

Good Practice Guidance on DLC

The table below provides good practice guidance on essential and desirable knowledge, skills, and experience for DLC Chairs and commissioners (C) and DLC members (M):

	ESSENTIAL	DESIRABLE	EXPLANATION/COMMENTARY
Knowledge, understanding or experience of:			
✓ Te Tiriti o Waitangi/ the Treaty of Waitangi	C, M		While the Sale and Supply of Alcohol Act 2012 does not refer to the Treaty of Waitangi, it is good practice for all people in public office to have a knowledge and understanding of the Treaty and its implications for their decision-making roles.
Law and legal processes			<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.
Sale and Supply of Alcohol Act 2012			
✓ 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 vulnerable communities), and how it can be minimised.
✓ 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.

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Hearings			<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.
✓ 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.
The community			
✓ 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"> • the demography of the community • whether and how it is changing • the environment that the premises are, or would be, in • groups within the community who are particularly vulnerable to alcohol-related harm • whose views are (and aren't) being presented.
✓ 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
✓ 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"> • the local licensing environment: <ul style="list-style-type: none"> – numbers and types of on- and off-licence and club licence premises • 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"> – who is affected, where, when? – where is the alcohol sold and supplied and consumed?

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✓ 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.
Skills in:			
Communication and teamwork			
✓ 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.
✓ 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.
✓ te reo and tikanga Māori	C,	M	Chairs should have basic understanding of te reo and tikanga so that they are able to run and manage hearings effectively and appropriately (as required).
✓ computer literacy	C, M		Chairs and members need computer literacy to carry out their role effectively, for example for: <ul style="list-style-type: none"> • email communication • research (eg, case law) • downloading, uploading and amending DLC documents and decisions.

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✓ 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.
Responsibilities of the chair			
✓ running hearings	C		The chair must be able to run or chair hearings in a way that: <ul style="list-style-type: none"> • is fair and effective • is inclusive of members of the community appearing as objectors who may not be familiar with judicial processes • ensures that no party dominates proceedings • ensures procedures are correctly followed • achieves natural justice.
✓ 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"> • are well structured, logical and clear • outline the considerations of the DLC in reaching its evaluations, opinions and conclusions • refer to relevant case law • are legally sound.
Personal qualities			
✓ 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.