



GOVERNANCE POLICY

Liquor Licensing

Policy Number	G1.40
Version Number	2
Issued	December 2016
Last Review	March 2022
Next Review	March 2027
GDS	9.63.1.1

1 Purpose

- 1.1 The Liquor Licensing Policy (the Policy) provides a framework for The Flinders Ranges Council's (the Council) response to liquor licensing applications and sets a direction for all licensed premises to mitigate potential external impacts.

2 Definitions


- 2.1 Terminology used in the Policy is consistent with that of the *Liquor Licensing Act 1997* (the Act). Definitions within this section of the Policy are provided for convenience and should be considered in conjunction with those contained within the Act.
- 2.2 **Liquor** means a beverage that, at room temperature, contains more than 1.15% alcohol by volume, including alcohol-based food essences and alcoholic ice confection.
- 2.3 **Liquor licence** means a licence issued under the *Liquor Licensing Act 1997* for the sale, supply or consumption of liquor on a premises.
- 2.4 **Extended trading authorisation** means a condition of a liquor licence authorising trade for additional hours beyond those generally allowable for the type of licence held.
- 2.5 **Licensed premises** means premises in respect of which a liquor licence is in force and includes the land, any building or structure on the land, or any part of the premises.
- 2.6 **Licensing authority** means the Licensing Court of South Australia (in relation to a matter that is to be decided by the Court) or the Liquor and Gambling Commissioner (in relation to any other matter).
- 2.7 **Entertainment** means a dance, performance, exhibition or event (including a sporting contest) intended to attract and entertain members of the public.

3 Scope

- 3.1 The Policy relates to matters referred to Council in respect of liquor licensing matters, including new liquor licences, limited (i.e. one-off) liquor licences and temporary or permanent variations to existing liquor licences.

4 Legislative and Corporate Requirements

- 4.1 Council acknowledges that the Office of the Liquor and Gambling Commissioner is the authority in respect of licensing applications and will make the final decision on proposed liquor licences.
- 4.2 The Liquor Licensing Policy is to be read and implemented in conjunction with Council's other relevant policies, strategies and documents, including:
- 4.2.1 The Flinders Ranges Council Development Plan;
 - 4.2.2 Customer Service Goals Policy;
 - 4.2.3 Hall Hire Permit Conditions;
 - 4.2.4 Delegation Manual;

	<p style="text-align: center;">GOVERNANCE POLICY</p> <p style="text-align: center;">Liquor Licensing</p>	Policy Number Version Number Issued Last Review Next Review GDS	G1.40 2 December 2016 March 2022 March 2027 9.63.1.1
--	--	--	---

4.2.5 The Flinders Ranges Council Local Government Land By-Law No. 2

4.2.6 The Flinders Ranges Council Community Plan 2019-28.

5 Policy Statement


- 5.1 Council acknowledges the role of appropriately managed and operated licensed premises in contributing to vibrant and active towns, and the importance of addressing liquor- related issues to protect and enhance the amenity of the towns for the benefit of the community.
- 5.2 In supporting the responsible service of liquor in licensed premises, while protecting the public amenity, Council will use the Policy to guide the assessment of new licensing applications and to respond to complaints about licensed premises. The Policy will provide direction to encourage the adoption of appropriate operating hours and practices to limit potential negative impacts.
- 5.3 The Policy sets out the circumstances in which Council will undertake public consultation in relation to liquor licensing applications, which will be additional to the notification undertaken by the applicant in accordance with the requirements of the Act. The Policy also defines the form and scope of consultation that will be undertaken.
- 5.4 The Policy includes a range of desired conditions Council will seek to have included on a liquor licence. These conditions take into account the different types of licences, hours of operation and the potential for noise and other disturbance.

6 Application of Policy

- 6.1 The processes and guidelines of the Policy will be applied in response to Council being notified of licensing proposals, or upon receipt of complaints concerning licensed premises.
- 6.2 The Policy will be referred to in the assessment of development applications for licensed premises, to the extent that this is permissible under the *Planning Development and Infrastructure Act 2016*.

7 Consultation with the Community

- 7.1 Council will undertake community consultation only on those licensing applications that have a potential to impact on nearby residents and businesses. Types of licences that will and will not be consulted on are described in this section of the Policy.
- 7.2 Consultation will occur to ensure that those who may be immediately affected by a proposal are informed and are aware of their ability to make submissions to the Licensing Authority. The consultation process will also assist Council in forming an opinion on whether or not an objection should be made by Council to the Licensing Authority.
- 7.3 Consultation will be undertaken upon receipt of notification of an application for a new licence or a variation to an existing licence that would permit the consumption of liquor on the premises (including for example a Club Licence, Limited Club Licence, Entertainment Venue Licence, Hotel Licence or Restaurant Licence).

	<p style="text-align: center;">GOVERNANCE POLICY</p> <p style="text-align: center;">Liquor Licensing</p>	Policy Number Version Number Issued Last Review Next Review GDS	G1.40 2 December 2016 March 2022 March 2027 9.63.1.1
--	--	--	---

- 7.4 No consultation will occur in respect of an application for a new licence or a variation to an existing licence that does not permit the consumption of liquor on the premises (including for example a Wholesale Liquor Merchant's Licence, Retail Liquor Merchant's Licence, Producer's Licence or Direct Sales Licence).
- 7.5 No consultation will occur in respect of Limited (i.e. temporary) licence applications, unless the scope of the proposal is such that external impacts are anticipated and the proposed conditions of the licence are unlikely to restrict these impacts to a reasonable level.
- 7.6 When consultation is required by the Policy, Council will notify nearby property owners and occupiers in writing, advising that an application has been (or will be) lodged with the Licensing Authority. Concerned parties will be invited to make submissions to Council for consideration, as well as to the Licensing Authority.

8 Consideration of Applications

- 8.1 Council will intervene in applications before the Licensing Authority in circumstances where the necessary development approvals are not in place.
- 8.2 Where community consultation is anticipated under the Policy, Council will undertake consultation as soon as practicable after receiving notification of a licensing proposal. If necessary, Council will notify the Licensing Authority of the time frame in which consultation will occur and seek an adjournment of proceedings to allow Council to consider any responses received.
- 8.3 In the event that a response against the proposal is received during community consultation, the licensing application will be presented to the earliest convenient Council meeting for consideration. Any respondents will be invited to attend the meeting.
- 8.4 Where no consultation is required, or no response is received during consultation, and the scope and extent of the licence application is generally consistent with the extent of activities anticipated under section 9 of the Policy, Council will advise the Licensing Authority and the applicant that Council has no objection to the licensing application.
- 8.5 Council will determine whether or not to object to licensing applications using the Policy as a basis, with due regard to the history of the premises, the likely external impacts of the proposal, and any comments received during community consultation. Objections will not be based on personal or moral grounds, such as the potential health effects of alcohol or possible social impacts associated with gambling.
- 8.6 Criteria to be considered when assessing an application:
- Number of complaints lodged with the Office of Liquor and Gambling Commissioner concerning the licensed premises
 - Record of complaints lodged with Council
 - Data and intelligence from SA Police in relation to licensed premises
 - Location and operation of outdoor dining areas
 - The extent to which the premises has been designed to minimise the impacts of its activities on adjacent residential development including noise attenuation measures, landscape buffering or acoustic buffering
 - Level of security to be adopted
 - Operating hours of other licensed premises



GOVERNANCE POLICY

Liquor Licensing

Policy Number	G1.40
Version Number	2
Issued	December 2016
Last Review	March 2022
Next Review	March 2027
GDS	9.63.1.1

9 Desired Conditions


- 9.1 The operation of licensed premises has the potential to impact on the surrounding community in a number of ways. The potential for such impact to occur and the measures that are proposed by the licensee to minimise these impacts will guide Council in responding to the Licensing Authority. Conditions recommended by Council or objections made to the Licensing Authority will be based on the guidelines contained within this section of the Policy.
- 9.2 To ensure an equitable approach to the establishment of licensed premises, while balancing the benefits of a vibrant community against the potential impacts licensed venues can have, trading hours for licensed premises should generally be limited as described in Table 1.
- 9.3 Earlier closing times than those described in Table 1 are desired in circumstances where it is likely that the venue will have a greater potential impact on surrounding residents, taking into consideration factors such as proximity of the venue to nearby homes, location of entries and exits, the capacity of the premises and/or the type of entertainment that would be provided.

Whilst liquor licensing hours are set by the Liquor Licensing Commissioner, Council anticipates that the hours in Table 1 are desired

Table 1

Licence Type	Monday-Thursday	Friday-Saturday	Sunday
Club or Limited Club	7:00am - 12:00am (midnight)	7:00am - 12:00am the following day	9:00am - 10:00pm
Hotel or Entertainment Venue	7:00am - 2:00am the following day	7:00am - 2:00am the following day	7:00am - 11:00pm
Hotel Bottle Shop or drive- through	8:00am - 10:00pm	8:00am - 11:00pm	9:00am - 9:00pm
Restaurant	7:00am - 2:00am (midnight)	7:00am - 2:00am the following day	7:00am - 11:00pm
Retail or Wholesale Liquor Merchant	8:00am - 9:00pm	8:00am - 11:00pm	9:00am - 9:00pm
Event or Special Circumstances	7:00am - 12:00am (midnight)	7:00am - 12:00am the following day	7:00am - 11:00pm

- 9.4 Trading hours that are proposed to extend beyond those described in Table 1 may be supported, provided the considered potential impact on surrounding residents and businesses is acceptable. Where the licence type has not been identified in Table 1, such as for a Producer's Licence, Direct Sales Licence or Residential Licence, which typically do not involve activities that would generate external impacts, each proposal will be considered with regard to the potential external impacts in seeking restrictions to trading hours.

	<p style="text-align: center;">GOVERNANCE POLICY</p> <p style="text-align: center;">Liquor Licensing</p>	Policy Number Version Number Issued Last Review Next Review GDS	G1.40 2 December 2016 March 2022 March 2027 9.63.1.1
--	--	--	---

9.5 Having acknowledged the role of appropriately managed and operated licensed premises and community events in contributing to vibrant and active towns, Council does not oppose the consumption of alcohol whilst standing on Council footpaths, subject to:

- the footpath area being appropriately licenced under Liquor Licensing legislation;
- a Council footpath permit is in place;
- a minimum of 1.2m (from the kerb) clear passage for pedestrians on the footpath is maintained; and
- the footpath is kept clean and tidy at all times (including cigarette butts).

Council supports community events with appropriate designated alcohol consumption and smoking areas.

9.6 To minimise the potential for disturbance caused by patron movements and noise emanating from licensed premises, it is generally anticipated that:


- 9.6.1 The licensee shall at all times ensure that noise levels are in accordance with guidelines established under the *Environment Protection Act 1993* and the Liquor Licensing Regulations.
- 9.6.2 All external doors and windows facing adjoining residential land uses are to be closed (subject to the ventilation requirements of Part F of Volume 1 of the Building Code of Australia being adequately addressed) when live entertainment is being undertaken or a sound system is in use (other than permitted outdoor entertainment and playing low level background music).
- 9.6.3 Council supports entertainment in outdoor areas, including the use of amplified and non-amplified music, where the appropriate permits and / or licences have been obtained, and adheres to 9.6.1.
- 9.6.4 Outdoor areas in this context include beer gardens, but should not generally include footpaths without appropriate permit and / or licence.
- 9.6.5 No waste or recycling (including empty bottles and cans) is to be moved from inside the premises to outside storage bins or area between the hours of 10:00pm and 7:00am the following morning.
- 9.6.6 The licensee shall at all times have displayed at all exits from the premises clearly visible signs in the form of: "Out of respect for our neighbours, please leave these premises as quietly as possible."

9.7 Additional desired conditions may be considered appropriate depending on the nature of the activity proposed.

10 Complaint Handling

10.1 A complaint may be lodged with the Licensing Authority in those instances where an activity on, or the noise emanating from, licensed premises, or the behaviour of persons making their way to or from licensed premises, is unduly offensive, annoying, disturbing or inconvenient to a person who resides, works or worships in the vicinity of the licensed premises.

10.2 Upon receipt of complaints from the community in relation to licensed premises, Council

	<p style="text-align: center;">GOVERNANCE POLICY</p> <p style="text-align: center;">Liquor Licensing</p>	Policy Number Version Number Issued Last Review Next Review GDS	G1.40 2 December 2016 March 2022 March 2027 9.63.1.1
--	--	--	---

will initially advise that complaints are to be directed to the Licensing Authority. If many and repeated concerns are raised, Council will act on behalf of the community in lodging a complaint with the Licensing Authority.

11 Responsibilities

11.1 The Chief Executive Officer will be responsible for this policy.

12 Review

12.1 To be reviewed within 12 months after a General Election, in line with legislation and any legislative changes or by resolution of Council.

13 Legislation

Liquor Licensing Act 1997
Planning Development and Infrastructure Act 2016
Environment Protection Act 1993
Local Government Act 1999

14 Availability of Policy

This Policy will be available for inspection at the Council Offices during ordinary business hours at no charge and a copy may be purchased for a fee as set annually by the Council.

Copies of this policy will also be available from the Council's website www.frc.sa.gov.au

Adopted by Council 21 February 2017
Resolution 025/2017

Review Date	Version Number	Change	Resolution
20 December 2016	Draft 1	Released for Public Consultation	277/2016
21 February 2017	v1	Adopted by Council	025/2017
19 April 2022	V2	Minor spelling and grammar amendments	65/2022