

POLICY



Date adopted: 29/10/2019
File no: 860144-1
Minute number: 178/2019

Policy title: LIQUOR LICENSING

Directorate: COMMUNITY SERVICES

Branch: COMMUNITY SERVICES

Policy objective: To describe Council's role on the provision of advice on liquor licence applications; applying to review a decision on a liquor licence application; and the authorisation of liquor licence applications for leased premises located on Council owned and/or controlled land.

Policy scope:

1. Preamble

It is a legislative requirement that the Office of Liquor and Gaming Regulation must provide certain liquor licence applications to the relevant local government authority (Council) for comment. Council can provide advice on liquor licence applications which may include support for an application, recommending conditions be placed on an application and/or objecting to an application. Councils can also apply to review a decision of the Commissioner of Liquor and Gaming (Commissioner) if it is not satisfied with the decision.

Council has a significant role to play in ensuring local environments are safe, healthy and promote positive social and community outcomes. Council is aware of the significant negative social and cultural impacts which the unregulated provision of alcohol has on the community and is committed to minimising these impacts.

2. This policy will apply to:

- (a) Council's advice to, and correspondence with, the Queensland Government's Office of Liquor and Gaming Regulation (OLGR).
- (b) Council's interest in applying to review a decision of the Commissioner if not satisfied with the decision.
- (c) Council's authority as it relates to liquor licence applications for leased premises located on Council owned and/or controlled land.
- (d) Council's response to a Social and Health Impact Assessment, where required through Council's development application process, where there is intention to sell, supply or consume liquor on a premises.
- (e) Council's involvement in the development of collaborative responses to issues relating to alcohol within the Logan local government area.
- (f) Other situations relating to alcohol provision within Logan City.

3. Council's policy position relating to liquor licensing within the City

Council, through its advisory, approval and/or regulatory role is committed to minimising the negative social and cultural impacts associated with problematic activities related to the sale, supply and consumption of liquor in Logan City.

Definitions:

TERM	DEFINITION
Amenity	Defined as per the <i>Liquor Act 1992</i> , "amenity" means: (a) the atmosphere, ambience, character and pleasantness of the community or locality; and (b) the health and safety of persons who live in, work in or visit the community or locality and the comfort or enjoyment they derive from the community or locality.
High risk event	The OLGR <i>Guideline 32: Community liquor permits and commercial public event permits (approvals for high risk public events)</i> defines "high risk" event as an event or occasion that: 1. permits the consumption of liquor in an area or areas totalling more than 200 square metres; or 2. has an anticipated attendance throughout any particular day exceeding 2,000 persons; or 3. permits the supply of liquor between midnight and 10:00am; or 4. is being undertaken at a venue, which has been the subject of complaints made to the Office of Liquor and Gaming Regulation within the previous five years; or 5. includes a form of entertainment that may cause a noise disturbance in the locality such as ball, rock concert, dance party or rave party; or 6. involves an applicant who has conducted an event or occasion that has been cause of concern to the Office of Liquor and Gaming Regulation; or 7. for any other reason is considered to have the potential to cause concern to the Office of Liquor and Gaming Regulation.
Stay a decision	The Queensland Civil and Administrative Tribunal (QCAT) define 'stay a decision' as meaning that a decision is postponed and will not take effect until QCAT have heard the application to review the decision.

Policy statement:

1. Providing advice on liquor licence applications to the Office of Liquor and Gaming Regulation
 - (a) Council will provide a written response to each request from the Queensland Government's Office of Liquor and Gaming Regulation seeking comments relating to applications for liquor licenses, and various other changes to conditions on existing liquor licenses within the Logan City local government area. This response will be developed in accordance with Council's 'Liquor Licensing Applications - Procedures and Guidelines for Responses'.
 - (b) The Community Services branch will coordinate a response to the Office of Liquor and Gaming Regulation in consultation with internal Council branches and the Chairperson for the relevant committee. Where possible, the Chairperson and internal Council branches will have five business days to provide a response.

- (c) Council can object to or recommend conditions be imposed on a liquor licence based on the grounds of public safety and amenity. Where Council objects to or recommends conditions for a liquor licence application, it will provide evidence to support that advice.
- 2. Applying to review decisions of the Commissioner of Liquor and Gaming
 - (a) The Community Services branch will notify the Chairperson of the relevant committee and internal Council branches when it receives notification that the Commissioner has approved a liquor licence application, and where Council had recommended objection to that application. Internal referrals will have five business days to notify the Community Services branch if there is any interest in applying to review a decision of the Commissioner. Council can appeal the decision of the Commissioner within 28 days of the decision.
 - (b) Where an internal referral has interest in seeking a review of a decision of the Commissioner, the Community Services branch will convene a meeting with the Liquor Licensing Advisory Group (LLAG). The LLAG comprises the Chairperson of the relevant committee, the Community Services Manager, the Social Planning Program Leader, and any other internal referral with interest in appealing the decision. The LLAG will decide by consensus on whether to proceed with an appeals process. Where there is a consensus to appeal the decision, the Community Services branch will apply to the Queensland Civil and Administrative Tribunal to 'stay a decision'.
 - (c) The Liquor Licensing Advisory Group will decide who will represent Council at the Tribunal and throughout the appeals process.
- 3. Responding to development applications where there is or will be intention to sell, supply or consume liquor on premises
 - (a) Through Development Assessment processes, premises where there is intention to sell, supply or consume liquor on premises and which have been required to provide a Social and Health Impact Assessment (SHIA). The Development Assessment branch can elect to consult with the Community Services branch and impose development approval conditions based on the recommendations of the impact management plan.
- 4. Liquor licence applications and permits for leased premises on Council owned and/or controlled land
 - (a) The manager of the branch that manages a leased premises is responsible for authorising lessees of premises on Council owned and/or controlled land to apply for liquor licences, to apply for changes to conditions on existing licences (including the extension to hours of operation), and to support applications for community liquor permits for one off events where Council referral is required.
 - (b) Lessees of premises on Council owned or controlled land must apply for community liquor permits for High Risk Events, as defined in this policy.
 - (c) All organisations that seek approval from Council for a community liquor permit will ultimately be responsible for the management of patrons at their event or events. On the occasion that issues with patrons ensue at a Council approved event or events, the manager of the branch that manages the lease, in consultation with relevant councillors, reserves the right to refuse approval of any future community liquor permits.
 - (d) The manager of the branch that manages a leased premises will only sign off on applications for community liquor permits after the Queensland Police Service has approved the application, where necessary.

- (e) Council will require that all relevant organisations provide Council with a minimum of three business days advanced notice to approve any community liquor permit.
5. Reporting research and legislative changes to liquor licensing related matters
- When necessary, the Community Services branch will provide reports to Council on updated research and legislative changes to regulations related to the sale, supply and consumption of liquor.

This policy is to be used in conjunction with the administrative procedure and guidelines for responses on liquor licencing applications identified in the related documents table.

Related policies/legislation/other documents:

DOC ID	DOCUMENT TYPE	DOCUMENT NAME
12885216	Procedure	Liquor Licensing Applications - Procedures & Guidelines for Responses
	Legislation	<i>Liquor Act 1992</i>