

# Liquor and Gaming Licensing Policy

## 1. Policy Statement

This policy guides Council in applying a uniform approach to liquor and gaming licence applications.

The City of Playford acknowledges the role of appropriately managed licensed premises in contributing to a vibrant City, together with the importance of maintaining neighbourhood amenity and community safety.

## 2. Scope

This policy guides Council's involvement and approach to new applications, or alterations to existing licences, under the Liquor Licensing Act 1997 and Gaming Machines Act 1992, administered by Consumer and Business Services.

## 3. Definitions

**Commissioner for Liquor and Gambling (the Commissioner):** is responsible for ensuring compliance with legislation and licence conditions, making decisions or recommendations on liquor licence applications and dry zone applications, and promoting responsible service and consumption of alcohol and harm minimisation principles.

**Consumer and Business Services (CBS):** is responsible for administering the Liquor Licensing Act 1997 and Gaming Machines Act 1992 in South Australia.

**Dry Zone:** is a declared area where the consumption and/or possession of alcohol is prohibited.

**Land that Council has an interest in:** refers to land or premises that are owned by Council, are being leased by Council (e.g. Elizabeth Rise Community Centre) or where Council has care, control and management of land that is owned by a third party (e.g. Crown land).

**Licensing Court:** may hear applications for disciplinary action, review decisions of the Commissioner or hear applications referred by the Commissioner.

## 4. Legislation and References

The following Legislation is relevant to this policy:

- Liquor Licensing Act 1997
- Gaming Machines Act 1992
- Development Act 1993 and Development Regulations 1999

Further information about Liquor and Gambling licensing processes is available from the Attorney General's Department website: [www.agd.sa.gov.au](http://www.agd.sa.gov.au)

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## **5. Background**

The Commissioner for Liquor and Gambling (the Commissioner) regulates licensed premises throughout South Australia. The Commissioner's role includes encouraging responsible attitudes towards the sale and promotion of liquor and minimising the harm associated with liquor consumption.

Under the Liquor Licensing Act 1997, local government's involvement in the liquor licensing process may occur in a number of ways, including:

1. Provision of advice to the CBS regarding planning consents and associated conditions of consent for premises that are the subject of liquor licensing applications.
2. Provision of consent, as a landlord, relating to applications proposed on Council-owned or controlled land.
3. Initiators of short-term or long-term dry zones.

In respect of gaming machine licenses, a licence permits the holder to possess and operate an approved number of gaming machines.

To be eligible to apply for a gaming machine licence a venue must hold either a hotel licence, club licence or a special circumstances licence under the Liquor Licensing Act 1997.

Applications for both liquor licences and gaming licences are required to be advertised, where any person can lodge an objection with the CBS.

## **6. Policy**

The City of Playford does not form a position on Liquor or Gaming Licence applications, except when the licence is proposed to be on or adjacent to land that Council has an interest in. Council's approach to licence applications is outlined in further detail as follows:

### **6.1 Planning consent and complaints history**

Council's administration will review all Liquor and Gaming Licence applications referred to Council by the CBS in respect of consistency with planning approvals and associated conditions of consent.

If licence applications are not consistent with their respective planning approvals, the administration may intervene in the licensing process.

Council's administration will also forward any relevant complaint(s) that it has on record, relating to the subject premise, to the CBS.

### **6.2 Applications on Council-owned or controlled land**

Council's administration will review all licence applications proposed by a tenant or licensee of Council-owned or controlled land, including Limited Liquor Licences for one-off or short-term functions.

If the licence application is inconsistent with the tenant or licensee's property agreement with Council, or if the sale and consumption of liquor is considered to be otherwise inappropriate, Council's administration may object to the licence application. The appropriateness of an application will be based on factors such as the suitability of the facility and the organisation or community group's complaint(s) history.

### **6.3 Applications on premises adjacent to land Council has an interest in**

Council's administration will review all Liquor and Gaming Licence applications proposed on sites adjacent to land that Council has an interest in.

Council's administration may intervene in the licensing process if it considers negative impacts may be experienced on the land that Council has an interest in, as a result of the licence application.

In respect of Limited Liquor Licence applications for one-off or short-term functions, the administration may intervene in the licensing process where there is a recorded history of complaint(s).

### **6.4 Community concerns**

The CBS will address the concerns of any community members in relation to any liquor and/or gaming licence applications as part of their ordinary business.

### **6.5 Dry zones**

Applications by Council to the CBS for the creation of long-term dry zones will only be considered where there is a demonstrated ongoing and unreasonable risk to public safety arising from alcohol consumption, within a defined area, and all requirements of the long-term dry zone application process can be fulfilled.

Council may, where deemed necessary, seek short-term dry zones to support Council-hosted events.

## **7. Procedure**

The Mayor and Councillors will be notified of Liquor and Gaming Licence applications (excluding Limited Liquor Licence applications) that are on or adjacent to land that Council has an interest in. Applications will only be presented to Council for consideration if a request is received from the Mayor or Councillor within one week of receiving notification of the licence application from Council's administration.

All complaints received by Council that relate to liquor and gambling licences shall be forwarded onto CBS as the relevant authority for investigation and/or action.

## **8. Responsibilities**

The Senior Manager Development Services is responsible for the administration of this policy.

The role of the CBS is to administer the Liquor Licensing Act 1997 and the Gaming Machine Act 1992. The Commissioner or Licensing Court make the final determination to approve or refuse licence applications.

## **9. Approval and Change History**

Version	Approval Date	Approval by	Change
1	12 April 2011	Ordinary Council	New Policy
2	26 July 2016	Ordinary Council (Resolution 2631)	Endorsement of revised policy, with inclusion of examples for the definition of 'land that Council has an interest in'.