

## LIQUOR (LICENSED PREMISES)

### 1. Background

The Town of Cottesloe is a very attractive location to relax and dine in. As a result population pressures are likely to increase the demand for licensed premises.

The potential nature and range of liquor outlets has increased with amendments made in 2007 to the *Liquor Control Act 1988* relating to restaurants serving alcohol without a meal and 'small bar' licences.

These changes may have significant impacts on Cottesloe's local amenity.

Whilst the Town is open to a number of interrelated strategies to maintain and enhance the lifestyle of residents and visitors alike, the Town recognises that the nature and number of licensed liquor outlets requires effective management in order to minimise adverse impacts on nearby residential areas and the environment.

The Town therefore has a responsibility to:

- Ensure that licensed venues are operated in such a way so as to minimise the inconvenience or nuisance to residents, businesses and the general public.
- Ensure that a diversity of entertainment is encouraged in particular localities through a mix of appropriate uses including licensed premises.

### 2. Aim

To properly manage the impacts of licensed premises on the Cottesloe residential and business community, and the environment.

### 3. Objectives

- a. Provide for facilities and services which are compatible with the aspirations of the Cottesloe residential and business community.
- b. Provide a framework to assist Council with the assessment of liquor licence applications, including when issuing Section 39 and 40 certificates under the *Liquor Control Act 1988*.
- c. Make liquor licence applicants aware of Council's considerations when dealing with liquor licence applications.
- d. Assist Council in their consideration of applications for planning approval of development which may involve a liquor licence.
- e. Foster an appropriate type and number of licensed premises that will enhance the activity and atmosphere of commercial localities and contribute to an integrated and positive sense of community.
- f. Protect the character and amenity of adjacent residential localities.
- g. Support the objectives of the Community Safety and Crime Prevention Committee.

#### **4. Policy Application**

Council will have regard to this policy when:

- a. Assessing applications made to Council for:
  - Section 39 and 40 certificates made under the *Liquor Control Act 1988*.
  - Planning approval made under the Town Planning Scheme for development which may involve a liquor licence.
  - Eating house licence applications made under Council’s Eating Houses local law that may involve a liquor licence.
  - Alfresco dining applications made under Council’s *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001* that may involve a liquor licence.
- b. Considering a request to intervene or raise objections to any licensed premises operating under the requirements of the *Liquor Control Act 1988*.

Note: The types of Liquor Licences and Extended Trading Permits issued by the Director of Liquor Licensing that Council shall be concerned with and to which this policy shall apply include:

<b>Types of Licences:</b>	<b>Extended Trading Permits:</b>
Restaurant	Extended hours
Nightclub	Liquor without a meal (restaurant)
Hotel	Alfresco
Hotel restricted	Dining area
Tavern	Permits for one-off events
Small bar	
Club	
Occasional	
Special facility	

#### **5. Policy**

##### **5.1 Liquor Licence and Development Applications**

Council will have regard to the following matters when considering liquor licence and development applications. If the proposal is supported relevant conditions may be imposed accordingly.

###### **5.1.1 Number of Premises within a Locality and their Distribution**

A concentration of licensed premises has the potential to prejudice the amenity of a locality. It is intended to achieve a mix in the types of premises to contribute to a vibrant atmosphere of the commercial localities whilst minimising the potential for anti-social behaviour in public spaces and impacts on any neighbouring residential properties.

###### **5.1.2 Hours of Operation**

This is particularly relevant to hotel, tavern, nightclub and small bar licences, extended trading permits for on-going hours and liquor without a meal (restaurants or alfresco).

Late operating hours may contribute to irresponsible consumption of alcohol and lead to anti-social behaviour, particularly upon leaving licensed premises which in turn impacts on the amenity of others, including other patrons, residents and business operators and their customers.

When considering a proposal for premises which would be licensed or an extended trading permit, Council is unlikely to recommend support for those licensed premises which cause disturbance and inconvenience to residents or businesses located in the vicinity of licensed premises.

Council will consider opening and closing hours during the week and weekends having regard to the proximity of the licensed premises to residences and businesses and subject to consideration of the details and merits of each proposal.

**5.1.3 Number of patrons**

This is particularly relevant to hotel, tavern and nightclub licences, where, when combined with the long hours of operation, can cause the amenity of a locality to be detrimentally affected.

**5.1.4 Floor area**

The establishment of large venues will not be supported in proximity to residential properties. Such proposals must also demonstrate that the size of the facility will not detrimentally affect the amenity of the locality in general by virtue of its parking facilities, entertainment, number of patrons, and so on.

**5.1.5 Noise**

To address certain types of noise impacts from licensed premises Council may require that an applicant submit an acoustic engineering report indicating sound attenuation measures to be undertaken.

**5.1.6 Entertainment**

Entertainment in licensed premises should contribute positively to and not detract from the amenity of the locality. Restaurants are expected to be operated and advertised as restaurants only. Licensees are expected to use their best endeavours (including the closing of doors and windows) to ensure that any entertainment provided on the licensed premises does not produce excessive noise likely to disturb, annoy or inconvenience nearby residents, other business proprietors and other users of the locality.

**5.1.7 Public safety**

Where considered warranted, Council may request that additional crowd controllers, security personnel or security patrol services be provided for premises trading past midnight and/or have entertainment to patrol the external grounds and where appropriate the neighbouring streets or public spaces / recreational areas of the licensed premises and monitor the behaviour of persons arriving at and departing from the licensed premises.

**5.1.8 Location**

The location of premises generally and the location of outdoor areas and parking facilities will not be favoured in proximity to residential properties.

**5.1.9 Parking**

The number of parking bays required by the town planning scheme is required to be provided, however, Council may consider cash in-lieu of car parking bays in accordance with the provisions of the scheme and any policy.

The impact of vehicles parking either in car parking areas or surrounding streets will also be considered particularly in locations adjacent to residential properties. A spill-over into the surrounding area may occur if the capacity of premises is much greater than its car parking provision, resulting in considerable disturbance and inconvenience to residents, especially when patrons are departing from the area late at night or in the early hours of the morning.

Therefore, the hours of operation for premises may be based on the availability of parking and the likely impact on the surrounding residential area.

**5.2 Managing Complaints / Advocacy**

Should complaints be received or Council otherwise become aware of issues, Council will undertake an assessment of the situation and determine if intervention is required.

Intervention may include:

- Conducting discussions with the licensee.
- Referring the matter to the Western Accord.
- Lodging an intervention or objection with the Director of Liquor Licensing.

**5.3 Management Plans**

These are required under the Director of Liquor Licensing's Harm Minimisation Policy. Where considered warranted, Council may require the management plan to be submitted to Council for approval, particularly as part of a proposal for a hotel, tavern or nightclub or an extended trading permit. In addition to the Director's requirements, Council may require the plan to address issues such as:

- Hours of operation
- Security on the site
- Lighting in and around the site
- Security of patrons on leaving the venue
- Sale of packaged alcohol
- Specific methods of patron control (including training and surveillance)
- A traffic and travel mode management plan, including assistance in departure from the venue (i.e. availability of a direct telephone link to a taxi service or courtesy bus)
- Noise
- Compliance and commitment to an Accord.

**5.4 Western Accord**

The Town of Cottesloe is a member of the Western Accord, which comprises local licensed premises operators, the Western Australian Police Service, the Towns of Cambridge, Claremont, Cottesloe, Mosman Park, and Vincent, the Shire of Peppermint Grove, the Cities of Nedlands and Subiaco, the Department of Health, Western Australia, Liquor Licensing Division representatives, other relevant agencies and the community. It provides a code of conduct for licensed premises within the Western Accord and is a beneficial forum for the consideration of liquor license issues.

Such liquor accords are approved by the Director of Liquor Licensing and entered into by two or more local licensees in a local community, Council, licensing authority representative, and other stakeholders such as the police.

Accords are intended to develop a safe and well-managed local environment as part of an overall strategy aimed at fostering a responsible drinking culture, ensuring safety in the local community and promoting effective communication and problem solving between licensees and key stakeholders.

Adopted	17 March 2008
Expected date of review	