

DRAFT Community Impact Assessment Guidelines

Overview

The purpose of this document is to provide additional information about how the community impact assessment under the Liquor Licensing (Liquor Review) Amendment Bill 2016 is intended to operate. The matters in this document will form the basis of the community impact assessment guidelines that will be published when the Liquor Licensing (Liquor Review) Amendment Bill 2016 is finalised and implemented.

The Legislation

The *Liquor Licensing Act 1997* ('the Act') requires that applications in respect of certain high risk categories of licences be subject to a test based on the concept of community interest.

Section 53A(1) outlines the test as follows:

The licensing authority may only grant a designated application if the licensing authority is satisfied that granting the designated application is in the community interest.

Section 53A(2)(a) outlines the factors that the licensing authority must have regard to when determining whether or not a designated application is in the community interest. These factors are:

- the harm that might be caused (whether to the community as a whole or a group within the community) due to the excessive or inappropriate consumption of liquor; and
- the cultural, recreational, employment or tourism impacts; and
- the social impact in, and the impact on the amenity of, the locality of the premises or proposed premises; and
- any other prescribed matter (these matters are prescribed in the regulations)

The nature of the services or trade to be provided by the grant of the application is a prescribed matter.

Section 53A(2)(b) provides that the licensing authority must apply the community impact assessment guidelines in determining whether or not a designated application is in the community interest. Section 53B outlines what may be included in the community impact assessment guidelines.

Section 53A(3) provides that:

The applicant in respect of a designated application must comply with any requirements set out in the community impact assessment guidelines, and any other requirements specified by the licensing authority for the purposes of this section.

Section 53A(4) defines a designated application as:

- an application for the grant or removal of a designated licence; or
- any other application under this Part that the licensing authority has determined, in accordance with the community impact assessment guidelines, to be a designated application for the purposes of this section.

Section 4 of the Act defines designated licence as:

- a general liquor licence; or
- an on premises licence, unless -
 - o the premises to which the proposed licence relates is a public conveyance or a major sporting venue; or
 - o the licence is, or is proposed to be, subject to a condition that the business conducted at the licensed premises be such that at all times the primary service provided to the public at the premises is the provision of accommodation; or
- a club licence, if the licence is, or is proposed to be, subject to a condition authorising the sale of liquor to persons (other than a resident) for consumption off the licensed premises; or
- a packaged liquor sales licence, other than if the licence is, or is proposed to be, subject to a condition authorising the licensee to only sell liquor through direct sales transactions.

There is also an overall requirement for the licensing authority to have regard to the objects of the Act in relation to any decisions before it, including those applications not subject to a community impact assessment (section 3(2)).

There is a requirement for the licensing authority to refuse to grant an application for a licence or for the removal of a licence, if the licensing authority is satisfied that to grant the application would be inconsistent with the objects of the Act (section 53(1b)), this is in addition to the requirement to refuse to grant an application if it would be contrary to the public interest (section 53(1a)).

Assessment by the licencing authority

In considering an application, the licensing authority will:

- take into account the objects of the Act as provided in section 3 and section 53(1b) of the Act;
- consider public interest as provided for in section 53(1a) of the Act; and
- for designated applications, the licensing authority will apply the test based on the concept of community interest in section 53A of the Act.

Applicants of a designated application will be required to complete a form or prepare a submission by following these community impact assessment guidelines ('the community impact submission'). There is no requirement in the Act for the community impact submission to be prepared by legal counsel or industry consultants. The level of detail required for each community impact submission will be different and will depend on the level of complexity of the application, and the impact the premises or proposed premises will have on the surrounding community. There is an onus on the applicant to satisfy the licensing authority that the grant of a designated application is in the community interest (section 53A). Therefore applicants should ensure that the information provided in the community impact submission is comprehensive, accurate and objective.

The requirements of the Act and these guidelines are directed at the licensing authority taking a balanced approach to the assessment of the community impact, which will entail considering both the positive and negative impacts likely to result in granting the designated application. Applicants will be required to outline both the positive and negative aspects of their application. An application that merely demonstrates that the grant of the application will not have any negative impacts will not be sufficient.

Tiered level of assessment

There will be a tiered approach for assessing the community interest associated with designated applications. There will be two tiers as follows:

Tier 1 applications

It is intended that Tier 1 applications are as follows:

- On-Premises Licences (other than those excluded in the definition of designated application) - trading up to 2am
- Club Licences if the licence is, or proposed to be, subject to a condition authorising the sale of liquor to persons (other than a resident) for consumption off the licensed premises
- Other applications (which are determined by the licensing authority to require a community impact assessment)

It is intended that the other applications are:

- applications to vary or revoke a condition that significantly changes the way liquor is sold, which includes applications which significantly:
 - increase/widen the range of liquor that may be sold for consumption off the licensed premises;
 - change the way or amount of liquor that may be sold; or
 - alter the hours of operation.
- applications for Short-Term Licences for a period longer than one year, where it is considered that the impact on the surrounding community is significant.

Tier 2 applications

It is intended that Tier 2 applications are as follows:

- General Licences
- Packaged Liquor Sales Licences, other than if the licence is, or is proposed to be, subject to a condition authorising the licensee to only sell liquor through direct sales transactions
- On-Premises Licences (other than those excluded in the definition of designated application) - trading after 2am
- Other applications (which are determined by the licensing authority to require a community impact assessment)

It is intended that other applications will be applications where the capacity and operating model is likely to have a significant impact on the surrounding community.

Tier 2 applications are more complex and have a greater impact on the surrounding community. Therefore these applications are expected to supply a greater level of supporting information and conduct consultation. There will also be a higher expectation for the applicant to provide information about any negative impacts and how those negative impacts will be mitigated.

The factors to be considered by the licensing authority are set out in the table below. Applicants will be required to provide information addressing the matters relevant to each factor detailed in the table below.

Factors to be considered by the Licensing Authority	Information to be provided by applicants
The harm that might be caused (whether to the community as a whole or a group within the community) due to the excessive or inappropriate consumption of liquor	Are there any 'at-risk' groups or sub-communities within the locality? This may include – <ul style="list-style-type: none"> • children and young people; • Aboriginal people and communities; • people from regional and remote communities, families; • migrant groups from non-english speaking countries;



	<ul style="list-style-type: none"> • people in low socio-economic areas; • mining communities; and/or • communities that experience high tourist/visitor numbers. <p>Are there any community buildings, facilities and areas within the locality? Such facilities would include–</p> <ul style="list-style-type: none"> • schools and educational institutions; • hospitals, drug and alcohol treatment centres; • accommodation or refuges for young or disadvantaged people; • child care centres; • aboriginal communities; • recreational areas; • dry areas; and • any other area where young people may congregate or be attracted to. <p>What operating policies and procedures will the applicant implement to minimise any potential harm or health impacts to these ‘at-risk’ groups or sub-communities?</p> <p>Operating hours, conditions and the way a business is managed and staffed may also be a means of minimising the potential for harm or health impacts.</p>
<p>Social impact in, and the impact on the amenity of, the locality</p>	<p>What is the character or nature of the locality of the area in which the premises are proposed to be located?</p> <p>This information should include crime statistics and social profile information. Social profile information includes average age, average income, unemployment statistics and population.</p> <p>Are there any existing licensed premises within the locality?</p> <p>Tier 2 applicants should provide information on the potential impact of the premises/proposed premises on vandalism, litter, criminal acts within the vicinity of the premises/proposed premises and strategies to minimise the impact.</p> <p>Tier 2 applicants should provide information on the potential impact of the premises/proposed premises on the level of noise and anti-social activities in the locality and the management strategies to minimise the impact.</p> <p>Tier 2 applicants should provide a map depicting the proposed premises and surrounding suburbs.</p> <p>Tier 2 applicants should provide details of public transport that would be available to patrons. This will not be required for a Packaged Liquor Sales Licence.</p>
<p>Cultural, recreational, employment or tourism benefits for the local community area</p>	<p>Will the proposed licensed premises provide cultural, recreational, employment, tourism or other economic</p>



	benefits and to what level?
Nature of services or trade to be provided	What is the nature of the trade or services to be provided and the intended client base?
	How does this differ from other existing licensed premises in the locality?
	What additional services will be provided? For example accommodation or dining.
	Will it use existing premises, improve or add to existing premises or is it a new premises?
	Tier 2 applicants should provide evidence of support from members of the community. This could include survey results, petitions or letters of support from members of the public.
Consultation	Tier 2 applicants will be required to provide a notice of the application (in the approved form) to occupiers of land or premises within a 200m radius.

What is the locality?

As part of the community impact assessment, applicants must provide details regarding the community within the locality of the premises/proposed premises.

In assessing what geographical area comprises the 'locality' - the applicant may need to consider a wider geographical area depending on the nature of the business and location of the business (for example businesses in remote areas will have to consider a wider geographical area compared with metropolitan areas).

For more complex applications the licensing authority may determine a broader locality to be considered as part of the community impact assessment. Directions about the geographical area of the locality will be available from Consumer and Business Services.