

Community Participation in Liquor Licensing (NSW).

Disclaimer

This resource is for reference purposes only. It does not constitute legal advice and should not be relied upon as such. While the Alcohol and Drug Foundation has taken all reasonable care in preparing this resource, it is the responsibility of individuals to be aware of the accuracy and currency of the information provided and to separately seek legal advice about their particular circumstances. The information provided in this resource was accurate at the time of publication, but may not account for legislative or regulatory changes that have taken place since publication.

1. Community Participation in Liquor Licensing – an overview

a. What is Community Participation in Liquor Licensing?

Community participation in liquor licensing refers to the involvement of local communities in liquor licensing processes. Specifically, it concerns how communities can influence decision-making and make an objection in response to a liquor licence application. In NSW, an objection is called a submission.

The involvement of community voices in the liquor licensing process is provided for by the *Liquor* Act 2007, which lets the community respond to proposed licences and ask that the licence either not be granted, or granted with certain conditions placed on it.

b. Which target audience should community participation in liquor licensing focus on?

Under the *Liquor* Act 2007, all communities have the opportunity to participate in liquor licensing processes.

c. How does community participation in liquor licensing help to prevent alcohol and drug-related issues?

There is strong international and Australian evidence linking the availability of alcohol with levels of alcohol consumption, and associated harms from alcohol.^{1, 2, 3, 4} The 'availability of alcohol' refers to the density of bottle shops and drinking venues, and their trading hours, in a local area.

Regulating the availability of alcohol through mechanisms like harm minimisation-focused liquor licensing can help reduce harms from alcohol.

Communities have an important part to play in the liquor licensing process and influencing decision-making to prevent alcohol-related harms. It is critical to have community voices involved so the process is transparent and more representative of the needs of the local community.

^{1.} Livingston M, Wilkinson C, Room R. 2016. Evidence check: Community impact of liquor licences.

^{2.} The Royal Australasian College of Physicians and The Royal Australian and New Zealand College of Psychiatrists Alcohol Policy. 2016.

^{3.} Miller P, Curtis A, Chikritzhs T, Toumbourou J. 2015. Interventions for reducing alcohol supply, alcohol demand and alcohol-related harm. Final report for NDLERF.

^{4.} Kypri K, McElduff P, Miller P. 2014. Restrictions in pub closing times and lockouts in Newcastle, Australia five years on. Drug and Alcohol Review, vol. 33 no. 3, pp. 323–326.

d. How effective is community participation in liquor licensing?

The influence of submissions on liquor licensing decision-making is complex.

A community submission is not a veto.

Community submissions on liquor licensing applications are one of several considerations taken into account by decision-makers.

Although it is difficult to say what weight is given to community submissions, and how submissions influence decision-making, we know that action to prevent alcohol harms is more effective when community members and partners work together.

Local Drug Action Teams (LDATs) are well placed to respond to potentially harmful liquor licence applications and ensure that community voices are heard in the process. Community participation in liquor licensing may be more effective when your LDAT's submission is further supported by a number of independent individual submissions from other community members. The number of submissions may be seen by decision-makers as an indicator of the negative social impact granting the licence may have.

2. Planning

a. Information about liquor licensing in New South Wales

It is important that LDATs understand New South Wales's liquor licensing laws and how the community can participate in the liquor licensing process.

Table 1 provides an overview of the New South Wales (NSW) liquor licensing system, the different types of liquor licenses and permits, and the liquor licence application process. Links to more detailed information are provided throughout this toolkit. Further information on how the community can participate in liquor licensing processes and object to liquor licence applications is outlined in Section 3: Map your steps.

Table 1: An overview of liquor licensing in New South Wales

Critical considerations	Details
The NSW liquor licensing system	In Australia, the liquor licensing process varies by state and territory because of the differing legislation. In New South Wales: • The Liquor Act 2007 controls the sale and supply of alcohol legislation.nsw. gov.au/inforce/8a197a07-ffb9-eceb-a956-ce6b1f11a313/2007-90.pdf • Liquor and Gaming NSW (L&G NSW) is a branch of the NSW Department of Industry, and is responsible for regulating the liquor and gaming industries.
The different types of liquor licences and permits	A liquor licence or permit states where and when alcohol can be served. Different licences and permits are available to suit different businesses or community organisations (e.g. clubs, restaurants, packaged liquor, etc.). In addition to new liquor licences, licence variations are available for existing liquor licensees that want to change or extend the conditions of their licence. Details about the different types of licences: liquorandgaming.nsw.gov.au/Pages/liquor/liquor-licences/which-licence-do-l-need.aspx
The liquor licence application process	Application How the community can find out about new licence applications is covered in Section 3a. Liquor licence applications are submitted to L&G NSW. Community impact statement Most liquor licence applicants are required to complete a community impact statement (CIS) as part of their case for the application. The CIS must be completed and submitted alongside the liquor licence application. Police and council must be consulted as part of the CIS. Depending on the specifics of the application, other stakeholders, such as neighbouring premises, may also need to be consulted. Advertising Once a liquor licence application has been lodged, L&G NSW requires most applicants to erect signage at the proposed premises to notify the local community of the application. Most applications are also required to be advertised on the L&G NSW online noticeboard. Note: only a notice of application is provided, not the licence application itself.
	Approval process L&G NSW considers a number of issues when deciding to grant a licence in accordance with the Liquor Act 2007, including a consideration of social impact. ⁵ Public objections Under the Liquor Act 2007, the public has the right to object to a license application. L&G NSW provides a template to assist public submissions to be made in relation to a liquor licence application – although there is no requirement that community members use this template when making a submission: liquorandgaming.nsw.gov.au/Documents/public-consultation/app999-public-submission-liquor-or-gaming-application.pdf

 $^{5.\ \} liquorand gaming.nsw.gov.au/Documents/ilga/publications-and-guidelines/Final\%201LGA\%20Guideline\%2022\%20June\%202018.pdf$

b. Set your objectives

Setting objectives for your Community Action Plan activity is an important part of your LDAT planning process.

Some example objectives for community participation in liquor licensing are provided below.

Groups can develop their own objectives, although you may find these a useful starting point.

- Engage with [insert number] new partners to mobilize community groups to participate in objections to potentially harmful liquor licence applications
- Establish [insert number] new partnerships with community groups in the next 12 months to support participation in liquor licensing activities
- Increase community awareness of alcoholrelated harms by [insert percent] within the next 12 months
- Increase community awareness of the impact that alcohol availability has on alcohol-related harm on the community by [insert percent]
- Increase community awareness by [insert percent] of their ability to contribute in liquor licensing decisions
- Increase community awareness of the liquor licensing process and how the community can participate in this process by [insert percent] within the next 12 months
- Improve community participation in the liquor licensing process by [insert percent] within the next 12 months
- Support [insert number] community groups to submit objections to potentially harmful liquor licence applications within the liquor licensing time frames in the [insert name] community.

c. Working with community partners

LDATs have a key role in building relationships in the community and finding allies that will support action to reduce the harm caused by alcohol in the community. Key community partners include the local council and police. The local council and police may also make a submission about a new liquor licence, and may be able to assist you with gathering some of the data about your local area (e.g. alcohol-related crime, anti-social behaviour, and property damage).

Liquor accords in New South Wales are voluntary associations of liquor industry and community stakeholders. Depending on the area in question, they may involve liquor licensees, police, community members or organisations, and council. They typically seek to address antisocial behaviour and other problems arising from alcohol. Liquor accords may be more or less effective depending on the partners involved, the region in question, and the objectives of the accord. The Liquor Accords Australia website offers more detail and a list of active accords in New South Wales.⁶

It is important for LDATs to work with partners who represent the population groups in their communities. Consider what population groups are in your community and who may be at risk of experiencing alcohol-related harms – you can partner with individuals and organisations who represent these groups. For example, if Aboriginal and Torres Strait Islander people are represented in your community, partner with Aboriginal and Torres Strait Islander people's organisations to make sure local action is responsive to local needs and representative of the community.

Partners may include:

- local council
- police
- local health organisations
- religious organisations
- schools
- school-parent committees
- various community groups

 (e.g. Aboriginal or Torres Strait Islander,
 women's, migrant and/or refugee,
 or groups of young people)
- local businesses
- rotary and Lions clubs
- liquor accords.

Useful resources:

The Alcohol and Drug Foundation's Building Successful Local Drug Action Teams: A Practical Guide. See Part 3: Working with community partners

d. Determine resources required

Below is an indicative list of resources required for LDATs when facilitating community participation in liquor licensing. The resources you may need will depend on a number of variables, such as the specifics of the licence application, why you're objecting to it, and your desired outcomes. Local Drug Action Teams may be able to provide some of these resources or work with partners who can provide additional support.

- Basic administrative tools, including stationery, office supplies, phones, printing, a workspace for administrative duties.
- Skilled personnel to coordinate the objection process, including collecting local evidence and formulating a response.
- Knowledge/materials to engage community members and work in partnership with local organisations.
- Venue for meetings this may include inkind use of a meeting room from a partner organisation including a local library, schools, or community halls (your local council will have a list of available places for community use). It is not appropriate for meetings to be held in people's homes.
- Funds for catering at events and meetings.

e. Consider measures of success

While you are planning your activity, it is important to consider measures of success for your activity. Determine how you will evaluate the success of your activity linking your success measures to your objectives (see Section 4: Measure your success).

3. Map your steps

Activity may include some or all steps below, depending on the capacity of the LDAT and partner community organisations.

The key steps involved in supporting communities to participate in liquor licensing processes are provided below as a useful starting point for developing your liquor licensing activity and informing your approach.

These steps provide an indicative guide only; it is important to tailor your approach to your local community.

Local Drug Action Teams may address liquor licensing in a number of ways, such as:

- make a submission
- encouraging and assisting local residents to submit their own submission
- or working more broadly in the community to raise awareness of alcohol harms and the liquor licensing process.

a. Find out about new liquor licence applications

LDATs can find out about new liquor licence applications through the Liquor and Gaming NSW online noticeboard:

www.noticeboard.liquorandgaming.nsw.gov.au

Submissions on licence applications must be made within 30 days of the application being made to L&G NSW. The closing date for submissions will be listed on the notice of application, and on the online noticeboard.

LDATs may wish to set up a system to monitor for new liquor licensing applications. Consider dividing up the work of monitoring among partner organisations in your LDAT. Some partners, such as police, may be in a position where their organisation must be notified about new applications.

b. Collect evidence to support your liquor licence objection

It is important to collect evidence to support your liquor licence objection.

To successfully make a submission to a liquor licence, you must be able to provide evidence that links an individual liquor licence to alcohol-related harms in your community.

As you collect evidence to support your liquor licence submission you will be building a profile of your community. LDATs can create local community profiles in advance, so they are ready to respond to potentially problematic licence applications as they arise. Being proactive and collecting evidence early is recommended so communities can make strong submissions, particularly when timeframes for community participation are short.

It is important to draw on expert opinion and research to support your liquor licence submission. You may wish to divide responsibility for collecting evidence with your partners. Some partners may be well placed to collect certain types of data.

Local data on the following areas can be useful as they are relevant to submissions under the Liquor Act 2007:

- health
- injury
- property damage
- safety of the general public
- pleasantness and attractiveness of the area (amenity).

Additional data to help build a community profile and support your liquor licence submission is outlined in Table 2.

Table 2: Evidence to support liquor licensing objections				
Data	What it is	Why it is relevant		
Liquor outlet density	Liquor outlet density data provides information on: • the number of licensed premises in your Local Government Area (LGA) • the number of licensed premises in your LGA compared with other LGAs, including the Victorian and national average • how the number of licensed premises has changed over time. A liquor licence premises list is available from L&G NSW for a fee of \$50: liquorandgaming.nsw.gov.au/Documents/ liquor/liquor-licences/erl100-liquor-licence-data-request-form-fa.pdf	If your community already has a high density of liquor outlets, especially in comparison to other LGAs, it will support your argument that adding another will increase harms from alcohol. If your liquor outlet density has increased rapidly, you can argue that there has been an introduction of many new outlets and the impact of the outlets on the community needs to be determined before introducing another.		
Trading hours	A liquor licence permits alcohol sales during certain hours. Ordinary trading hours are Monday-Saturday 5am-midnight and Sunday 10am-10pm. Some days are a special case for hours of sale, such as Anzac Day and Christmas Day. Licence applicants can apply to the Independent Liquor and Gaming Authority for extended trading hours. A trading hour exemption list is available from L&G NSW for a fee of \$50: liquorandgaming.nsw.gov.au/Documents/liquor/licences/erl100-liquor-licence-data-request-form-fa.pdf	If your community has many late-trading venues, adding another – either by extending the hours of a current venue, or licensing a new venue – could increase harms. If your community does not have many late-trading venues, you may still be concerned about noise, litter, drink-driving, intoxicated behaviour, and violence that can be associated with late trading.		
SEIFA rating	Socio-economic indexes for areas (SEIFA) are produced by the Australian Bureau of Statistics (ABS). They map relative socio-economic advantage and disadvantage. For LDATs seeking more information, the ABS have produced a number of resources to explain how to use the indexes. You might want to start with the SEIFA basics ⁷ or the video tutorial introducing SEIFA.8	Communities with a lower socio-economic status experience more alcohol-related harms than more advantaged communities. If your community's SEIFA is low it can help you demonstrate that your community is at higher risk of alcohol-related harms.		
Community profiles and data	There are a number of existing sources of information that can inform your community profile. Your local council should have a profile of your area which they may share with you. The ABS has also put together community profiles that include data such as educational attainment and population demographics. You can download a community profile? for your LGA and postal area from the ABS website.	Harms from alcohol vary between communities for many complex and interconnected reasons. Communities can be at an increased risk of harms if they have low educational attainment, limited employment opportunities, and lower relative socio-economic status. ¹⁰		

abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/2033.0.55.001~2011~Main%20Features~SEIFA%20Basics~3
 abs.gov.au/websitedbs/censushome.nsf/home/seifatutorials?opendocument&navpos=260
 abs.gov.au/websitedbs/censushome.nsf/home/communityprofiles
 Roche A, Kostadinov V, Fischer J, Nicholas R. 2015. 'Evidence review: The social determinants of inequalities in alcohol consumption and alcohol-related heath outcomes'. Report for VIC Health.

Data	What it is	Why it is relevant
Rates of violence	Rates of alcohol-related violence include assaults and family violence. Ideally these rates would be compared over time and between areas. Your local police or council may have data on the rates of alcohol-related violence. The NSW Justice Department's Bureau of Crime Statistics and Research (BOCSAR) crime mapping tool allows you to view crime data for your LGA. This map can be tailored to track only alcohol-related crime data, such as assaults and domestic violence. You may find the video explaining how to use BOCSAR helpful. 12 If your community has over 3,000 residents you can also rank your LGA for specific offence types, such as alcohol-related domestic violence. 13	If your community is experiencing high rates of alcohol-related violence this is an important point to raise in your submission. The BOCSAR data makes explicit the amount of crime that is alcohol-related. However, caution should be taken in relying too heavily on 'alcohol-related' crimes, as this is dependent on the accuracy of police reports in recording this information. If it is available, crimes such as assault and family violence tend to be under-reported.
Health outcomes	Data on alcohol-attributable hospitalisations and deaths in your LGA may be helpful to your submission. Consider approaching your local health care providers, such as hospitals, to find out if they collect data you can use. You could also consider the Australian Institute of Health and Welfare's (AIHW) data on alcohol harms, 14 including health outcomes. The AIHW's report on the impact of alcohol on Australia's burden of disease and injury may also be relevant. 15 You may also consider approaching treatment services that help people address their alcohol dependency.	Current rates of alcohol-attributable health issues in your community may be taken into consideration when the licence is being decided on. It can support the argument that increasing the availability of alcohol, either by increasing liquor outlet density or by extending venue trading hours, may increase the existing burden of alcoholattributable health issues.
Property damage	Property damage refers to both public property (such as stolen or damaged street signs, or damaged nature strips) and private property (such as broken shopfront windows). Your local council, police, local business association, or residents in the entertainment precinct may be able to provide this data. It may also be useful to ask local businesses in the entertainment precinct/other areas with a high concentration of liquor outlets what levels of damage and litter they must deal with after a Friday or Saturday night (e.g. vomit, smashed windows, noise, disruption etc.).	The Liquor Act 2007 requires consideration of whether granting a licence will negatively impact the community. An increase to local property damage and decrease to the overall amenity of the area are considered negative impacts. If there are already high rates of property damage, or an overall decrease in amenity due to liquor outlets and their patrons' behaviour, you can argue on those grounds that granting or extending licences will increase these problems.

Useful resources:

The Alcohol and Drug Foundation's Building Successful Local Drug Action Teams: A Practical Guide. See Part 1: Identifying alcohol and drug issues

^{11. &}lt;u>crimetool.bocsar.nsw.gov.au/bocsar</u>

^{12. &}lt;u>youtube.com/watch?v=XDXQTLU2U8g</u>

^{13.} bocsar.nsw.gov.au/Pages/bocsar_crime_stats/How-to-use-the-Local-Government-Area-Ranking-Tool.aspx.
14. aihw.gov.au/getmedia/ec088003-9cd4-4a74-9d9b-a27ad100aca0/ah16-4-6-alcoholrisk-harm.pdf.aspx.
15. aihw.gov.au/reports/burden-of-disease/impact-alcohol-illicit-drug-use-on-burden-disease/contents/summary

c. Get the community involved

LDATs have an opportunity to involve the community in liquor licensing processes. This may involve raising awareness in the community about why licensing matters, how the community can get involved in the process, and gathering local feedback and needs. For example, as price also affects alcohol consumption levels, community members may be particularly concerned about bulk-purchase, barn style bottle shops opening in their neighbourhood, heavily discounted take-away liquor promotions, and irresponsible 'happy hour' or other cheap drink promotions at drinking venues.

The number of submissions may be seen by decision-makers as an indicator of social impact and increase the influence on decisions. Therefore, when your LDAT makes a submission to a licence, it is worthwhile encouraging community members to also make a representation and assisting community partners and local residents to submit their own representations on that same licence.

LDATs may raise local awareness and engage the community in a number of different ways, including:

- speak to the local paper
- hold a community meeting
- create a Facebook group/discussion
- form a coalition with local organisations.

Useful resources:

The Alcohol and Drug Foundation's Building Successful Local Drug Action Teams: A Practical Guide. See Part 2: Community consultation

d. Formulate your response

When formulating your response, focus on the following:

- Community concerns. You need to clearly articulate the community's concerns about how the new licence would affect the community. Consider how you can demonstrate the validity of those concerns with the data you have. Link your argument to the Liquor Act 2007 grounds for making a submission. Draw on expert opinion and research when possible. Consider the concerns of your LDAT, community members and partner organisations.
- The outcome you are seeking. Depending on the specific licence application you may be seeking different outcomes. Perhaps you want restrictions such as a cap on trading hours, a ban on late-night trading, and certain types of drink restrictions (like no shots or doubles) or you may not want the licence granted at all. You may be more likely to get restrictions placed on a licence than to have the licence denied.

All submissions to a liquor licence must be in writing and clearly state the reasons for the submission, including evidence to support those reasons.

Community concerns, the outcome you are seeking, and the data about your community, should guide how you put together your submission. Submissions should also be put together in consultation with the community and partner organisations.

You may choose to use the submission template, but there is no legal requirement for you to do so. The template can be found on the L&G NSW website: liquor-orgaming-application.pdf

9



Liquor Act 2007

The details of the Liquor Act 2007 are important because they indicate what will be considered when the licence is being determined, and therefore what kinds of submissions are relevant.

1. The objects of this Act are:

- to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community
- ii. to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality
- iii. to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
- 2. In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:
 - the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour)
 - ii. the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor
 - iii. the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

e. Lodge your submission

Submissions must be lodged before the closing date listed on the application. You can lodge your submission via:

Email: submissions.licensing@liquorandgaming. new.gov.au

Post: Liquor and Gaming NSW, GPO Box 7060, Sydney, NSW, 2001

In person: 323 Castlereagh Street, Level 6, Haymarket, NSW, 2000

f. Follow up

If L&G NSW requires additional information you will be contacted.

Decisions are posted online in chronological order here:

liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/liquor-decisions/liquor-decisions.aspx

There may be a chance to appeal a decision you don't agree with. However, the appeals process is limited and complicated and it varies greatly depending on the specific circumstances. You can read more here:

liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/liquor-decisions/merits-review-of-delegated-decisions.aspx

Having a follow up debrief with partners provides a good opportunity to keep a sense of cohesion and momentum in your group. Discuss what worked well, what didn't, and improve your planning and strategising for next time.

g. Measuring success and reporting

Measure the success of your liquor licensing activity:

- Collect measures of success with the community organisations you are engaging with, as well as the community members you have been reaching with your liquor licensing activity.
- ii. Report on your success, acquit your funds and consider other things you can do to support your community (see Section 5: Next steps).

4. Measure your success

Some example measures of success, and tools to measure the success of community participation in liquor licensing are provided below. You may find these a useful starting point for measuring the success of your Community Action Plan activity.

Process measures

- Engage with [insert number] community organisations to assist in establishing partners to support work in liquor licensing activity
- Recruitment of [insert number] partners involved to participate in a liquor licence objection
- Conduct [insert number] meetings held with partners to increase knowledge of how to participate in liquor licensing objections
- Conduct [insert number] community events to raise awareness of how the community can participate in local liquor licensing matters
- Increase local awareness and engage the community by increasing the number of local media articles focused on addressing local liquor licensing issues by [insert number]
- Increase evidence collected to support a liquor licence objection (e.g. profiling local community issues related to a liquor licensing issue) by [insert number]
- Submit [insert number] liquor licence objections within 12 months
- Increase number of objections from [insert area] community members and/or [insert name] community organisations by [insert number].

Impact/outcome measures

- [insert number] partners will report on stronger connections between community and partner organisations as a result of participating in community liquor licensing activities
- [insert number] participants will report an increase in awareness of the benefits of strong partnerships and how to become involved in and influence decision-making regarding liquor licensing matters
- [insert number] community members and partners will report an increase in awareness of alcohol-related harms in the community
- [insert number] community members and partners will report an increase in awareness of the liquor licensing process
- The number of liquor licence applications to be refused or altered (e.g. conditions put in place) will decrease by [insert number] as a result of community participation in liquor licensing activities
- [insert number] partners will report an increase in awareness of the harms associated with increased availability of alcohol
- Police report that number of incident reports (e.g. anti-social behaviour and other problems arising from alcohol) associated with risky drinking decreased by [insert number].

Tools to measure success

- Document analysis (e.g. meeting minutes, submissions from community members and partners, etc.)
- Partnerships analysis
- · Liquor outlet density data
- Trading hours exemptions lists
- Focus groups
- Interviews.



5. Next steps

community.adf.org.au

Other things you can do to support your community:

- Work with your community partners to educate older adults about alcohol and other drugs: see Alcohol, Other Drugs and Older Adults toolkit
- 2. Work with your community partners to further connect and strengthen your community: see Strong and Connected Communities toolkit
- 3. Work with your community partners to encourage greater engagement with volunteering: see *Involving Volunteers* toolkit.

6. More information

Alcohol and Drug Foundation community.adf.org.au

Liquor and Gaming NSW liquorandgaming.nsw.gov.au

Liquor Act 2007

legislation.nsw.gov.au/inforce/8a197a07 -ffb9-eceb-a956-ce6b1f11a313/2007-90.pdf



12