



## POLICY – HLTH 3 – Alcohol Risk Minimisation

### **Related Management Practice**

Yes

### **Relevant Delegation**

N/A

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### **Rationale**

The City recognises its obligation to take all reasonable measures to help ensure the protection of public health and safety in the community through initiatives that promote responsible alcohol consumption and provide a safe and secure environment.

The effects of alcohol misuse go beyond diseases, accidents and injuries to a range of social, economic and environmental costs to the City and the community due to anti social behaviours such as drink driving, violence, crime, vandalism and littering, which can have a detrimental effect on the community.

The City is in a position to help minimise alcohol related harm through supporting safer environments for drinking, managing the physical availability of alcohol, and through environmental design and planning that supports community wellbeing.

### **Application of Policy**

This policy has application throughout the whole of the City.

### **Policy**

The City is committed to support and promote the responsible sale, supply and consumption of alcohol and to reduce the effects of unhealthy drinking practices. In order to achieve those outcomes, the City will:

1. Rigorously assess all applications for planning approval of licensed premises, liquor licences and permits regarding potential unreasonable impacts on the health, wellbeing, amenity and safety of the community, including internal engagement with relevant Departments within the City and externally where appropriate with the WA Police Service, the Drug and Alcohol Office and other agencies;
2. Promote the appropriate location of land uses in order to prevent licensed premises having an unreasonable impact on the health, wellbeing, amenity and safety of the community;
3. Require all liquor licence and consumption permit applicants to demonstrate a commitment to the responsible sale, supply and promotion of alcohol;
4. Work alongside agencies to help improve public health, community safety and wellbeing and to assist with the education and promotion of responsible drinking;
5. Reflect community values and expectations in the City's services and programs in assisting with the management of alcohol and the issues it creates;
6. Consult with the community and encourage participation to enhance decision making processes;
7. Advocate on behalf of the community when substantiated complaints have been lodged in relation to licensed premises; and
8. Promote responsible drinking and personal accountability at events supported and organised by the City and venues it owns or manages.

Related Local Law	N/A	
Related Policies	COMD 2 – Community Consultation COMD 5 – Sponsorship of the City’s Events, Programs, Facilities and Publications RECN 4 – Hire of Halls and Buildings	
Related Budget Schedule	N/A	
Last Reviewed	27 May 2019	
Next Review Date	March 2022	
Authority Council Meeting of:	4 March 2003 (C6/2/03) 25 October 2010 (D82/10/10) 26 April 2016 (D14/4/16)	9 February 2007 (D15/02/07) 22 April 2013 (D23/4/13) 27 May 2019 (D28/5/19)

## INTRODUCTION

The management practice has been developed to encourage and assist officers across the City to take all reasonable measures to prevent risks to public health, safety and amenity resulting from the sale, supply and consumption of alcohol. It is divided into four (4) sections:

1. **Assessing Applications for Licensed Premises and Liquor Licences**
2. **Supporting and Organising Events**
  - ❖ Community Events
  - ❖ Council Events
  - ❖ Youth Events
3. **Leasing and Hiring of Council Owned Land, Property and Facilities**
  - ❖ Sporting, Leisure and Recreational Club Leases
  - ❖ Hire of Buildings and Public Land for Functions and Events
4. **Responding to the Community**

### 1. ASSESSING APPLICATIONS FOR LICENSED PREMISES AND LIQUOR LICENCES

All development applications for planning approval of licensed premises and for *\*Section 39 and 40 certificates* required to accompany liquor licence applications to the Department of Racing, Gaming and Liquor, will be assessed to ensure that licensed venues and activities have a minimal impact on surrounding land uses and alcohol related problems in the community are prevented or minimised. Assessments will include considerations of the requirements of the *Liquor Control Act 1988*, Town Planning Scheme, public health legislation and relevant policies of the City.

Factors that will be taken into account when assessing applications will include:

#### 1.1 Location and Compatibility with Other Land Uses and Activities

- The location of the proposed facility, the nature and potential impact of the proposed facility and compatibility with adjoining land uses and activities, including noise levels, operational hours, traffic flow, car parking, harm and amenity risks and the scale and size of the development, (*This could include the requirement for specialist studies by suitably qualified consultants*).

#### 1.2 Location and Public Safety

- Whether the proposed location or activity of the licensed premises poses a high risk to public safety, including due to poor lighting, inadequate access to taxi services and public transport and connected streets.

### 1.3 Public Interest Test

- Whether it can be demonstrated that the application is in the public interest (*This could include providing the City with copies of documentation required by the Department of Racing, Gaming and Liquor in support of the application*).

### 1.4 Density

- The density of existing liquor outlets in terms of the potential to adversely affect the amenity and safety of households, businesses, public space and visitors in the area.

### 1.5 Strategies to Prevent Anti Social Behaviour

- The applicant being able to demonstrate responsible service strategies for patrons and security measures to reduce opportunities for anti social behaviour in surrounding areas that are relevant to the location and nature of the proposed facility and related activities. An *\*Alcohol Management Plan* may be required to support the application which outlines the licensee's planned operational responses/position regarding alcohol-related risks and management at the venue. (*This could be achieved by providing the City with copies of documentation required by the Department of Racing, Gaming and Liquor in support of the application*).

### 1.6 Accessibility

- Whether the premises is appropriately designed in relation to access, egress and compliance with relevant legislation.

### 1.7 Past History

- The past history of the facility and/or applicant/s with respect to noise, public safety, harm and anti social behaviour.

**\* Defined in Appendix 1**

## 2. SUPPORTING AND ORGANISING EVENTS

### 2.1 Community Events

Community events have the primary purpose of entertainment and in some circumstances, the City may be involved in either a support role and/or organising an event. The City recognises it should provide leadership to the community by promoting responsible drinking and personal accountability. As such, the City will promote events to encourage safe, enjoyable and community orientated activities and a positive healthy lifestyle.

Although alcohol free events are preferred, where applications for events involving alcohol are submitted to the City for approval, they will be subject to all relevant policies, conditions and legislative requirements and processed as per the City's procedures for liquor licence applications. Requirements will include:

- 2.1.1 Each relevant department will consider the potential impact that the licence or permit may have on the safety, health and wellbeing of the community. This assessment will include communication with the WA Police Service and the Drug and Alcohol Office where appropriate.
- 2.1.2 The City will require all applicants to demonstrate a commitment to the provision of a safe and healthy environment, ensuring the responsible sale, supply and promotion of alcohol and the provision of appropriate facilities.

- 2.1.3 Access to non alcoholic and low alcohol drinks, as well as potable water and *\* substantial food* must be available for the duration of the event. \*
- 2.1.4 The consumption and supply of alcohol during *\*youth specific events* organised by the City or by outside agencies or groups is prohibited. This situation applies to adults who may also be attending youth events.
- 2.1.5 Approval for alcohol consumption will be granted to a nominated person, who will be required to ensure:
- the responsible provision of alcohol;
  - monitoring and control of people under the influence of alcohol while they are in the licensed area and its vicinity;
  - bar staff are trained in the responsible service of alcohol;
  - minimal impact on neighbouring properties and people due to excessive noise or anti social behaviour;
  - no person under the age of 18 is able to purchase or consume alcohol; and
  - compliance with any relevant legislation.
- 2.1.6 At the discretion of the City applications for a *\*Liquor Consumption Permit* or *\*Liquor License* may require preparation of an *\*Alcohol Management Plan* to ensure all the requirements listed above can be met.
- N.B. Council reserves the right to deny the responsible person or the organisation he/she represents permission to hold licensed events on land under the City's control.
- 2.1.7 The nature and operation of a licensed area will be subject to conditions listed in a contract with the City.

## 2.2 Council Events

The City is committed to the provision of a safe and healthy working environment and encourages healthy living. This part applies to all City staff, Councillors, volunteers, contractors, visitors to the City and work placement students attending official events such as corporate functions, ceremonies and any other forum of business of Council and Council officers on Council premises.

- 2.2.1 Low percentage alcohol beverages will be made available at all functions. Non alcoholic drinks and *\* substantial food* will also be served and drinking water that is free of charge will be readily available.
- 2.2.2 Alcohol is not to be consumed or supplied during *\* youth specific events* organised by the City.
- 2.2.3 For each Council event, the City will nominate a person, who will be responsible for ensuring:
- the responsible provision of alcohol and availability of low percentage and non-alcoholic alternatives;
  - monitoring and control of people under the influence of alcohol while they are in the licensed area and its vicinity;
  - bar staff are trained in the responsible service of alcohol;

- minimal impact on neighbouring properties and people due to excessive noise or anti social behaviour;
- no person under the age of 18 is able to purchase or consume alcohol; and
- compliance with any relevant legislation, including any *\*Liquor Consumption Permit* or *\*Liquor Licence*, where applicable.

2.2.4 Generally, the availability of alcoholic beverages will be limited to the length of the event.

### 2.3 *\*Youth Specific Events*

The City acknowledges that young people feature strongly in alcohol-related harm statistics and supports the provision of healthy environments and experiences for young people, which promote positive role modelling and harm minimisation. In particular:

- 2.3.1 The consumption and supply of alcohol during *\*youth specific events* organised by the City or by outside agencies or groups is prohibited. This situation applies to adults who may also be attending.
- 2.3.2 Preventing the availability and potential access to alcohol by young people will be considered when determining approval of any liquor licence application before the City.
- 2.3.3 Where a specific problem relating to young people and alcohol is known, the City is committed to collaborating with relevant agencies to ensure the minimisation of alcohol-related harm to young people.

**\* Defined in Appendix 1**

## 3 LEASING AND HIRING OF COUNCIL OWNED LAND, PROPERTY AND FACILITIES

### 3.1 Sporting, Leisure and Recreational Clubs

Clubs exist for the benefit of their members and some types, such as senior sporting clubs, have a longstanding dependence on licensed bar sales for a significant percentage of their annual revenue.

As the City hires and leases land, property and facilities to clubs, it has an obligation to encourage responsible alcohol consumption and reduce associated risks. In order to satisfy its obligations therefore, the City has adopted the following principles when considering the leasing and hiring of Council owned land, property and facilities:

- 3.1.1 *\*Alcohol Consumption Permits* will not be issued for functions involving people under 18 years of age.
- 3.1.2 When reviewing *\*Restricted Club, Club and Special Facility Licenses*, the amenity, safety and wellbeing of the members, local residents, businesses and visitors in the area will be taken into account;
- 3.1.3 Licensed premises may be required to produce an acceptable *\*Alcohol Management Plan* detailing responsible service strategies to ensure the health, safety and wellbeing of customers, staff and individuals within the surrounding areas;
- 3.1.4 A Club's constitution, policies and rules must support the stated commitments in the *\*Alcohol Management Plan* and the requirements of the *\*Liquor Licence*;

3.1.5 The previous performance of the applicant and the associated organisation in complying with the *Liquor Control Act 1988*, the City Local Laws and policies, and the prevention and minimisation of alcohol-related harm will be taken into account when reviewing leases.

3.1.6 When approving a new lease or reviewing an existing one, the position of the WA Police Service and Drug and Alcohol Office or other relevant agencies/stakeholders will be sought where it is appropriate.

### **3.2 Hire of Buildings and Public Land for Functions and Events**

Council provides halls, public land and other facilities for hiring to the community for functions and events. In order to ensure the prevention and minimisation of the harmful effects of alcohol and the responsible sale, supply and consumption of alcohol to venue users and community members living in and visiting the surrounding areas, the following restrictions will apply:

3.2.1 Consumption of alcohol is not permitted unless an *\*Liquor Consumption Permit*, or where appropriate, a *\*Liquor Licence* has been issued.

3.2.2 Approval for alcohol consumption will be granted to a nominated person, who will be required to ensure:

- the responsible provision of alcohol;
- people under the influence of alcohol are monitored while they are in the licensed area and its vicinity;
- bar staff are trained in the responsible service of alcohol;
- minimal impact on neighbouring properties and people due to excessive noise or anti social behaviour;
- no person under the age of 18 is able to purchase or consume alcohol; and
- compliance with all relevant legislation.

3.2.3 At the discretion of the City applications for a *\*Liquor Consumption Permit* or *\*Liquor Licence* may require preparation of an *\*Alcohol Management Plan* to ensure all the requirements listed above can be met.

3.2.4 Times that alcohol may be supplied or consumed may be restricted, to prevent and minimise harm and disturbance in the community.

3.2.5 Non-alcoholic beverages, low alcoholic products, water and food must be available during the duration of the event.

3.2.6 No person under the age of 18 years is permitted within the licensed areas unless accompanied by a responsible adult and is not permitted to consume or be supplied with alcohol. There may be some instances where youths will not be permitted within the licensed area at all, which will be advised at the time of hire.

3.2.7 The supply and consumption of alcohol can only occur within the designated boundary area as defined in the *\*Liquor Licence*, and must be situated as far away as practical from any body of water.

3.2.8 Any breaches of the conditions of the *\*Liquor Licence* or *\*Liquor Consumption Permit* may result in the responsible person and the organisation or group to which that person belongs, being unable to utilise public/community halls.

**\* Defined in Appendix 1**

## **4 RESPONDING TO THE COMMUNITY**

The community has a legitimate expectation that the City will act on its behalf to address concerns about health, wellbeing, amenity and safety associated with the harmful effects of alcohol consumption. The community also expects to be consulted where appropriate, when proposals for licensed premises and liquor licences are received by the City, which have the potential to lead to adverse neighbourhood impacts.

In order to understand community expectations and respond appropriately to reflect community values the City commits to:

- 4.1 Assess applications for large public events held in the City and take measures to ensure they are managed and well organised to prevent community impacts on health, wellbeing, amenity and safety.
- 4.2 Investigate and take action to resolve complaints lodged in relation to licensed premises and where necessary, liaise with other enforcement agencies to achieve a satisfactory outcome.
- 4.3 Monitor complaint data and information and where necessary, use it in documents to inform both internal and external decision making regarding development approval and liquor licence applications.
- 4.4 Consult with the community and relevant private and public sector agencies where appropriate, to provide opportunities for input into the City's decision making processes. (ref: Council Community Consultation Policy COMD 2-1)
- 4.5 Develop and implement evidence-based safety and crime prevention initiatives to minimise effects of alcohol related harm.
- 4.6 Support state-wide evidence based community education initiatives to reduce and prevent alcohol-related harm and ill-health.

**\* Defined in Appendix 1**

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5. Appendix 1: Definitions

5.1 **Alcohol Management Plan**

An alcohol management plan describes how the licensed premises will minimise and prevent harm and antisocial behaviour on and in the vicinity of the premises, as a result of alcohol abuse.

5.2 **Club Licence**

A licence allowing liquor to be supplied to a member, or guest of a member of the club for consumption on or off the premises.

5.3 **Extended Trading Permit**

An extended Trading Permit enables licensees to operate outside the normal constraints of their liquor licence conditions. There are two types of Extended Trading Permit:

- Short term or one off
- Ongoing or infinite

5.4 **Liquor Consumption Permit**

A Liquor Consumption Permit issued to hirers wishing to consume liquor on City premises. It is the hirer's responsibility to obtain the necessary liquor permit/license from the police station nearest to the community facility.

5.5 **Liquor Licence**

A licence to sell or supply liquor, issued by the Department of Racing, Gaming and Liquor.

5.6 **Restricted Club Licence**

Similar to a Club Licence except the sale of packaged liquor is not permitted and trading hours are limited.

5.7 **Section 39 Certificate**

A Section 39 Certificate is required to be signed by the local government health authority, confirming the premises applying for a licence comply with the relevant provisions of:

- The Health Act 1911;
- The Local Government Act 1995;
- The Local Government (Miscellaneous Provisions) Act 1960; and
- Any written law applying to the sewerage and drainage of those premises.

The certificate is also able to state how the premises can be made to comply, however it cannot be issued until construction of the premises has been completed.

5.8 **Section 40 Certificate**

A Section 40 Certificate is required to be signed by the City's Planning Department, confirming that the proposed use of the premises:

- Will comply with the requirements of the City's Town Planning Scheme;
- Would comply if consent were to be given by Council, if it is known that consent would be given and the conditions that would be applied; or

- Can not comply for reasons that are specified

5.9 **Special Facility Licence**

A Special Facility Licence can only be issued in situations described in regulation 9 of the Liquor Licensing Regulations and the supply and sale must take place within the terms and conditions of the licence.

5.10 **Substantial Food**

Food provided that is nourishing and abundant in order to maintain and sustain human health.

5.11 **Youth Specific Event**

An event organised specifically for the attendance of young people including those who are under the legal drinking age.

Last Reviewed	
Authority	