

Application by Joshua Wells for a general licence for the premises Twisted Lime at 112 Liverpool Street Hobart.

Decision: Licence refused

Date: 14 November 2024

The applicant seeks a general licence for premises situate at 112 Liverpool Street Hobart. The applicant currently holds an on-licence in respect of this premises and describes its current operation as a hospitality and entertainment venue that hosts DJs and live music. The application and floor plan indicate that the premises contains a dance floor, stage, DJ booth and a full-size bar. During an inspection of the premises to assess this application, it was noted that the access to the premises was by an internal narrow staircase.

A general licence permits the sale of liquor for consumption both on and off the premises. That is to say that, in the event of a general licence being granted, patrons would be able to lawfully purchase liquor and leave 112 Liverpool Street before consuming that liquor.

A premises such as Twisted Lime does not usually operate under a general licence, rather such premises tend to operate under the authority of an on-licence due to the increased level of risk associated with the nature of the premises' use. The premises is located within the central business district on the second story of a building which is within a predominantly retail precinct. I note that the business is referred to in a number of places, including the Tasmania Police Licensing Report that the applicant provided in support of his application, as a 'night club'. The premises also holds an Out of Hours liquor permit, trading until 4am five days per week and until 5am on Saturday and Sunday mornings.

Best interests of the community

In considering this application I must make a decision which, in my opinion, is in the best interests of the community. The phrase "best interests of the community" is defined in the Liquor Licensing Regulations 2016 as:

4. Best interests of the community

For the purposes of the definition of best interests of the community in section 3 of the Act, the following interests are prescribed:

- (a) the general costs and benefits to the community of the supply, or proposed supply, of liquor;*
- (b) whether the supply or proposed supply of liquor might cause undue offence, annoyance, disturbance or inconvenience to people who, in the area of the supply or proposed supply –*
 - (i) reside or work; or*
 - (ii) attend schools or other facilities frequented by children; or*
 - (iii) attend hospitals or facilities where people receive treatment for alcohol dependence or other addictions; or*
 - (iv) attend places of worship;*

(c) possible adverse effects on the health and safety of members of the public due to the supply of, or proposed supply of, liquor.

As I have noted in previous decisions, costs to the community accrue through increasing the ease of access to alcohol which is known to lead to increased consumption and alcohol-related harm. In this particular instance, liquor may currently be purchased within the premises, but this is within the legislative confines of an on-licence which restricts and limits the risk of harm related to the uncontrolled consumption of liquor off a licenced premises.

In balancing the general costs and benefits to the community, previous decisions by the Licensing Board, the Tasmanian Liquor and Gaming Commission and the Commissioner for Licensing have clearly stated that the community's best interests are not served by retail outlets adding liquor to their collateral as a matter of convenience or to increase their revenue base. While this premises is already licensed for consumption on the premises, I take the view that such scenarios are analogous where an existing liquor retailer seeks to extend its offering to take away sales. In addressing the best interests of the community section of the applicant's submission a number of statements are made however in my opinion, none of these statements identify any benefits to the community from the additional ability to have off premises consumption. Similarly, the applicant does not appear to identify any costs to the community within his submission. I note that there are off licences already in the vicinity of this premises, therefore this is not a situation where off sales of liquor is unavailable. The focus of this premises is late night trade, by nightclub patrons.

Conclusion

On balance, I am not satisfied that it is in the best interests of the community for me to grant a general liquor licence in respect of the premises located at 112 Liverpool Street based on the premises current operation. The appropriate authority for this premises is an on-licence, such as that which is currently held by the applicant in respect of this premises.



F McIntyre
Under delegation of the Commissioner for Licensing

14 November 2024