



Submission on the Liquor Licensing Discussion Paper

January 2016

The Local Government Association (LGA) welcomes the opportunity to provide input into the liquor licensing discussion paper as distributed by Consumer and Business Services (CBS) of the Attorney- General's Department.

As the level of government closest to residents, workers and visitors alike, local government has a unique understanding of the needs and aspirations of the people within their respective council areas and communities. In this context, the LGA welcomes the opportunity to work collaboratively with the State beyond the scope of this submission in order to improve the regulatory frameworks and tools in order to recognise the public's move away from large 'pub' venues and the huge increase in licences in restaurants, cafes and even hairdressers in recent years.

The LGA encourages the Department in its review to take into consideration that our previous "pub orientated" has diminished and is shifting away from the traditional "bricks and mortar" venues to a more flexible mixed and varied forms of entertainment venues such as 'pop-ups' for example. With this in mind and for the reforms to be a success the regulatory framework needs to both recognise and facilitate such a shift.

In preparing for this submission, the LGA formed a working group comprising various councils aimed at being a collective representation of the sector in order to gain a more in depth understanding of the main improvements that could be made to the existing framework and what mechanisms are in place for the successful ongoing management of them. The following briefly outlines the context in which the submission has been presented followed by key areas for consideration that the sector believes should be taken into account as part of the review process.

This review of the liquor licensing framework coincides with other significant legislative changes such as the proposed Planning Development and Infrastructure Bill currently before Parliament. As it stands now, the current legislative relationship between both planning and licensing will continue to have intersecting, however separate and at times conflicting roles with regard to the approval and operation of land uses that are liquor licensed. This highlights the need for a comprehensive review of the liquor licensing framework acknowledging these different roles played by planning, building and licensing respectively.

There's no question that the vision to create a simple and modern liquor licensing system that reflects community expectations whilst balancing the growth of the state's economy through its diverse food and wine industry plays a key role in enabling and providing for a safe, vibrant and enjoyable South Australia. The LGA supports this notion of a sensible regulatory framework that facilitates businesses and communities alike to flourish creating a vibrant and attractive culture.

Our evolving culture in recent times has seen a significant shift in its expectations and preference when it comes to drinking, entertainment, the way we live and where and what we eat for example. Furthermore, the increased appetite for mixed use development, small bars, pop-up restaurants, festivals and the like has resulted in a clear disconnect between how these places function and integrate into the current landscape and the liquor licensing laws that govern them.

The LGA recognises this and the economic impact this has on communities. However, this has resulted in increased areas of conflict with regard to what is and what isn't both

appropriate and acceptable, the need for better policing, more consideration for family orientated venues and more flexibility in land uses and associated business models.

As previously mentioned, 'pop-up venues or small venue licenses have become very popular in recent times with the success of the lane way activation initiative as one example. We have also seen an increase in popularity with regard to outdoor events such as moonlight cinemas, Fringe, Clipsal, Womadelaide and cheese and wine festivals to name a few.

It makes sense then that the laws pertaining to how and where we consume alcohol also need to change and become flexible and relevant to ensure the ongoing success of such events in a safe and inviting manner and that they are administered and policed by the appropriate authorities who are resourced, equipped and trained to do so. There should be no expectation that responsibility for such will or should lie with council to then administer and manage. The following section identifies key areas for consideration.

Applying for a liquor license

- The notification of events is not comprehensive or consistent. Placing an advertisement in the newspaper alone does not adequately inform those potentially affected by the event or application for license.
- The Government needs to consider alternative mechanisms in order to adequately raise awareness of events or applications. This could be in the form of but not limited to social media, council website and the messenger for example.
- A formal referral process should be considered where by council is a referral body. There have been many circumstances where by councils are not receiving applications for comment with regard to events even when the event is held on council land. Built into this process should be a fee which would recover those costs associated with the administration of such.
- An electronic notification system that could for example link to the new e-planning system which would see applications being linked to the planning process is one possible area for further investigation.

Fees

- Current structure/process requires an overhaul as it is out of step with our evolving culture and expectations.
- Currently significant costs to tax payers.
- A risk based approach could be considered to be more favourable/fair- the higher the risk the higher the fee.
- Risk loadings should be forwarded to councils, SAPOL, Emergency Services etc.
- If a risk based model is appropriate, how will this be determined? Will it be subjective? What criteria will be used? Council should have a mandatory role in determining this.

Advertising

- Current process of public notices doesn't achieve desired reach. There needs to be other mechanisms and or processes that formally notify interested parties.
- Needs to be a "linking" process by which other consents are combined (planning).

Entertainment and trading hours

- Music is considered to be one of the main complaints associated with venues and events. The current complaint process is not adequate and alleviates very little.
- Applications for trading hours should be considered on a case by case basis rather than a blanket approach. Again Council should be consulted on this for input. This proactive collaborative approach would enable a balanced assessment to take place, taking into consideration local issues thus resulting in more favourable outcomes.
- Needs to be consideration of the Planning and Design Code (P&D Code).

Dry Areas

- Councils may have a role in declaring a short-term event a “dry zone” for its duration.
- The decision making process when determining dry zones should be a collaborative one involving but not necessarily limited to council, SAPOL and CBS.
- SAPOL to continue to police/enforce.

Intervening/Objecting

- Council should be invited to conciliation hearings as a matter of process.
- In most cases, council conditions are adopted by CBS which reiterates council’s relevance in such matters.
- Council should still be able to object to a liquor license application if it issued Development Approval. In some cases, the applicant will not disclose whether or not there will be an application for a liquor license to follow as part of the initial application. This can and does often lead to unorthodox conditions being placed on approvals which may or may not be valid.
- Results in a prolonged process which in turn leads to the applicant becoming frustrated. This leads to uncertainty for the applicant and affected parties.
- Commission should have more discretion in objections potentially based on the situation behaviour impact model (SBI).

Inspection

- Ensuring compliance is upheld is reliant on there being adequate resources available.
- CBS are under resourced.
- Joint task force inspections were deemed a success which ceased operation in approximately 2012.

Noise Complaints

- P&D Code should provide guidelines with regard to appropriate noise levels.

Reducing Red Tape

- Reducing and/or eliminating the duplication of consents.

- Referral processes need to be streamlined.
- An integrated pre- lodgement facility that will ensure applications will be able to be processed quickly is one option to facilitate red tape reduction.
- The revised Act needs to be enabling and collaborative whilst maintaining a greater level of transparency.
- The revised Act must be robust, yet invitingly simple enough that it clearly informs applicants up front of the rules and processes associated with an application.
- Legislative tools need to be consistent with each other.
- One size does not fit all with regard to imposing conditions. There needs to be flexibility in the system that allows for site specific issues to be addressed by way of condition on a case by case basis.
- The revised framework needs to address the inconsistency that the “blanket approach” has on premises with regard to rules and processes. It seems unfair the same rules and process that apply to pubs and clubs also applies to restaurants, cafes and even hairdressers in recent times.

Safe Drinking Culture

- Continued investment in safety awareness programs pertaining to alcohol consumption and anti-social behaviour is crucial.
- The ease at which alcohol is potentially becoming increasingly available needs to be addressed. For example, the selling of alcohol in supermarkets.
- Minimum unit prices for alcohol need to be set, as currently it's too cheap and too readily available.
- Planning legislation is currently not flexible enough to adequately deal with “one off” or “special events”.
- At what point does a “change in use” occur when a venue is running a special or one off event where alcohol is sold and/or consumed.

Vibrancy

- The creation of the small venue license has provided entrepreneurs with an opportunity to develop new business models with limited risk to offer consumers variety and choice.
- Increased success of this model could be realised if it were able to be extended beyond the CBD.

The LGA recognises the need for a new liquor licensing framework that is more responsive to today's needs and expectations. It is committed to continuing to work with all key stakeholders to ensure that the liquor licensing system of the future is one that is managed and policed by appropriate authorities, promotes a vibrant entertainment environment, encourages a competitive market by reducing barriers where appropriate and seeks to reduce alcohol related harm and associated anti-social behaviour is achieved.

The LGA in its submission trusts that Consumer and Business Services of the Attorney-General's Department will consider these key opportunities when formulating the new framework. Furthermore, the LGA welcomes any further opportunity to provide assistance where required.