LIQUOR LICENSING REFERRAL POLICY

Policy Reference No. POL/178
File No. HCC10/10
Strategic Objective
2.1 Foster a community which is active and healthy.
Adopted by Council
29 April 2013
Re-Adopted
Date for Review April 2018
Responsible Officer Manager Community & Activity Centre Planning
Department Community & Activity Centre Planning
1 POLICY STATEMENT

In relation to liquor licences it is Council’s policy to:

1.1 Adopt a harm minimisation approach that seeks to minimise the misuse and/or abuse of alcohol.

1.2 Minimise impacts associated with noise, car parking, patron movement, traffic and other amenity issues.

1.3 Identify suitable hours of operation and patron numbers that reflect appropriate carrying capacity.

1.4 Maximise active street frontages, ensuring adequate infrastructure for smokers.

1.5 Require site plans to indicate surrounding land uses and active areas within the proposed site.

1.6 Require applicants to provide an impact assessment where there is a clustering of licensed premises. The assessment must consider the cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area. The extent of the assessment should be proportional to the likely impact of the proposal (e.g. a restaurant and café licence is likely to have less impact than a late night general licence and therefore requires less detail).

1.7 Applications to expand the licensed area or extend the trading hours of existing licensed premises should provide relevant information including:
   - any complaints and problems with the premises;
   - breach of planning or liquor license permit conditions;
   - the conditions of the existing liquor licence or planning permit controlling noise, security, patron numbers and hours of operation.

2 PURPOSE

In Victoria the management of licensed premises falls under the jurisdiction of both planning and liquor legislation. According to Clause 52.27 of the State Planning Policy Framework ‘a planning permit is required to use land to sell or consume liquor, except when it is for a limited licence or a licence to manufacture liquor’. Council is the responsible authority for issuing these planning permits.

Similarly the Liquor Control Reform Act 1998 acknowledges the role of the Victorian Commission for Gambling and Liquor Regulation and gives it the power to grant or refuse an application for a liquor licence. Liquor licensees must obtain both a planning permit and a liquor licence to operate a liquor licence venue.

The purpose of this policy is to provide guidance for new licensed premises and where existing licensed premises change their operation.
Hume City has approximately 260 licensed premises that provide an opportunity for social interaction and support the local economy. Council recognises that alcohol is an enjoyable part of Australian culture and that licensed premises have substantial economic, social and cultural benefits. Well managed licensed premises can contribute positively to the activity, appearance, character and image of the area.

An aim of Hume City Council’s Municipal Public Health and Wellbeing Plan 2009-2013 is to minimise harm from alcohol, tobacco and other drugs. The strategic objectives highlight the need for collaboration between stakeholders, agencies and networks in order to prevent and reduce harms associated with alcohol, and develop policies and initiatives that are likely to influence positive outcomes.

Inappropriate sale and consumption of alcohol is also associated with a range of social, economic and health harms, particularly for vulnerable groups and individuals. Council’s Community Safety Strategy 2009-2013 also recognises that inappropriate consumption of alcohol contributes to increased risk of injury and violence amongst vulnerable population groups in Hume City.

3 SCOPE

3.1 This policy describes what Council will do in relation to the use of a premise for the sale and/or consumption of alcohol.

3.2 This policy applies to the consideration of all applications for new licensed premises and for the expansion of the licensed area or the extension of the trading hours of existing licensed premises, where a permit is required pursuant to Clause 52.27 of the State Planning Policy Framework.

3.3 Liquor licence types affected by this policy include general, late night (general), restaurant and café, on-premises, late night (on-premises), full club, restricted club, packaged liquor, late night (packaged liquor), major event licences and temporary limited licences.

4 OBJECTIVE

4.1 Manage growth and development of licensed premises.

4.2 Maximise daytime trade and active street frontages.

4.3 Maximise mix and diversity of land uses, particularly in activity centres.

4.4 Protect economic viability of activity centres.

4.5 Protect and enhance reasonable commercial opportunities for licensed premises.

4.6 Minimise adverse impacts on surrounding land uses and maintain the positive character, image and function of Hume City.

4.7 Minimise negative cumulative impacts.
5 POLICY IMPLEMENTATION

All applications for the establishment of a new licensed premises or the expansion of the licensed area or extension of the trading hours of an existing licensed premises should include the following information, as appropriate:

5.1 Site plan, showing location in relation to adjoining uses, sensitive uses and other licensed premises.

5.2 Design and operation of premises (patron numbers, entrances and exits, internal layout, serving of food, types of supporting social and leisure activities).

5.3 Management of premises (security, noise, complaints procedure).

5.4 Evidence of commitment to the Responsible Serving of Alcohol.

5.5 Cumulative impact assessment for applications where there is a clustering of licensed premises. Venues that will also be licensed and open until after 11pm will require greater detail.

6 DEFINITIONS AND ABBREVIATIONS

6.1 Activity centre: focal points for services, employment and social interaction in towns and cities. They are generally well-served by public transport, but ranging in size, location, land use mix and intensity of use.

6.2 Cluster: three or more licensed premises (including the proposed premises) within a radius of 100 metres from the subject land; or 15 or more licensed premises (including the proposed premises) within a radius of 500 metres from the subject land.

6.3 Cumulative impact assessment: a cumulative impact refers to both positive and negative impacts that can result from clustering a particular land use or type of land use.

Positive cumulative impacts can include:
- economic benefits;
- enhanced viability of the area;
- increase in consumer choice;
- the creation of a local identity or status as an entertainment or tourism destination;
- increased ability to manage impacts, for example by concentrating venues around transport to aid dispersal of patrons.

Negative cumulative impacts can include:
- noise and anti-social behaviour from intoxicated persons;
- infrastructure capacity problems including limited availability of transport and car parking for patrons and local residents;
- violence and perceived threats to safety;
- crime including vandalism, trespass and property damage.
The area to be included in a cumulative impact assessment should be all land within a 500 metre radius of the proposed venue, unless there is another logical boundary that takes into account relevant features. The cumulative impact assessment must include details of:

- hours of operation
- patron capacity*
- staffing and training arrangements
- noise sources*
- potential for light spill*
- seating ratios*
- queuing and security*
- waste storage and removal (including location and hours)*
- car parking and access to public transport*
- the nature and location of uses surrounding the proposed licensed premises
- proximity of the site to other licensed premises and their patron numbers and operating hours**

* Not applicable to packaged liquor licence applications.
**Information is available through the Department of Justice website.

6.4 Late night: in terms of the liquor licensing provisions, late night trading refers to trading past 1am, including 24 hour trading.

6.5 Liquor Accord: a partnership between the key regulatory agencies and licensees in an area. Accords contribute to safer communities and influence drinking patterns through self-regulation by licensees, behaviour observation and notification of issues to licensees.

6.6 Ordinary trading hours: these can be found under Section 3 (Definitions) of the Liquor Control Reform Act 1998 and differ depending on the type of liquor licence.

6.7 Packaged liquor: The sale of alcohol in sealed containers from outlets such as bottle shops and supermarkets.

6.8 Sensitive areas: where the focus of activity caters for minors i.e. where it is located within close proximity to areas where young people congregate (schools, sports clubs, cinemas etc.) or an area associated with an individual's day to day activities such as shops, public transport networks or interchanges, community hubs, medical facilities or welfare services.
7 RELATED DOCUMENTS

- Department of Planning & Community Development (2011) Practice Note 61: Licensed premises: Assessing cumulative impact, March 2011
- Hume City Council (2009), Council Plan 2009-2013
- Hume City Council (2009), Municipal Public Health & Wellbeing Plan 2009-2013

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