee
208	Licensing authority or licensing committee may waive certain omissions
211	Decisions to be given in writing



## 2. Who can be on a DLC?

**This section explores who can be on a DLC by considering:**

### 2.1 What the Act says

### 2.2 What this means: good practice guidance

#### 2.2.1 What is good standing?

#### 2.2.2 What is relevant knowledge, skills or experience?

#### 2.2.3 Detailed guidance on essential and desirable knowledge, skills and experience

### 2.1 What the Act says

#### Councils must have a list of DLC members

Councils must establish, maintain and publish a list of people approved to be members of that council's DLC. Councils can establish a combined list with one or more territorial authorities.

Members must have: "experience relevant to alcohol licensing matters" (s 192(2)). Members can be elected councillors or people from the community. Members are included on the list for a fixed term of up to five years and can be reappointed for one or more periods of up to five years.

#### Councils can appoint commissioners

Councils can appoint a commissioner to any of its DLCs. A commissioner has all the functions, powers and duties of the chair (s 193(1)) and can be appointed as a chair (s 189(2)).

The Act requires a commissioner to be someone who: "is of good standing in the community and has the necessary knowledge, skill, and experience relating to matters that are likely to come before the committee" (s 193(2)).

Commissioners are appointed for a fixed term of up to five years and can be reappointed for one or more periods of up to five years.

### The composition of a DLC

Each DLC, which is selected to consider an application, is made up of a chair and two members. The chair can be either an elected member of the council (from the approved member list) or a commissioner appointed by the chief executive, on the recommendation of the council.

### 2.2 What this means: good practice guidance

The Act does not define or set out:

- good standing or the necessary knowledge, skill and experience relating to matters that are likely to come before the committee (required for commissioners)
- the experience relevant to alcohol licensing matters (required for members).

In the absence of such detail, this document provides some guidance to councils about good standing and the types of knowledge, skills and experience that would contribute to the effective running of a DLC.

#### 2.2.1 What is good standing?

A commissioner must be someone who "is of good standing in the community and has the necessary knowledge, skill, and experience relating to matters that are likely to come before the committee" (s 193(2)).

The Act does not give a definition of "good standing in the community". When considering good standing you could think about whether an applicant:

- is of good character eg, do they have any convictions? Have they been bankrupted?

- has a good reputation and is held in high regard in their community
- holds positions of leadership within a community eg, school board of trustees or iwi authority
- belongs to a professional organisation that upholds professional standards of ethics.

### 2.2.2 What is relevant knowledge, skills or experience?

In considering what might be relevant knowledge, skills or experience, it is useful to think about the skills that DLCs need to carry out their role effectively.

#### **DLCs must understand alcohol-related harm and how it can be minimised**

All members must have an understanding of the nature of alcohol-related harm – what it is, how it impacts communities (particularly high risk communities), and how it can be minimised. While alcohol-related harm is often perceived as direct harm, DLCs need to understand the deeper and more complex layers of impacts on communities. Alcohol-related harm is not just about rubbish and noise. It is also about the broader health, social, economic and cultural impacts (both direct and indirect) of the sale, supply and consumption of alcohol, particularly inappropriate or excessive consumption of alcohol.

#### **DLCs need experience in legal processes**

There are different views about the need for legal training and skills on DLCs. Many applicants have legal representation for hearings, so having a DLC that is suitably experienced to address matters of law raised by lawyers is necessary. Some councils value legal expertise and only have lawyers on their DLC. Other councils don't believe that formal legal expertise is essential for a well-functioning DLC and have no lawyers at all. In these cases, chairs may have experience in legal and

regulatory processes such as the Natural & Built Environment Act 2023 and councils provide legal advice or support to their DLC.

#### **DLCs need skills to facilitate community participation**

One of the key drivers behind the Act was to enhance community participation in licensing decisions. DLC practices can have a big impact on the willingness and ability of the community to take part. DLCs need skills and experience to work effectively with community participants in hearings.

When selecting and appointing your DLC you might want to consider:

- the skills and experience that members have in working with communities or running hearings in a way that makes community members feel welcome. This is particularly important for members of the community appearing as objectors who may not be familiar with judicial processes
- whether members have an understanding of:
  - the diversity of the community/communities that the DLC is responsible for
  - how alcohol-related harm impacts disproportionately across different communities and population groups
  - differing patterns of alcohol-related harm in the local community
  - barriers that some communities face to participating in the licensing and hearings process and how these might be addressed
- whether members are available to attend hearings in the evening, at different locations, or via video conferencing
- whether your chair and members have appropriate skills (or can demonstrate a desire to upskill) in te reo Māori (language), pronunciation, and tikanga (customs).. You can provide support for your DLC members to build this capacity.

You might also think about how the diversity of your DLC reflects the community it serves, in particular those most affected by alcohol-related harm.

The table below provides some detailed suggestions for relevant knowledge, skills and experience.

### 2.2.3 Detailed guidance on essential and desirable knowledge, skills and experience

It provides good practice guidance on essential and desirable knowledge, skills and experience for DLC chairs and commissioners (C), and members (M).

We have not differentiated between chairs and commissioners in this table. Chairs, regardless of whether they are elected members or appointed commissioners, need to have the same knowledge, skills and experience to run effective hearings and decision-making processes.

	ESSENTIAL	DESIRABLE	EXPLANATION/COMMENTARY
<b>Knowledge, understanding or experience of:</b>			
✓ Te Tiriti o Waitangi/ the Treaty of Waitangi	C, M		While the Sale and Supply of Alcohol Act 2012 does not refer to Te Tiriti o Waitangi, it is good practice for all people in public office to have a knowledge and understanding of Te Tiriti and its implications for their decision-making roles.
<b>Law and legal processes</b>			<i>This experience could be through other roles such as an employer or a mediator.</i>
✓ the law and its application (including the Act, case law and written decisions)	C	M	An understanding of law and how it is applied is essential for chairs. Chairs need to understand and apply the Act, case law and written decisions.
✓ judicial processes	C	M	DLCs are quasi-judicial bodies so understanding or experience of judicial processes is essential for chairs who manage hearings.
✓ natural justice and its application	C, M		Chairs and members must understand what natural justice is and what they need to do as decision makers to achieve it.
<b>Sale and Supply of Alcohol Act 2012</b>			
✓ the object of the Act	C, M		All members must be familiar with the object of the Act.
✓ alcohol-related harm and its impacts on communities	C, M		All members must have an understanding of the nature of alcohol-related harm – what it is, how it impacts communities (particularly high-risk communities), and how it can be minimised.

	ESSENTIAL	DESIRABLE	EXPLANATION/COMMENTARY
✓ the Act and its application	C	M	Chairs must have a thorough understanding of provisions of the Act and their application.
✓ alcohol licensing (including local alcohol policies if relevant)	C	M	Chairs need a thorough understanding or experience of alcohol licensing processes.
<b>Hearings</b>			<i>This could be through experience in other roles such as an employer or a mediator – and as a facilitator or a participant in hearings.</i>
✓ the purpose of hearings	C, M		Chairs and members must understand the purpose of hearings.
✓ hearing procedures (and the unique nature of DLC hearings procedures)	C	M	Chairs are responsible for running hearings, so must have knowledge, skills and/or experience in hearings procedures generally, and DLC hearings in particular.
✓ skills around inquiry	C	M	Ability to elicit information required via questioning of all parties in order to make a good decision.
✓ the nature of evidence	C	M	Chairs need to understand the nature of evidence, what does (and doesn't) constitute evidence, and how evidence differs from submissions.
✓ conflict of interest and bias and the appearance of conflict of interest or bias	C, M		Chairs and members must understand the nature of conflicts of interest and bias and be able to apply them to their own situations.
✓ operating under rules of confidentiality	C, M		Chairs and members must be able to operate under rules of confidentiality.
<b>The community</b>			
✓ the local community in which the DLC operates	C, M		Chairs and members need to have a good understanding of the local community in which the DLC operates, including: <ul style="list-style-type: none"> <li>• the demography of the community</li> <li>• whether and how it is changing</li> <li>• the environment that the premises are, or would be, in</li> <li>• groups within the community who experience more alcohol-related harm</li> <li>• whose views are (and aren't) being presented.</li> </ul>
✓ the local community's concerns and expectations around alcohol and alcohol-related harm	C, M		Chairs and members need to have a good understanding of the local community's concerns around alcohol and alcohol-related harm

	ESSENTIAL	DESIRABLE	EXPLANATION/COMMENTARY
✓ the nature of the licensing environment and alcohol-related harm in the community in which the DLC operates	C, M		Chairs and members need to be familiar with: <ul style="list-style-type: none"> <li>the local licensing environment:                             <ul style="list-style-type: none"> <li>numbers and types of on- and off-licence and club licence premises</li> </ul> </li> <li>the local environment that the application is for, and the nature of the current alcohol-related harm that exists there:                             <ul style="list-style-type: none"> <li>who is affected, where, when?</li> <li>where is the alcohol sold, supplied and consumed?</li> </ul> </li> </ul>
✓ the local iwi, hapū, and Māori communities	C	M	Chairs should have an understanding of local Māori communities: their aspirations; their concerns and expectations about alcohol and alcohol-related harm.
✓ the cultural and ethnic make-up of the local community	C	M	Chairs should have an understanding of the cultural and ethnic make-up of local communities: their aspirations; their concerns and expectations about alcohol and alcohol-related harm.
✓ working with community and community groups		C, M	Previous experience or skills in working with community groups would be valuable to have on any DLC, particularly if they are to provide an environment that is welcoming to public objectors who are not familiar with legal environments.
<b>Skills in:</b>			
<b>Communication and teamwork</b>			
✓ oral communication	C, M		Chairs and members need to be able to communicate effectively with one another, with staff, and with participants at hearings.
✓ listening and asking questions to gain understanding	C, M		Chairs and members must be active listeners who can use questions to gain understanding and elicit information from all parties.
✓ considering information from a variety of sources in an objective, unbiased way and being open-minded in reaching a conclusion	C, M		The key role of the DLC is to evaluate information from a range of parties (often in opposition to one another), consider this in an objective and unbiased way, and come to a conclusion within the context of the Act.
✓ written communication	C	M	Chairs undertake most written communication on behalf of the DLC (including minutes and decisions) so must have strong skills in this area.

	ESSENTIAL	DESIRABLE	EXPLANATION/COMMENTARY
✓ te reo Māori	C	M	It is a requirement of the legislation that evidence can be provided in te reo Māori. Chairs should have an understanding of te reo Māori (or have demonstrated a commitment to upskilling) so that they are able to run and manage hearings effectively and appropriately (as required).
✓ tikanga	C	M	Chairs and members must have a good understanding of tikanga as it is a requirement in the legislation for tikanga to be incorporated into proceedings.
✓ computer literacy	C, M		Chairs and members need computer literacy to carry out their role effectively, for example: <ul style="list-style-type: none"> <li>• email communication</li> <li>• research (eg, case law)</li> <li>• downloading, uploading and amending DLC documents and decisions</li> <li>• running online hearings.</li> </ul>
✓ facilitating good working relationships with other DLC members	C, M		Chairs and members need to have good interpersonal skills and be able to build good working relationships with others.
<b>Responsibilities of the chair</b>			
✓ running hearings	C		The chair must be able to run or chair hearings in a way that: <ul style="list-style-type: none"> <li>• is fair and effective</li> <li>• is inclusive of members of the community appearing as objectors who may not be familiar with judicial processes</li> <li>• ensures that no party dominates proceedings and that members are addressing questions to all parties</li> <li>• ensures procedures are correctly followed</li> <li>• achieves natural justice.</li> </ul>
✓ writing clear and well-thought-out decisions	C		Chairs are responsible for writing decisions on behalf of the DLC. They must be able to write decisions that: <ul style="list-style-type: none"> <li>• are well structured, logical and clear</li> <li>• outline the considerations of the DLC in reaching its evaluations, opinions and conclusions</li> <li>• refer to relevant case law</li> <li>• are legally sound.</li> </ul>

	ESSENTIAL	DESIRABLE	EXPLANATION/COMMENTARY
<b>Personal qualities</b>			
✓ willingness to upskill and develop new knowledge		C, M	Chairs and members need to be open to upskilling where necessary and developing their knowledge.
✓ willingness to make decisions (that may be unpopular) and be subject to media scrutiny and appeals by higher authorities such as ARLA and the High Court		C, M	The decisions made by DLCs will sometimes be unpopular and subject to scrutiny by the courts and the media. Members and chairs need to have the resilience to manage such scrutiny and criticism.



## 3. Who can't be on a DLC?

**This section explores who can't be on a DLC by considering:**

**3.1 What the Act says**

**3.2 What this means: good practice guidance**

**3.2.1 General principles for decision makers**

**3.2.2 Managing conflicts and bias**

### 3.1 What the Act says

You cannot appoint a commissioner (s 193(3)) or a list member (s 192(5)) if:

- 1 the person is:
  - a police officer, or
  - a Medical Officer of Health, or
  - an alcohol licensing inspector, or
  - an employee of the territorial authority
- 2 the council believes that the person has, directly or by virtue of his or her relationship with another person, such an involvement or appearance of involvement with the alcohol industry that he or she could not perform his or her duties without actual bias or the appearance of bias.

Chairs who were appointed to the DLC as an elected member of council cannot remain on the DLC if they are no longer an elected member of the council. However, the council could choose to reappoint them as a commissioner if the individual has the necessary knowledge, skill and experience relating to matters that are likely to come before the committee (s 193(2)).

### 3.2 What this means: good practice guidance

DLCs make important decisions on applications for licences under the Act and, in doing so, must run a fair process. Councils must ensure that the people they appoint to their DLC can run a fair and objective decision-making process.

The Act specifically prohibits the appointment of anyone to a DLC who could not perform their duties due to bias or the appearance of bias as a result of their involvement, or the appearance of their involvement, in the alcohol industry.

However, considerations of bias and conflict of interest are not restricted to those with industry involvement. Every member or official of a public entity has professional and personal interests and roles. Occasionally, some of those interests or roles overlap. This is almost inevitable in a small country like New Zealand, where communities and organisations are often close-knit and people have many different connections. Elected members of council have extensive involvement in their communities and a great deal of local knowledge. This knowledge can help inform the decision-making processes of the DLC; however, this closeness to the community can also give rise to a conflict of interest or a perception of bias.

Conflicts of interest sometimes cannot be avoided, and can arise without anyone being at fault. They are a fact of life. But they need to be managed carefully. Even where no conflict of interest exists, councils and DLCs must be careful to avoid any perception of a conflict of interest. DLCs need to be impartial and be seen to be impartial.

This section sets out some general principles for decision makers and some specific guidance on managing bias and conflicts of interest.

### 3.2.1 General principles for decision makers

#### Decision makers must uphold natural justice

Natural justice is about fair process. It means that any public decision-making body, including a DLC, must be independent and impartial and its procedures must be fair and transparent. Natural justice can be enforced by the courts, administrative tribunals or ombudsmen. Determining whether a decision complies with natural justice will generally depend on whether a fair and proper procedure was followed in making it.

#### Decision makers must avoid bias and the appearance of bias

Decision makers must be unbiased in all procedures, when holding a hearing or making a decision. A decision maker must be impartial and must make a decision based on a balanced and considered assessment of the information and evidence before them without favouring one party over another. Even where no actual bias exists, decision makers should be careful to avoid the appearance of bias.

#### Decision makers must avoid conflicts of interest

The Office of the Auditor-General defines it the following way: "Put most simply, a conflict of interest can arise where two different interests overlap."

In the public sector, there is a conflict of interest where a member's or official's duties or responsibilities to a public entity could be affected by some other interest or duty that the member or official may have.

The other interest or duty might exist because of:

- the member's or official's own financial/business interests or those of his or her family

- a relationship or other role that the member or official has or something the member or official has said or done.

### 3.2.3 Managing conflicts and bias

#### Involvement in the alcohol industry – what might this mean?

Examples of involvement in the alcohol industry that might lead to real or perceived bias or conflicts of interest for DLC members could include (but are not limited to):

- having a financial interest in a licensed premises
- having family members with interests in a licensed premises
- having close personal or working relationships with licensees
- being the property owner of the site of a licensed premises.

People who have had involvement in the alcohol industry will have knowledge, skills and experience that would be useful on DLCs. For example, ex-licensees would bring knowledge of the practical application of the Act in licensed premises. In this case, you might consider how much time has passed since they left their role. It is not easy to prescribe a specific length of time – it should be long enough that the person is unlikely to be dealing with parties they have worked closely with, but recent enough that their knowledge and skills are still relevant.

If you are thinking about appointing someone with previous involvement with the industry, then consider:

#### *The nature of their relationships*

- Who does the individual have professional relationships with?
- Could these relationships lead to bias or a perception of bias?

#### *Awareness*

- Does the person concerned have an awareness of their potential bias and whether/how it could be managed?

#### *The observer test*

- Would a reasonably informed, objective observer consider that the individual could perform their duties without bias or a perception of bias?

### Managing bias and conflicts of interest in the selection and appointment process

#### **Run a robust selection and appointment process**

The best way to avoid and manage any concerns about bias and conflict of interest of DLC members is to run a robust selection and appointment process. See [Section 5.3](#) for more details.

#### **Document your process**

Document your selection and appointment process. If the council is challenged about an appointment (or the decision of a DLC), you will have documentation which can be made publicly available (subject to necessary privacy redactions).

Keep good notes of interviews, assessments of candidates, panel decisions and of course council decisions. Document the consideration of any potential bias or conflict of interest and the resulting conclusions. Make sure that all

documents are filed in the council's electronic filing system and can be easily retrieved at a later date.

### Managing bias and conflicts of interest in DLC decision making on specific applications

There are many ways that bias can be managed in the context of a specific application including:

- assessing the relationships between DLC members/chairs and applicants or parties to a hearing
- members excluding themselves
- appointing an outside commissioner if required
- allowing for concerns about bias prior to a hearing, for example:
  - all DLC members/chairs could have a photo and short biography on the council website
  - when an application is advertised and a committee is selected, the parties could be sent a link to the biographies
  - council could provide a timeframe for parties to state any concerns around bias of members prior to the hearing
- members making a declaration at the start of the hearing that they have no conflicts. Parties can object and be heard in 'chambers' if required
- the DLC referring the case to ARLA (s 170(a)).

For more information on managing conflicts of interest see the Office of the Auditor-General's guide – [Managing conflicts of interest: Guidance for public entities](#).

## 4. Considering your local context

**Each territorial authority must establish and maintain a list of DLC members. You can have your own list or have a combined list with one or more other territorial authority. Each territorial authority must have at least one DLC; larger metropolitan centres may have more than one. This section of the guide focuses on your local context and what you need to think about in selecting, appointing and administering your DLC. It considers:**

4.1 Local needs and demands

4.2 Achieving the right mix

4.3 Timing of appointments

### 4.1 Local needs and demands

DLCs in large metropolitan areas regularly deal with high numbers of applications. While the majority are still dealt with 'on the papers' (by the chair), these DLCs may have more than 20 public hearings a year. Depending on the number of members on the list and the practices of the council, these members are likely to be involved in many hearings. Some councils in larger cities have several DLCs and a pool of chairs that can rotate.

In contrast, many smaller towns or rural areas have only a few applications per year and even fewer public hearings. Councils in smaller provincial and rural areas may have only one chair (either an elected member or a commissioner), who takes part in every hearing. If you only appoint one chair, you will need to appoint a competent deputy chair who can cover the chair if they are on leave or unwell.

Where neighbouring councils have shared lists of DLC members, DLCs can cover multiple council areas. This can be useful in areas

where there are few applications and members have less chance of being involved in a hearing and keeping their skills up to date.

You need enough members to cover each other's holiday or illness or any conflicts of interest. Four members must be available for each hearing: three for the hearing and one alternative in case of illness.

Things to think about:

#### *The demand in your community*

- What is the population of your city or district? Is it likely to change significantly in the next five years?
- How many applications do you generally receive each year? Is this likely to change significantly in the next five years (eg, as a result of rapid urban growth)?
- How many hearings have you had each year in the recent past? Is this likely to change significantly in the next five years?

#### *The make-up of your DLC*

- How many DLCs do you need to meet the demand in your community?
- How many members do you need?
- How many chairs/commissioners do you need?
- What should be the ratio of chairs/commissioners to members?
- Do you need your own list of members or could you share with neighbouring councils?
- Do you have enough members to cover illness, leave and conflicts?

### 4.2 Achieving the right mix

Consider the overall make-up of your DLC. It is unlikely that any individual, whether they are a chair, commissioner or list member, will bring all the skills, experience and qualities needed. Rather, it is important that you get the right mix of skills in the pool.

Elected members, commissioners and community members can bring different things to a DLC. You can use a combination of each to build a DLC that reflects the needs and skills of your community and council.

***Different options include:***

- **No elected members** – you can have commissioners as chairs and community members as list members. This approach can de-politicise the process, emphasising the independence and separation of the DLC from the elected members. It provides for elected members to advocate more broadly for their community on alcohol issues, ensuring no conflict of interest.
- **Commissioners and elected members** – if your elected members have great understanding of the local community but little experience in alcohol licensing, a commissioner can provide that knowledge and help build local capability.
- **Elected members and community members** – if you have elected members with the necessary skills and experience but you want to reflect your community (or particular parts of it) or broaden your skill base, you might include list members from the community.
- **Only elected members** – some councils value the local knowledge that elected members bring and so only have elected members on their DLCs. This can work if your elected members have the skills required for a DLC to function effectively, such as knowledge and experience of legislation, regulation, alcohol licensing, hearings and decision writing. However, this could increase the likelihood of conflict of interest, raise perceptions of bias, and reduce advocacy options for elected members to participate in hearings. The need to be available for hearings may also impact on their elected member duties.

## 4.3 Timing of DLC appointments

### 4.3.1 Tenure

Councils can appoint DLC members, chairs and commissioners for up to five years. They can be reappointed for one or more periods of up to five years.

A DLC member can resign at any time and can be removed for inability to perform functions, neglect, bankruptcy or misconduct.

Chairs who were appointed to the DLC as an elected member of council cannot remain on the DLC if they are no longer an elected member of the council. However, the council could choose to reappoint them as a commissioner if the individual has the knowledge, skills and experience relating to matters that are likely to come before the committee.

### 4.3.2 Timing of appointments

You need to think about when you will appoint members and for how long. You can predict the timing of some appointments – such as when a term ends or following local government elections. Some others will not be as predictable, for example if a member resigns during their term.

Some councils stagger their appointments or appoint members for different lengths of time so that terms do not all end at the same time. This can help with succession and maintaining knowledge within the DLC, but it can also be very resource intensive.

You need to start recruitment of new members several months before the expiry of an outgoing member. See [Section 5.3](#), which outlines the selection and appointment process in detail.



# 5. Running a robust selection and appointment process

**Your selection and appointment process must be robust, transparent, objective and well managed. This section provides guidance to help you achieve this. It covers:**

5.1 Who should be involved?

5.2 Attracting a wide pool of skilled candidates

5.3 The process in detail

## 5.1 Who should be involved?

### 5.1.1 Recruitment staff

Recruitment staff should run and manage the selection and appointment process. The staff who are usually involved include regulatory managers, DLC advisors and hearings advisors. Inspectors should not be involved. Recruitment staff should advise elected members on the selection and appointment process, run the selection process, and provide recommendations on appointments to council.

### 5.1.2 Elected members

Different councils involve elected members at different levels. Whatever involvement elected members may have, the key is to maintain transparency and objectivity in the process.

Many councils keep elected member involvement to a minimum: elected members are informed of the process at the start and approve staff recommendations for appointments at the end. Elected members have no active involvement in implementing the process or making decisions about who is appointed.

Other councils involve elected members at particular points in the process. For example, some councils who have elected members on their DLC include them on interview panels. Any elected members involved in the selection process would need to follow the selection criteria and assessment process in a transparent and objective manner, as with other members of the selection panel.

Remind elected members of the potential risks of not following good process (challenges to the appointment process and associated legal costs, reputational risks, a DLC without the necessary skills, poor decisions by the DLC, etc).

### 5.1.3 Members of iwi or Māori committees

Several councils have provided for an iwi or Māori voice in the selection and appointment process. You could do this by involving members of your local iwi, hapū or Māori advisory board/committee in: determining selection criteria; interviewing candidates; shortlisting; or making recommendations for selection.

### 5.1.4 External contractors

Some councils have used an external contractor to run the entire process. This can assist in providing transparency and independence from the council. However, this option can be costly and so may not be available to all councils.

## 5.2 Attracting a wide pool of skilled candidates

Section 2.2.2 outlined the skills, experience and knowledge that DLCs need. These include an understanding of alcohol-related harm and how it can be minimised; experience in legal processes; and skills to facilitate community participation.

Your DLC can be more effective if members have a thorough understanding of:

- the local community in which the DLC operates including the local iwi, hapū, and Māori communities
- the local community's concerns and expectations around alcohol and alcohol-related harm
- the nature of the licensing environment and alcohol-related harm in the community in which the DLC operates.

Try and attract as wide a range of candidates as possible. You might need to be proactive to attract candidates that have the necessary experience and reflect the community the DLC serves. Organisations that you might approach to seek a broader range of candidates could include:

- hapū or iwi organisations
- community health providers – including Māori, Pacific or migrant health providers
- legal associations – such as Community Law or the Māori Law Society
- youth organisations
- women's organisations such as the Māori Women's Welfare League or Rural Women New Zealand
- Māori Wardens.

## 5.3 The process in detail

1. Potential review of any appointment policy
2. Preparation and planning
3. Seeking council approval for the process
4. Establishing an appointment panel
5. Developing your documentation
6. Advertising, notifying and proactively seeking out candidates
7. Screening your applicants and assessing eligibility
8. Carrying out the interviews
9. Selecting your candidates and considering the mix of your DLC
10. Providing recommendations to council on appointments
11. Confirming contracts for services.

### 1. Potential review of any appointment policy

If your council has an appointment policy, consider whether it needs a review before you start your selection and appointment process. If it does need to be reviewed, work out how long this will take, who will need to be involved, and whether council will have to sign off the final policy.

### 2. Prepare and plan

#### How many DLCs do you need?

Think about the demand in your community and how the make-up of your DLC can respond to this demand. You need an idea of how many DLCs you will need and whether you can share with neighbouring councils. Think carefully about the ratio of chairs/commissioners to members. For more information and questions to consider see Section 4.1.

### **Elected members, commissioners, or community members?**

Elected members, commissioners, and community members can bring different things to a DLC. You can use a combination of each to build a DLC that reflects the needs and skills of your community and council. Section 2.2.2 looked at the skills needed for a DLC and the different options for getting these. Think about the skills that exist among your elected members and whether you need or want to seek candidates from the community.

### **Consider your process**

Think ahead of time about how you will run your process:

- Who will run the process?
- Who else will be involved in the process and at which stages?
- Who will make decisions?
- Do you need to proactively seek out candidates? When and how will you do this?
- Who will be responsible for drafting key documents?
- What is your timeline?
- How will you communicate with people involved in the process?
- What will the process cost and is the money allocated in your budget?
- When does council need to make decisions or be informed?

### **Appointing elected members**

Many councils appoint elected members to their DLC following local body elections as part of the process of assigning committee roles within council. The appointment of community members/commissioners then happens on a different timeframe. Elected members are not usually interviewed in the same way as community members, so some of the steps set out in this process may not apply when appointing elected members to DLCs.

### **3. Seek council approval for the process**

Draft a paper to council outlining your proposed process before you start it. You should cover:

- the number of DLCs, chairs, commissioners and members you propose to appoint
- when and how elected members will (and won't) participate in the process.

### **4. Establish an appointment panel**

Based on the decisions made by council in Step 3, establish your appointment panel.

### **5. Develop your documentation**

You will need several documents for applicants as well as internal documentation of the process. It is critical that you document your process accurately in case you are challenged at a later stage. You may want to involve your appointment panel in this step of the process, or they might lead this step.

For applicants you will need:

- advertisements
- job descriptions
- FAQs (optional).

In your communication to potential applicants you need to be clear about the role(s), the skills and experience required, eligibility criteria and conflicts of interest, along with likely time commitments and remuneration.

For your own processes you will need

- criteria for selection
- interview questions
- scoring sheet for candidates
- reports to council.

You can find examples and templates for these documents in **Section 8** of this guide.

## 6. Advertise, notify and proactively seek out candidates

Seek out candidates through a range of channels including:

- your council website
- online job and career sites
- newspapers
- council's community and business networks
- iwi, hapū and Māori networks
- proactively seeking out potential candidates (see Section 5.2 for more information).

## 7. Screen your applicants and assess eligibility

Once applications have been received, the appointment panel will need to screen them for eligibility and skills. See Section 3 for more information on eligibility and Section 2.2.2 for more information on skills.

## 8. Carry out the interviews

The appointment panel will then carry out the interviews with the chosen candidates.

## 9. Select your candidates and consider the mix of your DLC

The interview panel will select their preferred candidates. As part of this process they will need to consider the overall mix of skills and how these match the skills required of a DLC. See Section 4.2 for more information on achieving the right mix.

This step will also cover: short-listing; acceptance of role; drawing up the contract for services.

## 10. Provide recommendations to council on appointments

Draft a paper to council with recommendations for appointment of members and commissioners. You might go through the relevant council committee before going to full council.

## 11. Confirm contracts for services

The final step in the process is to confirm the contract for services with members. Some councils only have contracts with list members who are not elected members. Others have contracts with all list members including elected members.



## 6. Dealing with challenges

Following the best practice set out in this guide will support you to run a robust, transparent and objective selection and appointment process. However, despite your best efforts, you are likely to run up against problems or face risks to your process.

This section provides some ideas for dealing with these risks and challenges. It is a good idea to talk with colleagues in your council or other councils if you are facing risks or challenges: you don't have to have all the answers.

Risk to the process/ Challenges	Options
Difficulty attracting skilled candidates	<ul style="list-style-type: none"> <li>• Proactively seek out skilled candidates through relevant organisations or contacts</li> <li>• Consider appointing a commissioner</li> <li>• Consider having a combined members' list with neighbouring councils. This can provide a greater pool of skills and expertise to select from</li> <li>• Think about training or mentoring to upskill your members (including regional and national training or mentoring)</li> <li>• See Section 2.2.2 for information on skills required</li> </ul>
Your DLC does not have a good understanding of your community and the impacts of alcohol-related harm on it  OR  Your DLC does not reflect the community it serves	<ul style="list-style-type: none"> <li>• Consider the current and projected demographics of your community. Is your community changing? If so, how?</li> <li>• Proactively seek out skilled candidates through relevant organisations or contacts to address gaps</li> <li>• Think about who is applying to your DLC and being appointed (and who isn't). Do you need to review your processes and documentation to attract different people?</li> <li>• Consider having a combined members' list with neighbouring councils. This can provide a greater pool of skills and expertise to select from</li> <li>• See Section 5.2 for more ideas</li> </ul>
Politicisation of the process/ Councillors not supporting staff recommendations for appointments	<ul style="list-style-type: none"> <li>• Prepare and plan your process (see Section 5.3)</li> <li>• Have a DLC Appointment Policy which sets out the process for appointments and reappointments</li> <li>• Draft a paper to council outlining your proposed process before you start it. Clearly set out the roles of councillors and staff from the beginning. Seek council agreement to the process</li> <li>• Remind elected members of the potential risks of not following good process (challenges to the appointment process and associated legal costs, reputational risks, a DLC without the necessary skills, poor decisions by the DLC, etc)</li> </ul>
Too many members, chairs or commissioners	<ul style="list-style-type: none"> <li>• Prepare and plan your process (see Section 5.3)</li> <li>• Consider the demand for alcohol licensing in your community and the make-up of the DLC to provide for it (see Section 4.1)</li> <li>• Clarify your community's requirements in your initial paper to council</li> <li>• Start small and add members later if necessary. It is easier to add members than remove them</li> </ul>

## 7. Providing ongoing support for your DLC

Councils are responsible for resourcing and supporting DLCs so that they can fulfil their obligations under the Act effectively. The level and nature of support may vary across councils depending on their size and capability. All councils should provide an induction for new members.

Learning can be formal and structured (with associated costs) but it can also be informal and unstructured, for example meeting neighbouring DLCs for a morning tea or going out with Police and licensing staff on weekends. Different people have different learning styles: some like a written, formal document to take away and read; some prefer an informal chat. Talk to your members about their learning styles and what they would find helpful.

More experienced DLC members could provide mentoring to new members on a range of topics. Support could also come from council staff such as the DLC secretary or members of the council's legal team. Councils can hire external people to provide specific technical guidance, for example on hearing procedures, the assessment of evidence and submissions, and writing decisions.

Understanding the impact of alcohol-related harm on different communities is important for all DLC members. You might consider providing training opportunities for members to gain a deeper understanding of this, for example through access to health equity training, or attending a local hospital's emergency department.

In some regions, councils coordinate shared training for DLCs from across the region. Councils also hold regular training and invite DLCs from other areas to attend. This is a great way for DLCs to upskill and network.

Training support can also come from national bodies such as *Ko Tātou Local Government New Zealand* and *Health Promotion, Health New Zealand – Te Whatu Ora* or the *national DLC network*. It is worth finding out about resources and training opportunities that these groups provide.



## 8. Tools and resources

**Section 8 provides resources such as examples of advertisements, job descriptions and interview materials that you can use and adapt for your council.**

### 8.1 Advertisements

### 8.2 Position description

### 8.3 Interview questions

### 8.4 Scoring sheet for candidates

We have not provided example contracts, but you can access [central government model contract templates](#) through the Ministry of Business, Innovation and Employment.

### 8.1 Advertisements

#### Advertisement Example 1

#### **District Licensing Committee Members and Chairs**

Great decision-making skills? Former alcohol licensing experience? We are calling for applications from persons interested in making alcohol licensing decisions to be part of [NAME] District Licensing Committee.

The District Licensing Committee is responsible for determining all alcohol

licences and manager's certificates in [AREA]. We are looking for applicants with strong skills and experience, including:

- relevant alcohol licensing experience in previous roles
- demonstrated knowledge of the Sale and Supply of Alcohol Act 2012 and how it is applied
- highly developed decision-making skills and investigative ability
- demonstrated knowledge of the hearing process
- an understanding of [AREA] communities and their expectations around alcohol licensing
- strong oral and written communication skills
- some knowledge of alcohol-related harm in [AREA]
- knowledge of tikanga
- understanding of te reo Māori or a demonstrated commitment to upskilling.

Please note that applicants must not have any involvement, or the appearance of involvement, in the alcohol industry or alcohol retail business.

Applicants should be prepared for flexible working hours, noting that this is not a full-time role. Successful candidates will be contracted to [NAME] council and will not be employees of the council. Work will be on an 'as required' basis at the remuneration rate set by the Minister of Justice for a term that expires in June [year].

Preference will be given to candidates that live in the [NAME] area/region.

Any enquiries please contact [NAME] on [NUMBER].

#### **Applications close on [date] at [time]**

Applicants must apply via our website [WEBSITE] including a recent copy of their curriculum vitae, and if you are applying to be a chair or commissioner, examples of recent decisions you have written.



## Advertisement Example 2

### **Expressions of Interest – New District Licensing Committee for [NAME] Council**

Great decision-making skills? Former alcohol licensing experience? We are calling for applications from persons interested in making alcohol licensing decisions to be part of [NAME] District Licensing Committee.

Expressions of interest are invited from suitable persons for consideration for appointment as the Commissioner and Licensing Committee Members. The District Licensing Committee consists of a Commissioner and two other Committee Members drawn from a list of members appointed by [NAME] Council.

The District Licensing Committee has responsibility for all local decisions on applications made under the Sale and Supply of Alcohol Act 2012, including:

- premises licence applications – new, renewals, variations
- new applications and renewals of manager’s certificates
- applications for temporary authority
- special licences variations, suspensions and cancellations.

Council is keen to reflect the diversity of the community it serves and encourages applicants who can demonstrate:

- knowledge of alcohol licensing and the legal framework
- an understanding of the impact of alcohol-related harm on communities
- highly developed analytical and decision-making skills
- experience applying legislative and regulatory frameworks

- knowledge of and familiarity with the conduct of public hearings
- excellent verbal and written communication skills
- the highest standard of professional and personal integrity
- knowledge of te reo Māori and tikanga.

DLCs are quasi-judicial committees of Council with decisions being appealable to the Alcohol Regulatory and Licensing Authority. It is preferable that applicants for Commissioner or Chair have demonstrable experience in writing decisions in a legal context.

Further information on the roles, including application details, position competencies and remuneration can be found on Council’s website.

Applicants should demonstrate how their ability to make decisions on alcohol matters and their experience of hearings processes will benefit Council’s DLC.

### **Applications close on [date] at [time]**

Applications should be made to:

The Secretary  
[NAME] District Licensing Committee  
[ADDRESS]

Or by email to the Secretary of the District Licensing Committee [EMAIL]

## 8.2 Position description

### Position Description Example 1 – Chair/Commissioner

[NAME] Council

#### POSITION DESCRIPTION

**POSITION TITLE:** Chairperson/Commissioner, District Licensing Committee

#### Position purpose

The purpose of this position is to chair a [NAME] Council District Licensing Committee (DLC) that will consider and determine applications made under the Sale and Supply of Alcohol Act 2012.

More particularly, the functions of the DLC are to:

- consider and determine licence applications, renewals, variations, suspensions and cancellations
- consider and determine new applications for and renewals of manager's certificates
- consider and determine applications for temporary authority
- conduct inquiries and make reports to the Alcohol Regulatory and Licensing Authority (ARLA)
- with the leave of ARLA, refer applications to ARLA.

A DLC consists of three members appointed by a territorial authority for its district.

The DLC will have to issue reasoned decisions in writing and send copies to the relevant parties.

In its decision making, the DLC will have regard and, where applicable, give effect to the [NAME] Council Local Alcohol Policy.

#### Workload

The workload of the DLC will depend on the number of applications received and the number of these applications that are objected to by members of the public or where reporting agencies are in opposition. All uncontested applications are to be considered on the papers by the Chairperson/Commissioner, while contested applications are considered by the full DLC.

A DLC can transfer an application to ARLA for its consideration, with the agreement of the Chair of ARLA.

The table attached as Appendix A outlines the types and numbers of applications that have historically been lodged at [NAME] Council.

As formal meetings will only be required for contested applications, an estimate has been made as follows based on historical data:

- Chair: 7 hours per week to consider and determine uncontested applications
- Full DLC: 3 half day hearings per annum (total one and half days)

#### Remuneration

As determined by the Minister of Justice in accordance with the Cabinet fees framework, the DLC Chair will receive remuneration at a rate of \$624.00 per day or \$78.00 per hour for part days.

The DLC Chair will also be reimbursed for reasonable expenses incurred in the discharge of duties associated with the position.

#### Duration of appointment

The appointment will be for a period of up to five years. The appointee may be reappointed for one or more further terms.

A Chairperson/Commissioner may resign from office at any time by written notice to the relevant territorial authority.

The territorial authority may at any time remove a member of a DLC or a Chairperson/Commissioner appointed to a DLC for inability to perform the functions of office, bankruptcy, neglect of duty, or misconduct, proved to the territorial authority’s satisfaction.

**Person specification**

A person can only be appointed as a Chairperson/Commissioner if that person is of good standing in the community and has the necessary knowledge, skill and experience relating to matters that are likely to come before the DLC.

Additionally, a person must not be a Chairperson/Commissioner or DLC member if:

- a. the territorial authority believes that person has, directly or by virtue of his or her relationship with another person, such an involvement or appearance of involvement with the alcohol industry that he or she could not perform his or her duties without actual bias or the appearance of bias; or
- b. the person is a constable, a Medical Officer of Health, an inspector (Alcohol Licensing), or an employee of the territorial authority.

**Important functional relationships**

*Internal*

- DLC Secretariat staff
- Other staff of the [NAME] Council

*External*

- Police
- Medical Officers of Health representatives
- Licensing inspector(s)
- Fire and Emergency NZ
- ARLA

**Appendix A**

*Types and numbers of applications that have historically been lodged at [NAME] District Council:*

TYPE	1 July 2023 – 30 June 2024	1 July 2022 – 30 June 2023	1 July 2021 – 30 June 2022	1 July 2020 – 30 June 2021	1 July 2019 – 30 June 2020
Special licences					
On-licences					
Club licences					
Off-licences					
Manager’s certificates					
Temporary authorities					
<b>TOTAL</b>					
<b>Number of hearings held</b>					

### Position Description Example 3 – List Member

[NAME] Council

#### POSITION DESCRIPTION

**POSITION TITLE:** List Member, District Licensing Committee

#### Position purpose

The purpose of this position is to act as a List Member of a [NAME] District Licensing Committee (DLC) that will consider and determine applications made under the Sale and Supply of Alcohol Act 2012.

More particularly, the functions of the DLC are to:

- consider and determine licence applications, renewals, variations, suspensions and cancellations
- consider and determine new applications for and renewals of manager's certificates
- consider and determine applications for temporary authority
- conduct inquiries and make reports to the Alcohol Regulatory and Licensing Authority (ARLA)
- with the leave of ARLA, refer applications to ARLA.

A DLC consists of three members appointed by a territorial authority for its district.

The [NAME] Council has an appointed Chairperson/Commissioner to chair the DLC.

The Council will maintain a list of DLC members from which members will be appointed to sit in accordance with terms of reference agreed by the Council.

The DLC will issue reasoned decisions in writing and send copies to the relevant parties.

In its decision-making, the DLC will have regard and, where applicable, give effect to the [NAME] Council Local Alcohol Policy.

#### Workload

The workload of the DLC will depend on the number of applications received and the number of these applications that are objected to by members of the public or where reporting agencies are in opposition. All uncontested applications are to be considered on the papers by the Chairperson/Commissioner, while contested applications are considered by the full DLC.

A DLC can transfer an application to ARLA for its consideration, with the agreement of the Chair of ARLA.

The table attached as Appendix A outlines the types and numbers of applications that have historically been lodged at [NAME].

As formal meetings will only be required for contested applications, an estimate has been made as follows based on historical data:

- Chairman: 7 hours per week to approve uncontested applications
- Full DLC: 3 half day hearings per annum (total one and a half days)

List members will be rotated as required to sit at hearings; rotation will be influenced by such factors as availability, location of hearing, territorial locality of premises involved, conflict of interest etc.

#### Remuneration

As determined by the Minister of Justice in accordance with the Cabinet fees framework, a DLC list member will receive remuneration at a rate of \$408.00 per day or \$51.00 per hour for part days.

A list member will also be reimbursed for reasonable expenses incurred in the discharge of duties associated with the position.

### Duration Of Appointment

The appointment will be for an initial period of up to five years. The appointee may be reappointed for one or more further terms of up to five years.

A list member may resign from office at any time by written notice to the relevant territorial authority.

The territorial authority may at any time remove a list member of a DLC for inability to perform the functions of office, bankruptcy, neglect of duty, or misconduct, proved to the territorial authority's satisfaction.

### Person specification

A person must not be approved to be included on the DLC members' list unless that person has experience relevant to alcohol licensing matters.

Additionally, a person must not be a DLC list member if:

- the territorial authority believes that person has, directly or by virtue of his or her relationship with another person,

such an involvement or appearance of involvement with the alcohol industry that he or she could not perform his or her duties without actual bias or the appearance of bias; or

- the person is a constable, a Medical Officer of Health, an inspector (Alcohol Licensing), or an employee of the territorial authority.

### Important functional relationships

#### Internal

- DLC Secretariat staff
- Other staff of the [NAME] Council

#### External

- Police
- Medical Officers of Health representatives
- Licensing inspectors
- Fire and Emergency NZ
- ARLA

## Appendix A

*Types and numbers of applications that have historically been lodged at [NAME] District Council:*

TYPE	1 July 2023 – 30 June 2024	1 July 2022 – 30 June 2023	1 July 2021 – 30 June 2022	1 July 2020 – 30 June 2021	1 July 2019 – 30 June 2020
Special licences					
On-licences					
Club licences					
Off-licences					
Manager's certificates					
Temporary authorities					
<b>TOTAL</b>					
<b>Number of hearings held</b>					

### 8.3 Interview questions

#### Interview Questions Example 1 – List Member

Position	DLC Member
Applicant	
Panel member	
Date	

#### Compulsory conflict of interest question:

Can you confirm that there is no potential, perceived or actual conflict of interest between any current professional or private interests you may have and [NAME] Council? (eg, Do you or a family member have a private business that does or potentially may do business with [NAME] Council?)

**Opening question: What attracted you to apply for this position?**

**1. What is your understanding of the Sale and Supply of Alcohol Act 2012 and its purpose?**

**2. What is your understanding of the role of DLC committees and members?**

Little or no evidence	Some evidence	Good evidence	Strong evidence
1	2	3	4

**What do you consider are the community concerns and expectations around alcohol and addressing alcohol-related harm for this territorial authority?**

**How do you think we can address these concerns through alcohol licensing?**

Little or no evidence	Some evidence	Good evidence	Strong evidence
1	2	3	4

**Can you tell us about your knowledge and experience in working with legislation?**

Little or no evidence	Some evidence	Good evidence	Strong evidence
1	2	3	4

**Can you tell us about your experience in meeting protocols ie, types of meetings you have been involved with and your role/responsibilities?**

*Describe your specific role.  
Exactly what did you do?*

Little or no evidence	Some evidence	Good evidence	Strong evidence
1	2	3	4

**Can you tell us about a time you were involved in a decision-making process with multiple stakeholders with differing views?**

*What was the situation?  
How did you approach this?  
What was challenging?  
What did you do?  
What was the end result?*

Little or no evidence	Some evidence	Good evidence	Strong evidence
1	2	3	4

**What are the key communication strengths you will bring to this role, and how have you demonstrated these in previous roles?**

Little or no evidence	Some evidence	Good evidence	Strong evidence
1	2	3	4

**What do you think are the key requirements for working as a team, and how have you demonstrated these in previous roles?**

Little or no evidence	Some evidence	Good evidence	Strong evidence
1	2	3	4

Please confirm the time you are able to commit to the DLC:

**Post questions:**

Ask candidate if they have any questions

Confirm referee details on CV. We will tell candidate of our intention to contact referees

*Interview Questions Example 2  
– Commissioner*

.....

**Position**      DLC Commissioner

.....

**Applicant**

.....

**Panel member**

.....

**Date**

.....

**Compulsory conflict of interest question:**

Can you confirm that there is no potential, perceived or actual conflict of interest between any current professional or private interests you may have and [NAME] Council? (eg, Do you or a family member have a private business that does or potentially may do business with [NAME] Council?)

**Opening question – What attracted you to apply for this position?**

.....

.....

**1. Can you tell us about your experience in chairing committees?**

**2. Can you tell us about the most challenging committee/board decision-making process you have been involved in?**

*What was your role?  
What factors did you consider?  
What were the risks?  
What was the outcome?  
How did you address being challenged on perceived bias or pre-determined outcomes?*

**3. Can you tell us about your understanding of the powers of a Commission of Inquiry, and how it would relate to your role as Commissioner?**

.....

Little or no evidence	Some evidence	Good evidence	Strong evidence
1	2	3	4

.....

**1. An expectation of the role of Commissioner is writing legal decisions, in particular from licensing hearings. Can you tell us about the most complex legal decision or legal report that you have written?**

**2. What factors do you take into account when preparing and writing reports/decisions?**

Little or no evidence	Some evidence	Good evidence	Strong evidence
1	2	3	4

**1. What is your experience in working with the Sale and Supply of Alcohol Act 2012?**

**2. How do you ensure that you keep up to date with current trends/case law/and legal considerations in relation to the Sale and Supply of Alcohol Act?**

Little or no evidence	Some evidence	Good evidence	Strong evidence
1	2	3	4

**1. What do you consider are the community concerns and expectations around alcohol and addressing alcohol-related harm for this territorial authority?**

**2. How do you think we can address these concerns through alcohol licensing?**

Little or no evidence	Some evidence	Good evidence	Strong evidence
1	2	3	4

**What are the key leadership and communication strengths you will bring to this role, and how have you demonstrated these in previous roles?**

Little or no evidence	Some evidence	Good evidence	Strong evidence
1	2	3	4

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**Council is moving towards end-to-end electronic processing of licensing applications.**

**What challenges would receiving electronic application packs, and writing and issuing of electronic decisions present to you in your role as Commissioner? What support would you require to undertake this processing?**

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Please confirm the time you are able to commit to the DLC:

### **Post questions**

Ask candidate if they have any questions

### **Interview close**

Confirm referee details on CV. We will tell candidate of our intention to contact referees

### *Interview Questions Example 3* *– Generic*

#### **Interview Questions for Members of the [NAME] District Licensing Committee**

1. What were the key factors that made you decide to register your interest as a member of the District Licensing Committee?
  - a. What are the main strengths you could bring to this role?
  - b. What is your current knowledge of what the District Licensing Committee does?
2. How would you proceed to advocate for your viewpoint effectively to the other Committee members during a hearing?
  - a. What is your style in dealing with conflicting viewpoints?
3. How do you assimilate new information? eg, Are you a note taker, do you research your topic etc?
  - a. After you have a clear overview of the topic, how do you demonstrate an understanding of what this means and articulate it to a varied audience?
4. Where do you see the value in research documents and overseas literature/studies in assisting the Committee when making a decision?
5. What is your knowledge level of tikanga and te reo Māori? What is your level of commitment to upskilling in these areas?
6. How do you think the balance should be addressed between the perceived harm and other social consequences in the community and the need for a vibrant inner city precinct?
  - a. Do you have a personal opinion on this topic?
7. How do you believe you can represent the diversity of our community?
  - a. Can you share with us your experience of dealing with a diverse range of people?
8. What in your opinion is the driving force of the Sale and Supply of Alcohol Act?
9. It is important that we engage with our stakeholders at all levels. What are some of the key factors that you think would put people at ease if they were appearing before the Committee?
10. What awareness do you think is necessary in regard to the decisions of the Committee where ultimately these decisions could result in having a detrimental impact on the livelihood of the applicants?
11. If appointed to the Committee, do you think that you would be open to criticism by our community for any perceived conflict of interest or bias?
  - a. If so, can you share this with us?
12. Do you have any questions for the panel?

## 8.4 Scoring sheet for candidates

### Scoring Sheet Example 1 – List Member

#### Applicant evaluation – DLC list member

Follow the three steps below to tally the applicant's interview score:

##### Scoring:

Complete your scoring straight after the interview is complete and the applicant has left the room. The panel will discuss and agree on a score using the Competency Rating at the bottom of each page.

##### How to work out your Applicant Total Score:

First work out the weighted score, after which you can tally the Total Score. Follow the instructions in the header of the scoring table and example table below. Finally, add the total scores together to determine the Applicant Total Score.

##### Example:

Key requirement/ competency	Score	Weighting	Weighted score	Total score
Customer Service	2	20	$2 \times 20 = 40$	40 divided by 4 = 10

<b>Applicant name</b>	
<b>Interview panel</b>	
<b>Date &amp; time</b>	

Competency/ Key requirements	Score (Out of 4)	Weighting (All weightings should add up to 100)	Weighted score (Score x weighting)	Total score (Weighted score divided by 4)
Experience relevant to alcohol licensing • Knowledge of the Act and/or licensing		20		
Understanding of alcohol-related harm		20		
Understanding of community expectations around alcohol licensing		15		
Experience in a legislative or regulatory framework		10		
Familiarity with public meeting and hearings • Knowledge of meeting protocols • knowledge of tikanga		10		
Decision making • Understands written decision making		10		
Communication • Good oral communication skills • Skills in questioning • Good listener • Knowledge of te reo Māori		10		
Team work • Ability to work as part of a team • Understands role requirements		5		
<b>SUB-TOTALS</b>		<b>100</b>		
<b>APPLICANT TOTAL SCORE</b>				<b>/100</b>

## Scoring Sheet Example 2 – Commissioner

### Applicant evaluation – DLC Commissioner

Follow the three steps below to tally the applicant’s interview score:

#### Scoring:

Complete your scoring straight after the interview is complete and the applicant has left the room. The panel will discuss and agree on a score using the Competency Rating at the bottom of each page.

#### How to work out your Applicant Total Score:

First work out the weighted score, after which you can tally the Total Score. Follow the instructions in the header of the scoring table and example table below. Finally, add the total scores together to determine the Applicant Total Score.

#### Example:

Key requirement/ competency	Score	Weighting	Weighted score	Total score
Customer Service	2	20	$2 \times 20 = 40$	40 divided by 4 = 10

---

**Applicant name**


---

**Interview panel**


---

**Date & time**


---

Competency/ Key requirements	Score (Out of 4)	Weighting (All weightings should add up to 100)	Weighted score (Score x weighting)	Total score (Weighted score divided by 4)
Chairing formal committees or tribunals <ul style="list-style-type: none"> <li>• Knowledge and experience of the hearings procedure</li> <li>• Understanding Commission of Inquiry powers</li> <li>• Knowledge of tikanga</li> </ul>		25		
Writing decisions in a legal context <ul style="list-style-type: none"> <li>• Understanding and interpreting case law</li> <li>• Preparing and writing legal decisions</li> </ul>		20		
Experience relevant to alcohol licensing <ul style="list-style-type: none"> <li>• Knowledge of the Act</li> <li>• Experience of legal and regulatory alcohol environment</li> <li>• Knowledge of alcohol licensing</li> </ul>		15		
Understanding of community expectations around alcohol licensing		10		
Understanding of alcohol-related harm		10		
Leadership and decision making <ul style="list-style-type: none"> <li>• Considers information in an unbiased way</li> <li>• Operates independently</li> <li>• Shows balanced assertiveness</li> </ul>		10		
Communication <ul style="list-style-type: none"> <li>• Strong oral and written communication skills</li> <li>• Skills in questioning</li> <li>• Knowledge of te reo Māori</li> </ul>		10		
<b>SUB-TOTALS</b>		<b>100</b>		
<b>APPLICANT TOTAL SCORE</b>				<b>/100</b>



# Health Promotion, Health New Zealand – Te Whatu Ora

Email: [enquiries@hpa.org.nz](mailto:enquiries@hpa.org.nz)

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