



# Limited Liquor Licences on Council Property Policy

Sutherland Shire Council

## Document review and approval

### This document has been approved by

	Name	Minute No	Date approved
1	Services & Facilities Committee – SAF075-10	322	16 November, 2009
2			
3			

### Revision history

Version	Author	Date	Revision
1	Manager Sport & Recreation	19 October, 2009	Original Version
2	Manager – Active Communities	10 April, 2012	Policy reviewed as part of annual review process, no amendments necessary
3	Manager – Active Communities	28 May, 2013	Policy reviewed as part of annual review process, policy is still required but a thorough review is required in the near future
4	<i>Acting Sport and Recreation Coordinator</i>	<i>31 December, 2013</i>	<i>Policy reviewed as part of annual process, is current and required but in need of review once restructure of active communities unit occurs.</i>

# Policy for Limited Liquor Licences on Council Property

## 1. **Purpose:**

- To give effect to council resolution FIN 012-10.
- To manage the responsible sale and consumption of alcohol within any Council facility.
- To provide clarity to users of any Council facility regarding their requirements under the two different regulatory regimes applicable when a liquor license is sought on a council facility why policy was drafted /amended.
- To meet council's charter obligations under the Local Government Act 1993 relating to asset management and governance.
- To meet council's objectives under the management plan relating to "*Build Safe, Healthy and Active Lifestyles*".

## 2. **Application:**

- This policy applies to limited function licences on council property where the holder of the licence is not a council employee.
- This policy applies to any association, sporting club or organisation allocated grounds and associated buildings as part of council's field allocation process.
- This policy applies to any event on a council sporting field, reserve, park or beach where an event application is required.
- A council facility under an existing lease will be excluded from this policy until the lease expires or unless the existing lease allows council to impose the operation of this policy under the existing lease.
- This policy does not fetter the operation of the Environmental Planning and Assessment Act 1979 regarding need for Development consent.

## 3. **Definitions**

- **Council facility:** means land or building owned or vested or under the management of Council.
- **Clubhouse:** means part or all of a Council facility which is occupied by a community organisation for club purposes and is generally not open to the general public to use as of right.

- **Junior sport:** means sporting games played by participants aged up to 17 years old.
- **Existing lease;** means a lease for a council facility which is operative at the date of adoption of this policy.
- **OLGR:** means the state government agency responsible for approving liquor licences which is currently the Office of Liquor, Gaming and Racing.
- **RSA:** means the legislative requirements for the responsible sale of alcohol.
- **Function:** means the same as it does under the Liquor Act 2007.
- **Licensee or Approved Manager** means a person formally approved by an Australian licensing authority.

#### **4. Principles**

- That all liquor licence applications on Council facilities must be accompanied by a site plan and must be approved by council before lodgement with the Office of Liquor and Gaming.
- That the requirements of this Policy take precedence over other minimum requirements, such as those of a Liquor Licence.
- That the requirements of this Policy may be enforced via the Ground Allocation Process, Lease, Licence or Special Event Application as appropriate to each site and/or activity.
- Clubhouses under exclusive occupation to one club with liquor licenses should be managed under lease to minimise risk and comply with section 47D of the Local Government Act 1993.
- The cost of building upgrades arising from the existence of a liquor licence on council premises to be met by the organisation for whose benefit the liquor licence is held.
- Generally conditions of use will be in accordance with the proposed standard conditions of Approval.
- A right of review will be made available to applicants.

#### **5. Relevant Legislation**

- Liquor Act 2007: governs the sale, supply and consumption of liquor.
- Local Government Act 1993: community land management provisions.

- Crown lands Act 1989: obligations of Council as a reserve trust manager.
- Civil liability Act 2002 Managing the civil liability of Council for incidents within a council facility.
- Security Industry Act 1997 – regulates the use of security at public and private venues.

## **6. *Related and Associated Council Policy and Procedures***

- Community leasing policy.
- Crime Prevention Plan.
- Anti-Social Behaviour Strategy.

## **7. *Responsible Officer***

Sport and Recreation Coordinator:

- Assess new liquor licence applications and function date renewal applications against the policy.
- Negotiate with prospective licence applicants.
- Report on the operation of the policy.
- Deal with complaints arising from the policy.
- Act as first point of contact.
- Investigate breaches of the policy and report where required.
- Provide with the assistance of other units education on the operation of the policy.

## **8. *Responsibilities***

Councillors

- To oversee the policy at a strategic level.

Executive

- To review the operation of the policy at regular intervals at a strategic level.

## Managers

- To administer the policy in a punctual and efficient manner.
- To inform liquor licence applicants and licence holders.
- To facilitate the granting of leases where required.
- To enforce the policy where appropriate.
- To exercise document management control.

### **9. Monitoring**

- The policy will be initially reviewed within 12 months of adoption by Manager Sport and Recreation. The manager will consult with residents and peak associations where appropriate and report to Council.

### **10. Review Date**

- The policy will be comprehensively reviewed after four years subject to operational amendments adopted in the interim.

### **11. Record Keeping**

- All liquor licence applications and complaints about the licences or policy will be recorded in council's Customer Response Management System (CRMS).
- All licence applications and complaints received will be generally available for public access under section 12 Local Government Act 1993 or as a freedom of information request.
- Documentation will generally be managed under council's electronic document management system via allocation of appropriate binder.

### **12. Breaches and Sanctions**

There will be two levels of breach:

1. Minor Breach – eg noise complaint from local residents, a breach in legislation which is punishable by a fine of less than \$1100 under the Liquor legislation, any breach which results in minor (less than \$1000) damage to council property.
2. Serious Breach – eg any breach in legislation for which the maximum penalty is a fine of \$1100 under the Liquor legislation, or above or a term of imprisonment, any breach which results in major (more than \$1000) damage to council property or any failure to reasonably implement corrective actions to minor breaches.

The sanction depends on the number of previous breaches in any 3 year period:

First Minor breach: Verbal notification and discussion to seek collaborative solutions.

Second Minor Breach: Written notification recommending corrective actions and requiring written confirmation that those corrective actions have been implemented.

Third Minor Breach: Conditions placed on the use of the ground or facility to alleviate the breach and support corrective actions.

Fourth and subsequent: Will result in additional conditions being placed on the use of the ground or facility.

Serious Breach of the Policy:

Serious breaches of the policy will be dealt with by the issue of the show cause letter.

Where a serious breach is proven to council's reasonable satisfaction council may prohibit the sale of alcohol at a council facility for a given period of time or impose restrictions on the sale of alcohol (times, dates, locations).

Where a serious proven breach continues to occur despite other sanctions being imposed council may require an organisation to vacate a council facility for a given period of time and the organisation will vacate the facility.

Breaches of legislation will also be referred to the appropriate enforcement agency for investigation and action.