

## Liquor Licence Management Policy

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<b>Approval Date</b>	18/01/2021
<b>Classification</b>	Council Policy
<b>Responsible Officer</b>	Group Manager Planning, Environment & Regulatory
<b>Relevant Legislation</b>	<i>Liquor Licensing Act 1999</i>
<b>Related Policies</b>	Outdoor Dining Policy; Public Land Encroachment Policy
<b>Related Corporate Documents</b>	Community Land Register; Community Land Management Plans
<b>Associated Forms</b>	Special Event Permit
<b>Council Resolution Number</b>	CNC261/20-21
<b>Last Reviewed</b> 16/11/2020	<b>Next Review</b> 1/11/2023

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<b>1. Introduction</b>	<b>1</b>
<b>2. Purpose</b>	<b>1</b>
<b>3. Scope</b>	<b>1</b>
<b>4. Definitions</b>	<b>1</b>
<b>5. Policy Statement</b>	<b>2</b>
<b>6. Availability of Policy</b>	<b>4</b>
<b>7. Review</b>	<b>4</b>



# Policy

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## 1. Introduction

- 1.1 The Town of Walkerville is an inner eastern Council jurisdiction home to a number of licensed venues and sporting clubs. As licensed premises desire to adapt to social and economic change (like all businesses), the prescriptive nature of Liquor Licensing and Development Legislation require councils to implement guidelines to ensure that the parameters of any/all new licences and/or existing licence variation are compatible within a legislative and policy context, while consistently meeting the expectations of community.
- 1.2 Following the findings of 2016 Liquor Licensing Act reforms,<sup>1</sup> the *Liquor Licensing Act 1997* was significantly amended to facilitate the governments primary objectives to promote a safer drinking culture, increase the vibrancy of local council areas, and seek to reduce red-tape to assist businesses operate without increased and unnecessary oversight.

## 2. Purpose

- 2.1. This policy sets out the terms of reference for the exercise of Council's powers, assessment mechanisms and intervention rights pursuant to the *Liquor Licensing Act 1997* reforms. This policy seeks to encourage responsible attitudes and practices towards the consumption and use of liquor within Town of Walkerville, and should be read in conjunction with the Town of Walkerville's Development Plan, Outdoor Dining Policy, the Town of Walkerville's By-Laws, and Council's Community Land Management Plans for a comprehensive interpretation of requirements.

## 3. Scope

- 3.1. This policy and the provisions therein apply to the application for and operation of all liquor licences and licensed premises (as defined and approved by the *Liquor Licensing Act 1997*) within the Town of Walkerville; particularly those that operate on Community Land.

## 4. Definitions

<b>Act</b>	Unless otherwise stated, means the <i>Liquor Licensing Act 1997</i>
<b>Council</b>	Means the Corporation of the Town of Walkerville
<b>Community / Council Land</b>	Means all roads, footpaths, buildings, land, reserves, and/or assets as owned by the Council.
<b>Entertainment Consent</b>	Means an authorisation under the liquor licence which permits Entertainment to be held at the licensed premises in excess of the standard approvals granted under the Act.

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<sup>1</sup>[https://www.agd.sa.gov.au/sites/default/files/anderson\\_report\\_review\\_of\\_liquor\\_licensing\\_act\\_1997\\_june\\_2016.pdf?v=1492476510](https://www.agd.sa.gov.au/sites/default/files/anderson_report_review_of_liquor_licensing_act_1997_june_2016.pdf?v=1492476510)

# Policy

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<b>Extension of Trading Area</b>	Means a licensed Outdoor Dining Area pursuant to section 69 of the <i>Liquor Licensing Act 1997</i> .
<b>Licensed Premise</b>	Means a premises where an authorised liquor licence is in force.
<b>Licensee</b>	Means the authorised holder of a <i>liquor licence</i> .
<b>Licensing Authority</b>	Means the Commissioner of Liquor & Gaming, and/or the South Australian Court.
<b>Liquor</b>	Carries the same meaning as <i>liquor</i> under the <i>Liquor Licensing Act 1997</i> .
<b>Liquor Licence</b>	Means a designated category of Liquor Licences pursuant to sections 4, and 34 to 39 of the <i>Liquor Licensing Act 1997</i> .
<b>Local Authority</b>	Means Council.
<b>Short Term Liquor Licence</b>	Means a Liquor Licence pursuant to section 40 of the <i>Liquor Licensing Act 1997</i> .

## 5. Policy Statement

The primary areas of Liquor Licensing that fall within the scope of Council's statutory authority relate to the following:

### 5.1 Licensed Premises & Liquor Licences

- 5.1.1 The Licensing Authority may grant a Liquor Licence for a licensee to sell and supply liquor in accordance with both the standard terms and conditions of the licence (dependent of the respective licence category), as well as any other conditions otherwise imposed by the licensing authority and/or the local authority pursuant to their powers under the Act.
- 5.1.2 When and where prompted by either the applicant or the mandatory notification requirements of the Act, the Local Authority may be afforded the opportunity to assess individual applications for consistency against Planning and Development guidelines to ensure:
  - 5.1.2.1 the existing use rights of the subject land/property are deemed suitable for the operation of a liquor licence / licensed premises;
  - 5.1.2.2 any sought extended trading authorisation, extended entertainment consent and/or extended trading areas are deemed appropriate to operate on the subject land.
- 5.1.3 In accordance with section 77(3) of the Act, Council may exercise its right of intervention into liquor licence application proceedings held before the Licensing Authority where and licence application requires either Development Approval and/or Council's authorisation as Landowner.

- 5.1.4 In accordance with sections 77 and 78 of the Act, Council reserves the right to provide the Licensing Authority an unsolicited written submission when a proposed liquor licence, operational liquor licence, or the conduct of a licensee is deemed to be of detriment to the amenity of the area and/or the Township.

## **5.2 Extension of Licensed Trading Area**

- 5.2.1 Pursuant to section 69 of the Act the Licensing Authority may grant an extension of a licensed premises to include an area adjacent to the licensed premises for the consumption of alcohol in that place.
- 5.2.2 The licensing authority cannot grant such an authorisation if the land is owned by or under the care and/or control of a Council, unless the Council has authorised use of this land to the licensee by way of Outdoor Dining Permit or lease/licence.
- 5.2.3 Where an extended trading area operates on Council Land (via approved Outdoor Dining Permit), Council reserves the right to impose any such condition(s) on said permit to govern the use of the extended area (including but not restricted to operation times) to ensure the community is not adversely impacted by the licensee's use of the land.
- 5.2.4 In the event that a Licensee's Outdoor Dining Permit lapses, is cancelled, revoked or suspended by the Local Authority, Council will immediately notify the Licensing Authority to ensure that the section 69 approval authorising the service and consume liquor on said land is suspended.

## **5.3 Short Term Liquor Licence**

- 5.3.1 Pursuant to section 40 of the *Liquor Licensing Act 1997* a Short Term Liquor Licence may be granted by the licensing authority for an event or occasion or series of events or occasions.
- 5.3.2 Where a Short Term Licence is proposed to operate on Community Land, Council as both Landowner and Local Authority must be notified by both the Applicant and Licensing Authority prior to approval, and will be given the opportunity to impose any/all conditions upon the Short Term Licence that the Council deemed reasonable to protect the land and the community's interests.
- 5.3.3 In determining said conditions, Council will give consideration to the:
- 5.3.3.1 purpose of the licence;

5.3.3.2 proposed licensed hours of operation;

5.3.3.3 proposed licensee;

5.3.3.4 proximity of the licence to community facilities and residential properties;

5.3.3.5 perceived impacts that the operation of the licence may have on the community and community land;

5.3.4 Upon requesting Council's approval, the applicant is required to complete a Special Event Application Permit, and provide evidence of all relevant insurances and risk assessments.

5.3.5 In assessing a Short Term Licence Application, Council reserves the right to approve, refuse, and/or restrict the proposed licensed hours or conditions in order to maintain the reasonable peace of the Townships residents.

## **5.4 Dry Areas**

5.4.1 Pursuant to the provisions set out in section 131 of the Act, Council reserves the right to implement a temporary dry area over a portion of Community/Council Land for the purpose of prohibiting liquor consumption/possession thereon for a period of up to and including 48 hours when Council deems the operation of such a dry area beneficial to and aligned with the community's interests.

## **6. Availability of Policy**

6.1. This Policy will be available for inspection at Council's principal office during ordinary business hours and on Council's website [www.walkerville.sa.gov.au](http://www.walkerville.sa.gov.au)

6.2. Copies will also be provided to interested members of the community upon request and payment of associated fees in accordance with Council's schedule of fees and charges.

## **7. Review**

7.1. This Policy will be reviewed every three (3) years or otherwise as required.

7.2. Any queries or questions regarding this Policy should be directed to the Group Manager Planning, Environment and Regulatory Services or by emailing [walkerville@walkerville.sa.gov.au](mailto:walkerville@walkerville.sa.gov.au)

# Policy

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- 7.3. Council may deviate from this policy by way of Council resolution.
- 7.4. Any complaints regarding a decision made in accordance with this policy may be directed to Council or to the Chief Executive Officer in accordance with section 270 of the *Local Government Act 1999*. The complaint will be considered under the Internal Review of Council's Decisions Policy.
- 7.5. Pursuant to section 270(7) of the *Local Government Act 1999*, a formal request for review does not prevent a complaint being made to the Licensing Authority and/or Ombudsman at any time.