

## **Licensing Board of Tasmania – Decision**

### **Application**

Applicant: Mr David Rodman, Steve's Liquor Bottle-O Warehouse,  
63 Boland Street, Launceston.

Type of Application: Off licence (section 9 *Liquor Licensing Act 1990*).

The application was heard in Launceston on 19 November 2014.

Decision: 3 December 2014.

### **Background**

The application is for an off licence for premises located at 63 Boland Street, Launceston 7250.

The application was heard on 19 November 2014 in Launceston at which were present the applicant, Mr David Rodman, and his legal representative, Mr Damien Geason, his associates and principals of the company, Mr Steven Skelton and Mr Glen Skelton. Objectors present were Ms Nettie Burr of Ravenswood Neighbourhood House, Ms Lindy O'Neill of Uniting Care Tasmania and Mr Rohan Wade of the THA.

Mr Rodman's application was supported by a written submission prepared in conjunction with his legal representative Mr Damien Geason.

Written objections were submitted by each of the objectors.

The proposed premises is currently vacant and is located almost opposite to one of the entrances to K-Mart Plaza. Other businesses in close proximity in Boland Street are Young's Vegie Shed and the Fitness Academy Gym and a number of industrial businesses and stores.

The applicant proposed a large format, big box store with parking available for 47 vehicles. Operating hours are proposed between 9.00 am and 5.30 pm Monday to Friday, and 9 am to 3 pm Saturday.

### **Legal representation**

Mr Damien Geason of Butler McIntyre & Butler sought leave to represent his client at the hearing. He stated there were a number of legal issues that could result in an injustice if his representation was not permitted.

Section 213(b) of the *Liquor Licensing Act 1990* states that:

A person is not entitled to be presented at a hearing unless the Board is satisfied that injustice could otherwise result.

The objectors opposed the legal representation and contended that they would be disadvantaged if the application was granted.

The Board was satisfied that an injustice would not result if the applicant was not legally represented but allowed Mr Geason to make final submissions on behalf of his client.

### **The applicant's submission**

The applicant advised that Steve's Liquor wishes to provide a large format, big box store with a primary target market of not-for-profit organisations. The business would not offer specials for a small number of items but rather across the board value on a large range of products.

The applicant submits the grant of this off licence is in the best interests of the community and cites the following in support:

- convenience and access for residents of Launceston; and
- enhancement of the immediate precinct;
- contribution to the economy in the costs of fit out;
- significant price competition;
- secure well lit parking;
- an outlet with a business model that helps mitigate the risk of alcohol abuse by:
  - (a) opening at 9 am and closing no later than 5.30 pm, Monday to Friday, 9.00 am until 3.00 pm on Saturday, closed on Sunday; and
  - (b) not offering cold drinks or other products that encourage immediate consumption; and
- continued support of local charities and community and planned support of elements of the Launceston Cup Carnival.

## **The objectors' submissions**

Written submissions were received from:

- Stephen Brown, City Mission, who did not attend the hearing;
- Rohan Wade, Tasmanian Hospitality Association, who attended and spoke at the hearing;
- Lindy O'Neill, Uniting Care Tasmania, who attended and spoke at the hearing; and
- Nettie Burr, Ravenswood Neighbourhood House, who attended and spoke at the hearing.

The objectors all made representations that the grant of this off licence would not be in the best interests of the community.

The objectors claimed that no real evidence of any social or economic benefit had been provided.

The objectors stated that Ravenswood continues to be one of the most disadvantaged communities in the State and one particularly at risk from the negative effects of alcohol consumption.

Similarities were drawn between this application and Carlton Dixon application for an off licence at Ravenswood Cellars, 2 Ravenswood Road, which was rejected by the Board on 18 October 2010 and an application by Vijan Patel for an off licence at Shop 9, Prossers Forest Road, Ravenswood, which was rejected on 2 October 2013.

In general the objectors maintained Ravenswood is a community already well served with liquor outlets within a short distance.

The THA submission pointed out that the proposed outlet is situated on one of the major road routes that services Ravenswood.

Ms Lindy O'Neill in her submission stated that the community will not be disadvantaged if the application is rejected but, potentially, will be disadvantaged if it is approved.

## **Considerations by the Liquor Licensing Board**

The Board visited the proposed premises at 63 Boland Street, Launceston, and travelled from there to Ravenswood.

The Licensing Board is called upon to determine this application for an off licence (section 9) authorizing the sale of liquor for consumption off the premises.

The principal test for granting any licence is that it is in the best interest of the community that it be granted.

In considering an application for a Liquor Licence, the Commissioner or the Board must make a decision which, in the opinion of the Commissioner or the Board, is in the best interest of the Community. (Section 24A(1) *Liquor Licensing Act 1990*).

Also:

In considering an application for an Off-Licence the Board must be satisfied that the principal activity to be carried out on the premises will be the sale of liquor. (Section 24A(2) *Liquor Licensing Act 1990*)

The Board has weighed the submissions made by both the applicant and the objectors.

The Board is satisfied that the principal activity to be carried on the premises is to be the sale of liquor.

On the matter of previous decisions relating to the applications of Mr Carlton Dixon heard on 18 October 2010 and Mr Vijan Patel on 2 October 2013 the Board advises that each application is unique and is assessed on its own merits.

Previous decisions do, however, give an indication of the Board's views on issues such as the potential impact of a licence on disadvantaged communities such as Ravenswood.

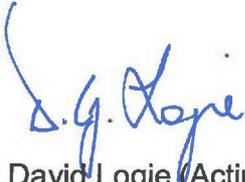
The objectors submitted that the grant of the licence would not be in the best interests of the community of Ravenswood. The Board however does not consider that in this case "the community" is constituted by the residents of Ravenswood. The community surrounding the premise is much broader. The premise is situated in close proximity to the K Mart Plaza and other commercial development, with little residential development nearby. The employment of between six and eight people and the proposed \$500 000 renovation of the property have the potential to contribute positively to the local community as a whole.

No evidence was offered that the grant of this particular licence would increase the harm that can be associated with the consumption of alcohol. Whilst there is always a risk that new premises will exacerbate harm, the Board is satisfied the business model outlined by the applicant, limiting opening hours and not stocking cold product, will limit this risk.

On balance the Board believes the grant of this licence to be in the best interest of the community.

**Decision**

We direct the Commissioner to grant the application of Mr David Rodman as applied for.

A handwritten signature in blue ink, appearing to read 'D. G. Logie'.

David Logie (Acting Chair)

A handwritten signature in black ink, appearing to read 'Ann Cunningham'.

Ann Cunningham (Member)

3 December 2014