

1. POLICY STATEMENT

This Policy provides a framework for the exercise of Council's powers pursuant to the Liquor Licencing Act 1997 (the Act) including:

- Consideration of liquor licence applications referred to the Council pursuant to the Act
- Assessment of concerns identified by the Council, including complaints made to the Council about particular premises.

Upon consideration of any matter pertaining to the Act, Council will attempt to act reasonably in the circumstances so as to ensure that the impacts of licenced premises do not unreasonably impact upon the amenity of residents in the Council area.

Council will also, however, act within the ambit of this Policy so as to encourage and promote licensed businesses in the Council area that act responsibly in respect of the sale and consumption of liquor.

2. OBJECTIVE

The City of Marion recognises the contribution of licensed premises within the range of business and recreation facilities in the council area. It also acknowledges the importance of addressing liquor-related issues to protect and enhance the amenity of the City for the benefit of its residents, workers and visitors.

The aim of this policy is to provide a framework for the assessment of liquor licence applications and the exercise of Council's powers under the Act to address detrimental impacts on the local amenity. This will ensure licence applications and responses to liquor-related matters are handled in an effective, timely and consistent manner.

3. SCOPE

This Policy provides guidance for managing the requirements of the Act, and establishes a framework to guide Council in managing liquor licence applications (including limited licence applications).

Consumer and Business Services (CBS) is responsible for administering the Act in South Australia. The purpose of the Act is to regulate and control the sale, supply and consumption of liquor for the benefit of related industries and the South Australian public.

The Liquor and Gambling Commissioner is the relevant authority for determining liquor licence applications and issuing relevant licences. The allocated Commissioner will base a decision on the cases presented by the applicant and any objectors. Council only provides comments to the Commissioner with regard to Liquor Licence applications.

This Policy acknowledges that Council may request the Commissioner to include conditions on liquor licences in relation to:

- noise, and other potential disturbances;
- proximity to residential properties;
- types and impacts of entertainment provided;
- the nature of any outdoor activities;
- proposed hours of operation;
- the location of areas where alcohol may be served;

- wine or other tastings or special circumstances/events where alcohol is served;
- obligations of the licensee (pursuant to the Liquor Licensing Act 1997); and,
- any other matters which are considered relevant under the Development Act 1993 and conditions of Development Approval.

Any conditions imposed on a liquor licence by the licensing authority or Development Approval by Council are intended to protect and enhance the amenity and character of the locality, while considering the interests of the different stakeholder groups involved, including residents, neighbouring businesses, the police, and the role of licensed premises in various areas of the Council.

4. PRINCIPLES

In supporting the responsible service of alcohol, harm minimisation practices and the protection of the City's amenity, the Council will:

1. Assess applications for Liquor Licences using this Policy (and associated Procedures), and the Development Plan, where appropriate.
2. Exercise its rights of Objection, Intervention and Complaint under the Liquor Licensing Act 1997, where warranted.
3. Provide information to the public, where appropriate, which discourages the irresponsible service and consumption of alcohol.
4. Act as an advisory body to persons requiring advice and clarification on licensing and related planning issues as they relate to Council.

Council will have regard to this Policy in assessing liquor licence applications lodged with the Liquor and Gambling Commissioner. These include:

Licence Type	Description
Club	Clubs that want to supply liquor to members and the general public (e.g. sporting club, membership club, etc).
Direct Sales	A direct sales licence authorises the sale of liquor at any time where the purchaser orders the liquor by mail, telephone, Fax, internet and any other electronic communication.
Entertainment Venue	Allows licensees to sell liquor in the licensed premises for consumption on the licensed premises at a time when live entertainment is provided on the licensed premises (e.g. night clubs).
Hotel Licence	A hotel licence authorises the sale of liquor for consumption on and off the licensed premises.
Limited Club	A limited club licence authorises the sale of liquor to members and guests of members (e.g. sporting club, membership club, etc).
Limited Licence	To hold a one-off event, or a limited series of events, or to extend trading hours of an existing licence or authorisation for a special event.
Producers	A producer's licence authorises the sale of liquor produced by the licensee (e.g. cellar doors, microbreweries).
Residential	A residential licence authorises the sale of liquor on the licensed premises at any time to a lodger for consumption on or off the licensed premises (e.g. motels, hostels, caravan parks etc).
Restaurant	A restaurant licence authorises the sale and consumption of liquor on the premises at any time with or ancillary to a meal (e.g. cafe, restaurant).
Retail Liquor Merchant	To sell packaged liquor on a retail basis for people to consume away from the licensed premises (e.g. bottle shops).
Small Venue	For small bars, restaurants, art galleries and the like located in the central business district with a maximum capacity of 120 patrons.
Special Circumstances	When no other class of licence suits the proposed style of business (e.g. boats and vessels, caterers, limousines).
Wholesale Liquor Merchant	To supply alcohol on a wholesale basis to other licensees.

Where a Liquor Licence Application is associated with a development application seeking Development Approval, Council's Development Plan will be used as the basis of the assessment in accordance with the provisions of the Development Act 1993. The Licensing Authority will require a Development Approval prior to considering any application that does not already have an existing Development Approval.

Council may seek to have various conditions imposed on applications, but the determination on conditions imposed is a matter for the Licensing Authority only.

An objection may be made on one or more of the following grounds:

- That granting the application would not be consistent with the objects of the Act or this Policy;
- That, if the application were granted:
 - Undue offence, annoyance, disturbance or inconvenience would be likely to result to people who reside, work, play or worship in the vicinity of the premises or proposed premises to which the application relates;
 - The safety or welfare of a child dedicated facility, children attending kindergarten, primary school or secondary school in the vicinity of the premises or proposed premises to which the application relates are likely to be prejudiced; and/or
 - The amenity of the locality in which the premises or proposed premises to which the application relates would be adversely affected in some other way.

5. DEFINITIONS

For the purpose of this Policy and its associated Procedures, the following definitions apply:

- **Act** - Liquor Licensing Act 1997
- **CBS** – Consumer and Business Services;
- **dB(A)** – unit of measurement relating to the level of sound exposure to humans;
- **Entertainment** – as defined by the Act is a dance, performance, exhibition or event (including a sporting contest) calculated to attract and entertain members of the public; a visual display but not if provided by means of a television screen the dimensions of which do not exceed 2 metres by 2 metres (specified by the Regulations);
- **EPA** - Environmental Protection Agency;
- **Intervention** - a council in whose area licenced premises or premises proposed to be licenced are situated may intervene in proceedings before a Licensing Authority for the purpose of introducing evidence, or making representations, on any question before the Authority;
- **Licence** - a liquor licence under the Liquor Licensing Act 1997. Definitions for the various forms of licences referred to within this policy can be found within section 4 of the Act;
- **Licensing Authority** - in relation to a matter that is to be decided by the Court under the Act – it is the Court. In relation to any other matter – it is the Liquor and Gambling Commissioner (via Consumer and Business Services);
- **Liquor** - for the purposes of the definition of liquor in Section 4 of the Act, alcohol based food essence and alcoholic ice confection are declared to be liquor for the purposes of the Act;

• **Live Entertainment** - means:

- A dance or other similar event at which a person is employed or engaged to play music (live or pre-recorded)
- A performance at which the performers, or at least some of them, are present in person
- A performance of a kind declared by regulation to be live entertainment;

• **Objection** - if an application has been advertised under Part 4 of the Act, any person may, by notice in the prescribed form (by contacting OLGC) lodged with the Licensing Authority at least seven (7) days before the day appointed for the hearing of the application, object to the application.

• **SAPOL** – South Australian Police

RELATED DOCUMENTS

- Liquor Licence Applications Procedures
- Marion Council Development Plan
- Liquor Licensing Act 1997
- Development Act 1993
- Development Regulations 2008
- Environment Protection (Noise) Policy 2007
- City of Marion Community Vision: Towards 2040 (adopted 26 July 2016)
- City of Marion Business Plan, 2016 – 2019 (adopted 26 July 2016)

INFORMATION – COUNCIL CONTACT DETAILS

The contact officers of Council for information in relation to this policy are the Team Leader-Planning and/or the Senior Policy Planner who can be contacted by:

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