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1 PURPOSE

This policy provides staff direction regarding the assessment of applications for the operation of licensed venues seeking a liquor licence in the Palmerston local government area.

This policy applies to all comments Council staff provide to the Northern Territory Government (NTG) (Licensing NT) in regards to liquor licence applications for new liquor licences or changes and/or operation of existing licences under the *NT Liquor Act (Liquor Act)*.

2 PRINCIPLES

2.1 BACKGROUND

Alcohol plays a significant social role in Australia and liquor consumption in the Northern Territory is well above the average of most other states¹. Although most people consume alcohol in a socially responsible manner, alcohol misuse has the potential to cause considerable harm to individuals and to the wider community through violent and antisocial behaviour.

Like other communities across Australia, Palmerston has in recent years seen a proliferation and concentration of licensed premises in local areas. Many factors have contributed to this trend locally, including:

- The continuing dominant social role of alcohol;
- The high numbers of domestic and international visitors;
- Climatic conditions of the warm climate;
- High numbers of shift workers; and
- Substantial population growth.

As the tier of Government closest to the community, Local Governments are often the first point of call when a safety or health concern arises. The increasing numbers and concentration of licensed venues has resulted in increasingly vocal concerns by business,

¹ Caroline Gao, Rowan Ogeil and Belinda Lloyd - July 2014 - Alcohol's burden of disease in Australia

government agencies and residents about a range of negative impacts, most prominently, reduced amenity and reduced public safety or perceptions of public safety.

The Northern Territory Government (Licensing NT) is responsible for (amongst other regulatory roles) the regulation of liquor licences for venues wishing to sell alcohol. While Local Government does not have any decision making power in the liquor licensing process it does have the opportunity under the *Liquor Act* to provide comment to the NTG about the possible impact of licensed venues, or changes to venue operation on the local community.

The City of Palmerston is committed to providing a healthier and safer place for residents and visitors and a key aspect of this is via input Council provides on Liquor licence applications within the Palmerston Local Government Area.

2.2 NT LIQUOR ACT

In accordance with Section 47F (3)(e) of the *Liquor Act*, the City of Palmerston, as an agency or public authority that performs functions relating to public amenities, including health, education and public safety has the right to object to an application for the grant of a licence, a variation of a licence, an application for the substitution of other premises and an application for approval to make a material alteration to licensed premises.

Under the Section 47F (2) of the Act an objection may only be made on the ground that the grant of the licence, variation of conditions, substitution of other premises or material alteration may or will adversely affect:

- (a) the amenity of the neighbourhood where the premises the subject of the application are or will be located; or
- (b) health, education, public safety or social conditions in the community.

In addition to comments provided under Section 47F, Licensing NT has indicated that they encourage and will accept all comments and or grounds for objection Council have on a proposed application including items such as planning non-compliance or matters of inconsistency with other legislation that may be relevant. While not specifically under 47F these non-compliance matters have a high relevance to ensuring compliance with legislation within the Northern Territory that are worthy of mention in Council's comments to Licensing NT.

Based on the above it is imperative that Council have a set criteria to consider relevant Liquor Licence applications to provide relevant comments under section 47F and other relevant Legislation and if required, object to those applications that are inconsistent with an area or locality.

2.3 CITY OF PALMERSTON MUNICIPAL PLAN

The Municipal Plan plays the leading role in Council's Strategic Planning Framework, guiding all other planning and reporting activities. It is based on four Strategic Focus areas

which cover the services and responsibilities of Council: Community & Cultural Wellbeing; Economic Development; Environment & Infrastructure; Governance & Organisation.

The criteria and principles to consider relevant Liquor Licence applications are based on ensuring alignment with the City of Palmerston Municipal Plan, in particular the aspects relating to Community & Cultural Wellbeing.

The adoption and implementation of this policy seeks to advance the Strategic Focus areas of the Municipal Plan by ensuring Liquor Licence applications are consistent with outcomes sought for the City of Palmerston under the Municipal Plan.

3 DEFINITIONS

For the purposes of this Policy, the following definitions apply:

Term	Definition
Liquor Licence	Means a licence issued under the <i>NT Liquor Act</i> .
Liquor	Means a beverage that contains more than 1.15% by volume of ethyl alcohol.
Sensitive Land Use	<ul style="list-style-type: none"> - Schools, childcare centres and other places principally used by children. Seniors living residential developments; - Community Centres; - Places of Public Worship; and Other land uses identified at the time of an application.
Residential Areas	Land contained within a residential zone under the NT Planning Scheme

4 POLICY STATEMENT

ASSESSMENT CRITERIA FOR LIQUOR LICENCE APPLICATIONS

The following criteria, amongst others not specified that may also be relevant, should be considered by Council when considering a liquor licence applications and formulating comments to Licensing NT:

- 4.1 Proximity and potential impacts on sensitive land uses. *(Will the proposed licence impact on any nearby sensitive land uses by way of noise impacts, increased occurrences of itinerancy etc?)*
- 4.2 Hours of operation. *(Is the proposal consistent with the operating hours of the surrounding land uses?)*
- 4.3 Number of existing / proposed / approved licensed venues in the locality. *Consideration of (represented spatially) existing / proposed /approved licensed venues in the locality with regards to the social conditions of the locality (a review of Socio-Economic Indexes for Areas (SEIFA) data if required)*
- 4.4 Number and nature of complaints lodged with Council in relation to an existing licensed premise. *(if applicable)*
- 4.5 The extent to which the premise has been designed to minimise the impacts of its activities on any adjacent residential development. *(Considerations include Crime Prevention Through Environmental Design Principles, noise attenuation measures, landscaping or fencing buffers between any car parking, service area, outdoor storage area and surrounding land use)*
- 4.6 Level of security and surveillance to be adopted by the licensed premises. *(Is the existing/proposed level of security and surveillance to be adopted by the licensed premises adequate for the locality or surrounding land uses?)*
- 4.7 Does the application raise any additional matters of non-compliance with other legislation that may be relevant? *(Does the proposed licence operation have the relevant Planning permits/approvals?)*

Should an application raise significant conflicts with the above criteria it may be in the interest of Council to object to an application on relevant grounds.

An objection to an application should be made under Section 47 (F) of the *Liquor Act* and/or based on conflicts or non-compliance with other relevant legislation.

5 ASSOCIATED DOCUMENTS

- 5.1 City of Palmerston Municipal Plan

6 REFERENCES AND RELATED LEGISLATION

- 6.1 NT Liquor act
- 6.2 NT Planning Act
- 6.3 NT Planning Scheme