



MOUNT BARKER
DISTRICT COUNCIL

FoI/15/7715

28 January 2016

Mr T R Anderson QC
CBS Reforms
GPO Box 1719
Adelaide SA 5001

Dear Sir

Re Liquor Licensing discussion paper

On behalf of Andrew Stuart, CEO, Mount Barker District Council I respond to your correspondence of 18 December 2015.

Council wishes to thank you for the opportunity to provide input into the liquor licensing discussion paper as distributed by Consumer and Business Services of the Attorney-General's Department

In preparing for the submission Council officers from Health & Public Safety and Planning & Development were represented in order to gain an understanding of issues faced by Council with regards to the current liquor licensing framework.

I have attached Council's response to "*Issues for consideration: tell us what you think*".

Council welcomes any further opportunity to provide assistance where required.

Please do not hesitate to contact Mrs Vivien Pegler, Personal Assistant to General Manager, Council Services regarding this submission.

Yours sincerely

Jamie Tann
Manager
Health & Public Safety



Submission on the Liquor Licensing Discussion Paper - Mount Barker District Council

The South Australian Government is committed to progressing reform to create a liquor licensing system that promotes a vibrant entertainment environment, and encourages a competitive market by removing barriers to entry and red tape while seeking to reduce alcohol related harm and anti-social behaviour.

Reducing red tape

Is there too much red tape when applying for a liquor licence?

Council has a Liquor Licence coordinator who directs the applications to the department for comment.

Do we need twelve liquor licence categories?

The officers agreed that it was necessary for the twelve liquor licence categories as there are differences for each category however so slight, there are natural efficiencies created by appropriate categorisations

Is there confusion as to the role of the liquor licensing framework and other legislative frameworks imposed by bodies such as planning, noise and health?

The linear liquor licence approval process duplicates steps already taken by a business owner in the separate council development approval process. This means that prior approvals granted and consultation already undertaken in the development process is captured and if necessary subject to further scrutiny.

Should consultation on planning and liquor licence applications occur at the same time?

Ideally if the planning and liquor licence applications could occur at the same time reducing delays in the approval/objection process.

Should local councils have the right to intervene in a liquor licence application having already approved the development application?

Third party appeals are typically difficult to manage, a discretion clause is necessary for Council towards whether to accept or dismiss such complaints as the consequences may cause unnecessary delay for the business owner and can provide a second forum for an objector to be heard. Change is needed to improve the reliability and predictability of the planning and liquor licensing systems.

At what point in the process should a member of the public be able to voice their concerns? How?

A member of the public should be able to voice their concerns in writing if the application is *non complying*, by the accepted definition.

Should standard liquor licence conditions be developed and implemented where disagreements arise? If so, what should those conditions be based on?

It should be based on the licence class, zone and or the capacity of the venue.

Should appeals against decisions where there are both elements of liquor and planning be heard together?

Ideally if the appeal processes could be streamlined for the business owners to reduce the time taken and the costs incurred.

Should crowd controllers be approved under two Acts?

N/A to Council

We need to consider whether we can make further improvements to ease the administrative burden in relation to responsible person approvals while ensuring ongoing compliance.

Would the removal of the requirement for the Commissioner to approve the responsible person reduce administrative burden?

N/A to Council. There is concern if the removal of the requirement for the Commissioner to approve the responsible persons that compliance is not adhered to.

Should other mechanisms be introduced to ensure appropriate responsible persons are in the industry?

N/A to Council.

Should responsible persons be tested for being under the influence of drugs and alcohol while on duty?

To ensure the safety and decisions made by the Responsible person/s, substance testing while on duty is essential.

We also need to consider whether we can improve the application process for dry areas and allow another authority to become responsible for responding to the needs of members of the community. We also need to consider whether the enforcement powers in dry areas should be expanded to include other authorities.

Should local councils have the power to declare short-term dry areas? Should other enforcement strategies in dry areas be considered?

There could be a perceived conflict of interest if Council declares a short-term dry area for a Council event, ideally this should be assessed by the Liquor Licensing Commission.

We must consider whether the current measures in place to reduce alcohol-related harm are effective and what we can do to improve.

Federal and State Government play an important role in health promotion, this relates to a number of public health issues not just alcohol-related harm. A number of different strategies could be used to address alcohol-related harm both at a national, state and local level.

How can we improve the harm minimisation provisions in our legislation? What role should SAPOL play in the application process?

SAPOL should play a more active role in the application process.

Should the number and hours of trading of licensed venues in an area be a relevant consideration?

The review process for application consideration is generally broad, the principle being whether the proposal broad is sympathetic to the locality/ amenity of its location. Therefore numbers and prescribed hours does factor.

Should a retail liquor merchant's licence be limited or categorised by size? Should closing times, lock-out times or last drinks be set for particular areas?

It should not be categorized by size. Times should be set in particular areas.

We need to consider whether the needs test is still the appropriate mechanism to use in order to balance competition and alcohol-related harm.

Yes, agreed that this approach is the correct strategy.

Is there a need to regulate competition? If so, what regulations appropriate and in what circumstances?

No

Should alcohol be able to be sold in supermarkets?

No

Should other mechanisms be introduced to detect breaches?

No, a complaint based mechanism is still the most efficient.

Should other penalties be introduced to assist with enforcement? (For example, expiation notices.)

N/A

Not within Council's ambit to decide penalties