



## **POLICY**

### *LIQUOR LICENSING POLICY*

**Approved by:** Council on 12/11/2013

**Next Review Date:** 2017

**Responsible Officer**

Position: Associate Director – Customer

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## **1. Introduction**

Council is planning for a more vibrant and dynamic City for the future. Building on our established dining and entertainment culture, Council aims to enhance the destination attraction of the City. The Liquor Licensing Policy clarifies Council's position on behalf of the community on the sale and consumption of alcohol in licensed premises. Council actively supports a range of events and businesses to provide alcohol as part of their entertainment. This is achieved by offering support and exploring new ways to assist small venues, mobile food vendors and activities to enrich the city experience and create lively, vital and safer public places, in the day, evening and late at night. Council has a vision for the city of active main streets supported by welcoming and intimate minor streets and laneways within business areas lined by venues for cafes, restaurants, hospitality, specialty shops and business services.

Adelaide City Council plays a significant role in advocating to the Licensing Authority for well managed licensed premises while encouraging vibrant night time entertainment precincts. Council recognises the benefits and risks of liquor licensing to the community we serve. Alcohol has a significant cultural role in the vibrancy of the City and is central to the entertainment and hospitality industries that stimulate the night time economy and provide jobs. Alcohol can, however, have adverse effects on our community including assaults, injuries, property damage and other forms of anti-social or illegal behaviour. Intoxicated people can negatively affect the amenity of an area through increased litter, spilled bodily fluids and reduced perceptions of safety. Council's position recognises the need to support city vibrancy and harm minimisation in creating public spaces that are welcoming and safe.

## **2. Strategic Context**

The City of Adelaide Strategic Plan 2012-2016 provides the strategic framework for Council decision-making on liquor licensing. The following outcomes provide the key directions:

Outcome 3: Creative City

*'Quality and quirky cafes, restaurants, bars, vendors, venues and activities enrich the life of the City down streets, laneways and on the Riverbank and on rooftops'*

Outcome 4: Liveable City

*'Neighbourhoods, streets and public spaces are safe and welcoming places that promote social interaction'*

## **3. Policy Objectives**

The objectives of the Liquor Licensing Policy are to:

1. Assist Council to enhance safety and vibrancy by advocating for responsible alcohol sale and consumption and high standards in alcohol trading practices
2. Define Council's policy positions on liquor licensing matters
3. Support the application of the Development Plan in maintaining and enhancing the desired character of city places.

## **4. Policy Principles**

This policy is underpinned by the following principles:

- 4.1 Liveability - Licensed premises are to be consistent with the local unique desired character and amenity of a place, supporting a liveable and vibrant city in which our culturally rich evening experience is in harmony with the local community at night and into the day.
- 4.2 Working together - A safer night out for all through shared measures to combat the social harms of high risk drinking where licensees demonstrate their responsibility to the community, as part of a range of stakeholders working together to create a safer and healthier city.
- 4.3 Community safety - Council takes proactive measures to support community safety including consideration of the cumulative impact of a high number of liquor licenses in one place, and harm minimisation in relation to high risk alcohol consumption.
- 4.4 Easier to do business with - A user friendly application, approvals and complaints system.
- 4.5 Cost effectiveness - Balancing the costs of legal intervention for Council and the community against community expectations and benefits gained.

## **5. Policy Statements**

Council's position on Liquor Licensing in the City is characterised by nine policy statements. These statements character and zones for the City, and Council's commitment to a safer and vibrant City.

An overview of Council's desired Operating Hours for Licensed Premises across the Adelaide Local Government area is provided in Figure 1 and 2. The policy statements are as follows:

- 5.1 Statement 1 – In accordance with the Liquor Licensing Act, Council exercises its right to provide advice and advocate and be a party to applications and legal proceedings in relation to liquor licences. Council acts in accordance with policy to create a safer and more vibrant city and will seek conditions on a case-by-case basis.
- 5.2 Statement 2 – Council will engage with the community and traders when exercising its right to be a party to interventions, objections, complaints and disciplinary action in relation to liquor licensing matters.

- 5.3 Statement 3 – Council supports the Commissioner of Police and the Liquor & Gambling Commissioner to exercise the powers outlined in the general and late night Codes of Practice where the safety of the local community and amenity of the area around licensed premises is significantly compromised by the activities of that licensed premises.
- 5.4 Statement 4 - Council supports a minimum 3-hour break in alcohol trading across the City, supporting a vibrant late night entertainment experience and a welcome start to the day.
- 5.5 Statement 5 – The Hindley St east (between King William and Morphet Streets) area is recognised as the City’s late night entertainment precinct and later closing times may be considered.
- 5.6 Statement 6 – Residential areas have unique requirements regarding trading hours of licensed premises due to maintaining amenity and liveability. Licensed premises in residential areas will be closed no later than midnight at all times.
- 5.7 Statement 7 – Licensed premises in Mainstreet zones are to be closed at midnight on weekdays and on weekends at 1 am, to acknowledge the role of local licensed premises in enhancing local liveability while balancing the needs of residential areas.
- 5.8 Statement 8 – Small venues will be supported with consideration for safety and amenity.
- 5.9 Statement 9 - In providing advice and advocacy on liquor license applications. Council acknowledges that each application is assessed on a case by case basis, which allows for unique concerns such as proximity to homes to be considered.

## **6. Adelaide City Council Desired Liquor Trading Operating Hours**

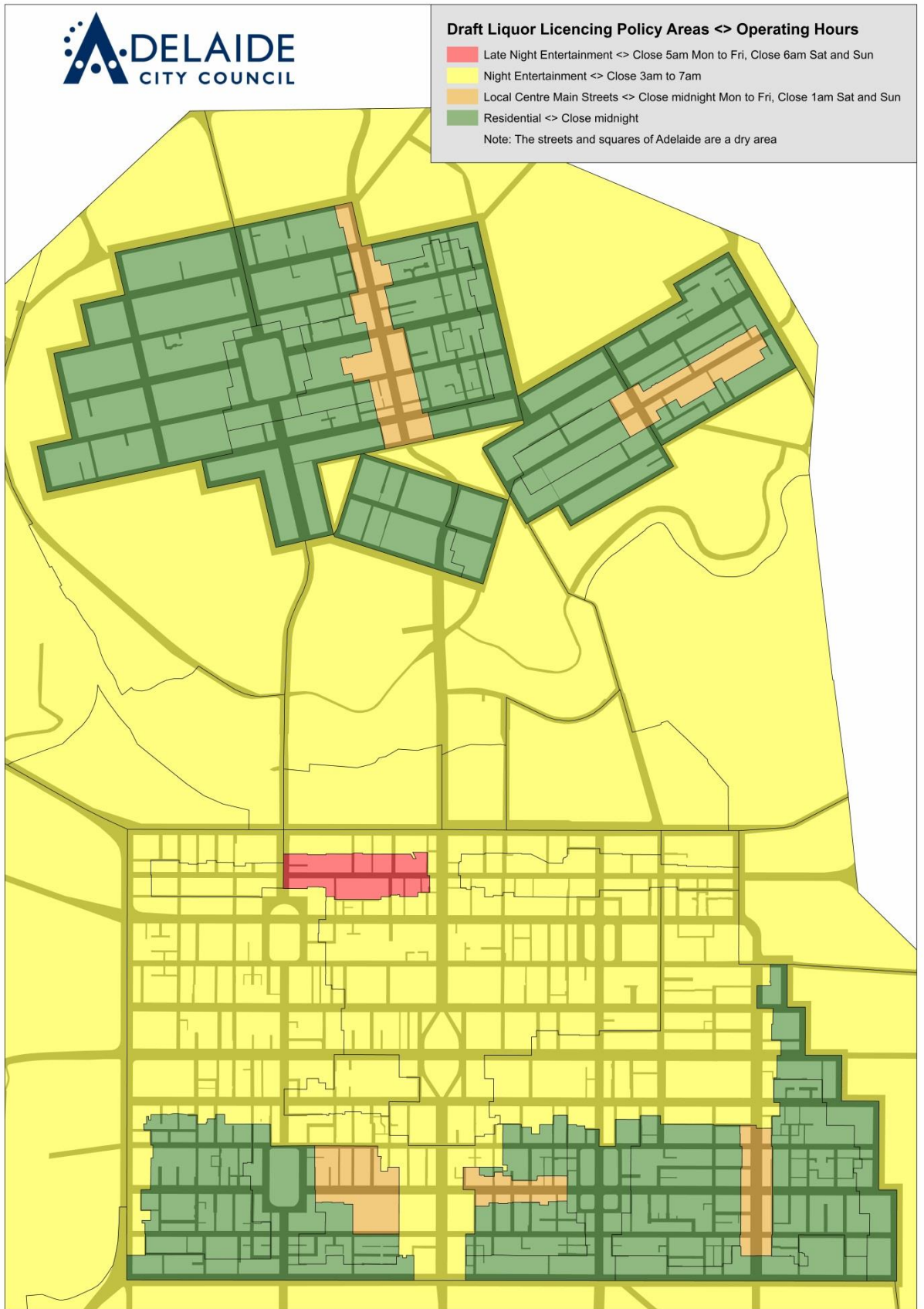
Council, where it is a party to proceedings in relation to liquor licenses will advocate for the following desired trading hours, in accordance with four key Liquor Licensing Policy Zones, as outlined in Figure 1 (Page 5) and corresponding Map of Adelaide City Council Desired Liquor Trading Operating Hours (Page 6).

## 6. Adelaide City Council Desired Liquor Trading Operating Hours

Figure 1: Adelaide City Council desired Liquor Trading Operating Hours across the Adelaide Local Government Area (LGA)

Map Colour	Development Plan Zone	ACC Liquor Licensing Policy Zone	Key Streets/Places	Desired Liquor Trading Operating Hours
Pink	Capital City Zone (14) (part thereof)	Late Night Entertainment Zone	Hindley St (east only)	Close 5am Mon to Fri Open 8am Mon to Fri Close 6am Sat and Sun Open 9am Sat and Sun
Yellow	Capital City Zone Institution Zone Park Lands Zone	Night Entertainment Zone	Hindley St (west) Bank/Bentham link Rundle Mall Rundle Street Gawler Place Waymouth St West Pirie St East Gouger St Riverbank	Close 3am to 7am Ground floor to operate from 12 noon daily
Orange	Mainstreet Zone	Local Centre Mainstreets Zone	Hutt St O'Connell St Melbourne St (east) Sturt St Halifax St	Close midnight Mon to Fri Open 8am Mon to Fri Close 1am Sat and Sun Open 9am Sat and Sun
Green	Residential Zone North Adelaide Heritage + MS3 Conservation Zone City Frame Zone	Residential Zone	North Adelaide South East South West City Frame Melbourne St (west)	Close midnight Open 10am

Figure 2: Map of Adelaide City Council Draft Liquor Licensing Policy Areas



## 7. Legislative Context

### 7.1 The Liquor Licensing Act

The relevant legislative framework for this Policy is provided by the *Liquor Licensing Act 1997 (Act)*. In South Australia under the Act a licence is required to supply liquor in accordance with licencing conditions. The Act provides a mandate for action by both the Licensing Authority and Council. To obtain a liquor license an application is made to Consumer and Business Services (CBS) which is the State Government licensing authority. All new and revised liquor license applications are also reviewed by Council.

The Liquor Licensing Act (1997) requires that a liquor license application must not be granted prior to the relevant planning, building and permit approvals being obtained.

Most applications are for private premises and the decision to approve sits with the licensing authority (CBS). However, Council has the power to approve (or not approve) a liquor license on Council owned and controlled land.

### 7.2 The Development Act

In addition the *Development Act (1993)* provides further context for decision-making on licensing in specific locations in the City.

The Development Plan provides the basis for assessment of development proposals under the Development Act 1993.

The Capital City Development Plan Amendment (DPA) was approved by the Minister for Planning by notice in the South Australian Government Gazette on 25 October 2012. The amendment removed any reference to licensed premises closing times in relation to licensed premises. It does, however redefine some of the City character and zones.

Figure 2: Adelaide City Council role in Applications for new Licensed Premises

Application type	Where	Council role	Licensing Authority (CBS) role
Liquor Licence Application ( <i>Liquor Licensing Act</i> )	Private Land	Advise & Advocate	Decide
	Council controlled land	Advise & Approve	Decide
Development Application ( <i>Development Act</i> )	All	Advise & Approve (in some cases, Council staff, Council DAP or State Capital City Development Assessment Committee)	No statutory decision or advisory role

## 8. Roles and Responsibilities

The Liquor Licensing Act (1997) provides the following rights to Council:

As part of the process of the Liquor Licensing Authority (CBS) approving or rejecting liquor license applications, Council becomes a party to the application process through notices of:

- Intervention - to seek the imposition of licence conditions
- Objection - if there is a fundamental problem with the application.
- Complaint – such as noise or disturbance
- Disciplinary Action

These rights may be exercised by Council when any of the following occur:

- extensions to premises
- applications for new or variations to licenses
- transfer or removal of licenses
- community complaints.

At its discretion, Council may take account of the history of operation of existing premises to guide conditions recommended to the Licensing Authority for inclusion in any license application. Council has no right of objection to Small Venue Licence Applications but can lodge a formal submission for consideration.

In meeting the Act's requirements, Council undertakes six key roles:

- **Influencer** - Influencing the licensing authority and the broader community in accordance with the Liquor Licensing Policy.
- **Provider** – Provide information and brilliant service to enable approvals for liquor license applicants. Also provide a service to community members and other agencies who have concerns or are party to licensing matters. Providing one-to-one support to applicants through the licensing Case Management Process to ensure we are easy to do business with.
- **Mediator** – Assisting to ensure satisfactory outcomes in negotiations between parties in licensing matters.
- **Advocate** - Advocate for action which has been identified as being important to the community but outside of Council's control. Bring parties together to pursue a matter where is a shared interest.
- **Enabler** - Facilitate action by bringing together relevant stakeholders to resolve issues with the aim of satisfactory and cost effective negotiations.
- **Information Provider** – Communicate clearly Council's Liquor Licensing Policy and Guidelines to the public and assist the applicants and the community to understand the broader process in ways that are accessible to people from different cultural, social economic and disability backgrounds.



## **9. Restrictions/Limitations**

An application for a liquor licence is made to the Licensing Authority. The Act requires that councils are informed of any new licence application or significant variation to the conditions of a licence.

The Licensing Authority will have due regard to Council's position but will form its own judgement on a liquor licence application, based on the case presented by the applicant and any objectors or parties to intervention.

Council must work within the decisions of the Licensing Authority and Commission/Courts as well as within any changes to the Liquor Licensing Act and associated Codes of Practice.

A valid liquor licence (permanent or temporary) will override the Dry Area declaration. Physical definition of such licensed areas in the public realm is encouraged however, to assist licensees to manage the event and to support SAPOL in enforcing the Dry Area.

## **10. Monitoring and Implementation**

The City Safety and Customer Services Program will be responsible for monitoring and implementing the Policy.

## **11. Review**

The Liquor Licensing Policy will be reviewed in 2017.

## **12. Revision History**

<i><b>Revision Summary</b></i>	<i><b>Approval Date</b></i>	<i><b>ELG, Council or Committee</b></i>	<i><b>Decision #</b></i>	<i><b>TRIM Reference</b></i>	<i><b>Related policy documents</b></i>

