

# LICENSING BOARD

## INFORMATION FOR PEOPLE WANTING TO MAKE A SUBMISSION ON A LIQUOR LICENCE APPLICATION

This information is provided to assist you to make a submission to the Licensing Board in relation to an application for a liquor licence.

In making a submission, you should ensure that it is objective and supported by factual material.

If you wish to put the matters in your submission to the Board in person, you should attend the hearing at which the application is determined.

### HOW DOES THE LICENSING BOARD DETERMINE WHETHER AN APPLICATION SHOULD BE APPROVED “IN THE BEST INTERESTS OF THE COMMUNITY”?

In considering applications for a liquor licence, the Licensing Board is required to determine whether granting the licence is *in the best interests of the community*.

There is no “one size fits all” answer to this question, as every application must be dealt with on its own merits.

The best guide to whether the Board will find an application is in the ‘best interests of the community’ is likely to be found in the past decisions of the Board on applications which are similar to the application on which you wish to make a submission. Previous decisions of the Licensing Board are available at [www.treasury.tas.gov.au](http://www.treasury.tas.gov.au) under “liquor and gaming” (go to the Licensing Board page).

These previous decisions may help you to identify previous applications for the same type of licence, in the same or a similar locality, with the same or a similar people living and working in the locality, and with other similar factors.

The following is provided as guidance on the factors which may prove relevant in determining whether an application is in the best interests of the community. This list is not exhaustive, however, and other matters that are not listed here may be relevant (given the individual nature of the application).

- Will the business provide something positive to the social fabric? Or is it solely for the sale of liquor?
- Will it provide economic benefit? Will it provide new employment (how much)? Will it use existing premises, improve or add to existing premises or is it new premises?
- Will it cause other community facilities to close and hence result in an overall reduction in facilities (as a result of the transfer of income or profit)? Will it cause other facilities to be under economic pressure, but nevertheless provide increased facilities overall?

- Will it provide something other than sale of liquor – for example, hospitality generally, accommodation, dining, other retail items of benefit to a diverse community?
- Are the premises in a difficult area which has special community concern – for example in a zone which is inappropriate for dispensing liquor in the manner intended?
- Will it provide liquor in a manner known to be safe and to minimise adverse impact?
- Are the plans for the business well thought out and clear or are they vague, imprecise or purely expressed in terms of personal benefit, without any obvious social or economic benefit to counter the risk of adverse impact from consumption of liquor?
- Is there a sense of ‘integrity’, capability, track record, and reality to the applicant’s intentions?
- Is there community opposition? Is there police or council opposition? In relation to community opposition to an application to the question of ‘what is in the best interests of the community?’, the Board’s decision in *Peter Morrison: Hill Street Cellars, West Hobart 11<sup>th</sup> August 2010* covers this question in some detail.

While none of these matters of itself may be decisive, you may need to address them (and other relevant) matters in your submission, depending on the nature of the licence on which you wish to make a submission and the location of the intended licensed business.

The overriding issue is that the Board will make a decision on each matter on the basis of weighing the individual aspects for and against a licence grant, in their discretion. It will not always be that local community opposition is certain to cause the rejection of a licence application.

The onus is on the applicant to demonstrate that the licence grant will be in the best interests of the community, but the onus will shift to objectors to prove their concerns. The generalised assertion that ‘another liquor outlet will increase harm’ is not sufficient to cause rejection of an application.

No doubt it would benefit an applicant for a licence to demonstrate that the local community would desire to have the new facility. The question posed by the legislation is ‘what is in the best interests of the community’ which is really the whole community, of which the local community forms part.

## **ADDITIONAL REQUIREMENTS ON APPLICANTS THAT MAY BE RELEVANT TO YOUR SUBMISSION**

### **Applications for an off-licence**

In applying for an off licence, applicants must provide evidence to the Board that the principal activity to be carried on at the premises will be the sale of liquor.

### **Applications for an on licence for a restaurant**

In applying for an on licence for a restaurant, applicants must provide evidence to the Board that the premises are, or are intended to be, used as a restaurant.

### **Applications for a club licence**

In applying for a club licence, applicants must provide the Board with:

1. Evidence of the number of members in the club (by each category of membership, as applicable).
2. A copy of the constitution of the club
3. A copy of the rules of the club.
4. A copy of the certificate of incorporation of the club.