

This fact sheet provides an overview of the options for communities in engaging in decisions about new liquor licenses. This is useful for community members who want to understand how to make objections or raise concerns about new liquor licenses or variations to licenses.

When a new liquor licence is being applied for in your local area or a variation to an existing licence is being made, community members have the opportunity to provide input into the application process. This process includes the notification requirements and Community Impact Statement process, both of which are explained below.

Notification requirements

Liquor licence applicants have legal obligations relating to their proposed licence. This includes notifying surrounding premises and other parties (mainly government agencies) of both their intention to apply for a licence and subsequent licence applications.

The *Liquor Regulations 2008* provide a number of avenues for notifying the public to a proposed or actual application for a liquor licence. Notifications may also be required for changes to areas within a premise that are licensed, licence transfers (new publican), removal, shifting the location of the licence, change in use, extended trading authorisation (trading past midnight) and [primary service of alcohol \(PSA\) authorisation](#) (allowing a venue whose primary service is not alcohol to serve alcohol).

Some of the liquor licence notification obligations include:

1. A public notice relating to the application must be fixed to the relevant premises;
2. Liquor licence applicants are legally obliged to inform all “neighbouring premises” of their liquor licence application. The radius of this notification obligation depends upon the type of license sought. For example, hotel, club and small bar licence applications require a Category B [Community Impact Statement \(CIS\)](#). These applications attract a 100m notification obligation. All other licence applications require a Category A (lesser) CIS, and a 50m notification requirement exists.
3. Applicants are required to notify and consult special interest groups and local authorities pursuant to completing their CIS.
4. The application is made public on the [Office of Liquor Gaming and Racing \(OLGR\)](#) noticeboard. Community members must regularly check the website for new liquor license applications in their area.

Failure by an applicant to comply with the notification requirements has resulted in [Independent Liquor and Gaming Authority \(ILGA\)](#) refusing an application. Any breach of these statutory obligations along with an applicant’s statutory declaration of allegedly complying with the same requirements contained within their application documentation, should be a key ground relied upon by a community objector for ILGA to reject the application.

Community Impact Statements (CIS)

The [Office of Liquor Gaming and Racing \(OLGR\)](#) describe the purpose of a [Community Impact Statement \(CIS\)](#) as being to “gain an understanding of the impact that granting an application will have on the local community”.

A CIS is prepared by a licence applicant and is a summary of the consultation between the applicant and the local community about any issues and concerns with a proposed licence application.

CIS requirements depend on the type of licence being applied for. ‘Category A’ CIS apply to applicants for on-premise licenses deemed to be ‘low’ risk (e.g. restaurants). ‘Category B’ CIS apply to licence applications for venues deemed to be of a higher ‘risk’ (e.g. hotel and club licences).

Both Category A and B CIS require consultation with local consent authorities, local police, the occupier(s) of any neighbouring premises, and special interest groups or individuals identified or referred to the applicant by ILGA. Category B CIS require further consultation with the NSW Department of Health, NSW Department of Community Services, NSW Roads and Traffic Authority, and recognised leaders or representatives of the local Aboriginal community in the area.

CIS require applicants to inform ILGA of any nearby community buildings, facilities and places (e.g. hospitals, places of worship, educational institutions, facilities for vulnerable persons, alcohol-free zones, public parks and sporting grounds) that may be sensitive to the introduction of a new licensed premises in the area.

The applicant is required to list community objections in the subsequent actual licence application. The purpose of this is to flag the existence of concern within the community. This is a prescribed key step of the licence applicant informing ILGA of the views of the community.

As part of this process, community members can raise any concerns they may have with the proposed licence with the licence applicant. Community members who may be concerned with a new licence application or variation to licences can work independently to raise concerns or can contact the local police, the Local Council and any other relevant agencies to discuss their concerns.

When raising concerns it is important to follow up with ILGA to ensure that the CIS submitted by the licence applicant highlights to concerns raised by the community.

OLGR online noticeboard

OLGR places licence applications and related matters on its on-line “Noticeboard”. The noticeboard information can be used to search by “Town/suburb” or more detailed search by “Postcode”, “Local Government Area”, Location”, “Licence Detail/Name” and “Application Type/status/date”.

Further information can also be requested directly from OLGR where applicable including any subsequent licensee submissions responding to community/agency objections.

Objecting to a liquor licence application

It can be seen from the above discussion it is very important that community members take notice and respond to an Applicants' [*Notice of intention to apply for a liquor licence or a licence authorisation*](#). Under section 44 of the *Liquor Act 2007*, the public also have the right to make submissions to ILGA regarding any licence application. If a submission is made to ILGA, the Agency is obliged to take into consideration the submission before a final decision is made.

When a liquor licence is applied for, the “consideration” process is usually performed by OLGR staff acting under delegated authority from ILGA. [*Under Regulation 12*](#) of the Liquor Regulations, public submissions relating to a liquor licence application must “specify details of the application to which the submission relates”. Public submissions should “be made within 30 days of the date on which the application was made”.

The objection should include as much procedural (if defective) and substantive evidence (going to the merits of the application against the detrimental social impact) as possible. The community is afforded a “second go” to respond directly to ILGA with substantial evidence (referencing the Act’s Objects) when the actual application is placed on OLGR’s noticeboard. The community should not rely upon the applicant being the single channel of communication with ILGA. Community members are encouraged to lodge concerns directly to ILGA.

Considerations made by ILGA in assessing an application

In raising an objection about a new liquor licence or change to a liquor licence it is important to understand the factors being considered by ILGA in assessing the licence application.

Section 48(5) of the Liquor Act is very important with respect to the consideration by ILGA of liquor licence and related matters. A licence must not be approved unless:

“... the overall social impact of the [*licence*](#), authorisation or approval being granted will not be detrimental to the well-being of the local or broader community”.

ILGA has consistently relied upon this legal requirement in rejecting a small number of problematic liquor licence applications. The current community and harm minimisation Objects of the Liquor Act also represent key “anchor points” upon which the community can use to base their objections on.

ILGA has issued a Guideline, [*Consideration of social impact under Section 48\(5\) of the Liquor Act 2007*](#), outlining the consideration process and type of information and evidence that may assist ILGA in determining a liquor licence related matter. This may include, alcohol harm prevention research, trading hours, outlet density and relevant crime and social statistics pertaining to the general location of the application.

Community submissions objecting to a liquor licence application should consider applying and referencing this Guideline. The Chairperson of ILGA Mr Chris Sidoti also produced a paper [*The challenges in liquor licensing decisions in the current regulatory environment*](#) for a legal seminar that provided useful insight into the operations of ILGA and that ILGA “gives great weight” of “evidence

of strong community opposition” to liquor licence applications.

This above statement reinforces the importance and effectiveness of different segments of a community (e.g. families, residents, school associations, medical professionals, small businesses, police association members) uniting and mobilising to present and promote a strong and persuasive evidence-based response and objection to inappropriate liquor related applications and developments.

ILGA also publishes [Decisions of Interest](#) about the liquor licence applications it has refused on the grounds of negative social impact. These rejections have included applications for extended trading hours, packaged liquor licences, primary service of alcohol authorisations and nightclub licenses.

These decisions provide useful examples for communities when searching for precedents to oppose problematic licence applications in their locality. It is important to note however, that ILGA is not strictly bound by precedent.

Checklist for objecting to liquor licences and/or variations

The following checklist provides community members with some key considerations when objecting to a new liquor licence or licence variation.

- Have you checked the OLGR [Noticeboard](#) for information on the liquor licence applications or variation?
- What is the expiry date to lodge an objection to the application?
- Has the applicant obtained Development consent from the Council and is the application consistent with the development conditions and current land zoning for the site?
- Has the applicant complied with the public notification requirements?
- Do you have a full copy of the Application, Community Impact Statement (CIS) and any other relevant information relating to the application?
- Has your community responded to a "[Notice of intention to apply](#)" by the applicant and is this accurately and adequately reflected in the applicants CIS?
- Are you aware of any other agencies such as police, health, Local Council, community services or other community member's response to the application?
- Have you carefully and critically analysed the CIS to ensure it accurately reflects the latest social and alcohol crime/harm data relating to your location and local government area?
- Does the CIS reflect the contemporary research findings on alcohol harm minimisation?
- Have you read the [ILGA Guidelines on CIS](#) and the matters communities should including when making submissions? Have you obtained sufficient evidence suggested by ILGA?
- Have you obtained as many objections as possible from your fellow community members including small businesses, emergency workers and medical professionals? Have you gained your Local Council, police, health and other agency support for your objections?
- Can you rely on similar precedents where ILGA may have rejected a similar application on the basis of negative social impact?
- Have you lodged your objections to the application directly to ILGA and assured they will be brought to the attention of ILGA members?
- Have you obtained any copies of the applicant's response to your objections before the matter is dealt with by ILGA?

Where do I go for more information?

[NSW Liquor Act 2007](#)

[NSW Liquor Regulations 2008](#)

[Office of Liquor and Gaming Website](#)

[Independent Liquor and Gaming Authority](#)

[Primary service authorisation fact sheet](#)

[Introduction to the Community Impact Statement process](#)

[Consideration of social impact under Section 48\(5\) of the *Liquor Act 2007*](#)

[The challenges in liquor licensing decisions in the current regulatory environment](#)

[OLGR online noticeboard](#)

[ILGA Decisions of Interest](#)