

LIQUOR LICENSING, GAMING MACHINE LICENSING AND ADULT ENTERTAINMENT PERMITS – GENERAL POLICY

PGS | 65/9/1 | #7856792

RECOMMENDATION:

That Council adopts the updated General Policy – Liquor Licensing, Gaming Machine Licencing and Adult Entertainment Permits.

INTERESTED PARTIES:

Nil

EXECUTIVE SUMMARY:

Council adopted its *Liquor Licensing General Policy* in October 2002 to ensure consistency when responding to applications for liquor licences and adult entertainment permits. The most recent iteration came into effect in 2020 and was due for review late November 2024.

While responsibility for liquor licensing decisions rests with the State through the Office of Liquor and Gaming Regulation (OLGR), Council is consulted on matters relating to public amenity and planning compliance as part of the assessment process. The Policy provides officers with a practical framework for preparing consistent responses to the OLGR, guiding Council's comments on new and amended liquor licences, licence variations, requests for extended trading hours, and adult entertainment permits.

A recent review of liquor licence application trends, including City Safe incident data, has highlighted the need to strengthen the policy assessment provisions to focus on higher risk licences in certain areas, namely new detached bottle shop applications.

BACKGROUND:

Since 2023, Council's City Safe data shows a year-on-year increase in alcohol-related antisocial incidents across the Cairns Local Government Area. Most incidents occur within 250-500 metres of major alcohol distributors, predominantly in the CBD, North Cairns and inner suburbs. These trends have attracted growing community interest about public safety and amenity, underscoring the need to contemporize Council's position in relation to liquor outlets that present heightened community risk.

The OLGR has jurisdiction over approval or refusal of liquor licence applications. Applicants apply to OLGR for the relevant permits and conditions to sell alcohol, operate gaming machines and adult entertainment permits.

The OLGR is required to seek Council comment relating to the impact of a proposed liquor outlet on the social amenity of the locality, along with confirmation that the relevant land use approvals are in place.

Under the *Liquor Act 1992*, Council's feedback is limited to:

- (a) commenting on the reasonable requirements of the public in the locality; or
- (b) objecting to the grant of the relevant application on the grounds that the amenity, quiet or good order of the locality would be lessened.

For gaming machine licences Council's role under the *Gaming Machine Act 1991* is limited to providing comment as the local government for the area in which the premises is located.

Council's comments must be evidence based to withstand appeal. Whilst Council comments are afforded considerable weight, liquor licence refusals are rare unless impacts cannot be mitigated through conditions.

The current Policy identifies the following key considerations to guide officer feedback on liquor licence applications referred by OLGR:

- Proximity to other licenced venues;
- Proximity to sensitive facilities;
- Proximity to residential areas;
- Socio-demographics of the area;
- Number of complaints about this venue or this type of venue;
- Noise impacts; and
- Proposed trading hours.

In most cases, Council is required to provide comments back to OLGR within a legislated two-week timeframe.

Council has no enforcement powers under the Policy or the *Liquor Act 1992* in relation to alleged breaches of liquor licence conditions.

COMMENT:

A review of the current Policy and Officer experience administering it has identified the following challenges:

- The current Policy is broad and is difficult for Officers to apply consistently, and quantify in responses to the OLGR, particularly when qualifying impacts or substantiating objections to liquor licence applications;
- The Policy does not place sufficient emphasis on high-risk areas with consideration to alcohol related incidents;
- The Policy does not provide any clarity around policy position in relation to licence location;

- Policy does not include any assessment provisions for gaming machine licenses, which are dependent on a venue holding an active eligible liquor licence;
- The Policy does not make reference to the land use rights or development approvals for the premises; and
- The Policy includes criteria for noise impacts, which is a matter that the OLGR enforces.

To improve the robustness and consistency of Council's assessments within the constraints of Council's limited jurisdiction, the following Policy amendments are recommended:

- 1) Reinforce guidance on Council's role and intent within the State-led referral framework, ensuring the community clearly understands Council's jurisdiction.
- 2) Include a clear position on detached bottle shop applications, stating that:
 - a) Council does not support trading prior to 10am and after 12 midnight, aligned with Council's motion to the LGAQ to enable local governments to apply to have trading hours of detached bottle shops in certain areas restricted where such restrictions are considered to be in the public interest; and
 - b) Council does not support any additional detached bottle shops within the CBD or inner suburbs (refer map), having regard to existing outlet saturation and the significant alcohol-related issues already experienced in these areas.

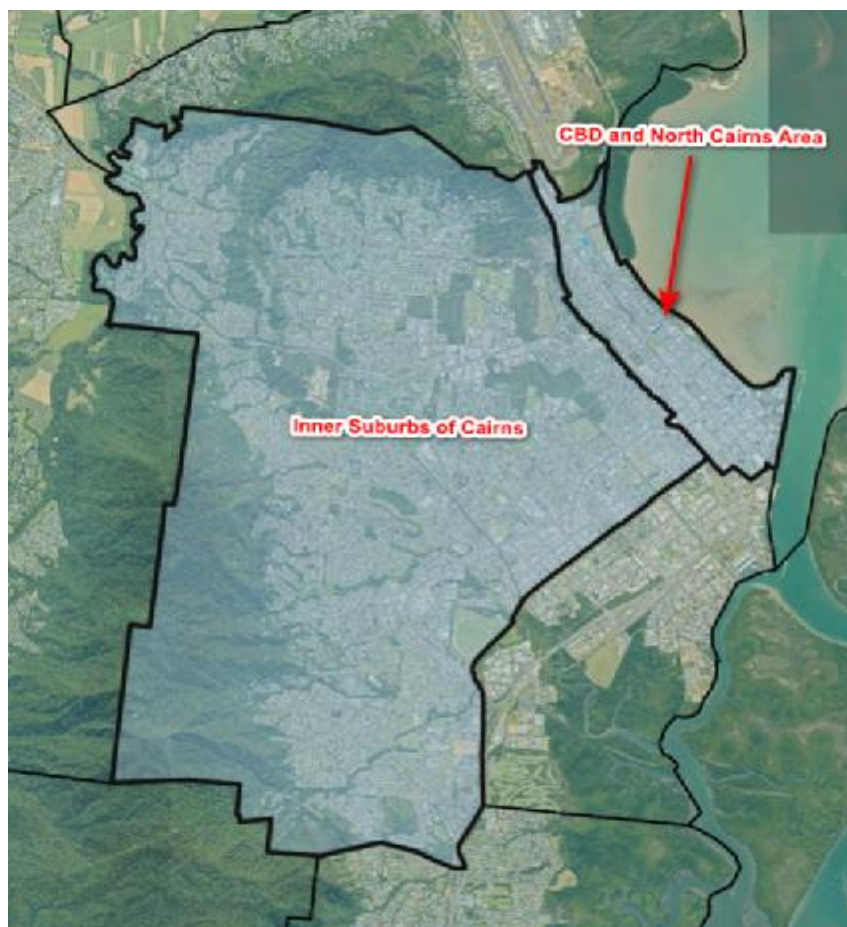


Figure1: Appendix of proposed amended policy showing CBD & North Cairns, and Inner Suburbs Areas

- 3) Remove consideration of proximity to other licenced venues. With the introduction of a policy position to not support any additional bottle shops within the inner suburbs and CBD area, this removes the need to consider proximity to other venues. Other uses such as restaurants and bars are supported to co-locate where consistent with planning objectives, with any unsuitable proposals addressed through the development assessment process.
- 4) Given that previous versions of the policy did not include any specific provisions for gaming machine licences, include a statement that Council does not support gaming machine operation prior to 10am and post 12am (formalising our current position).
- 5) Include consideration of land-use rights and development approvals, reflecting a key State assessment requirement and Council's established practice of ensuring planning compliance prior to licence issue.
- 6) Remove officer consideration of noise impacts from licence assessments, noting these are regulated by OLGR and addressed through development assessment where relevant.

OPTIONS:

Option 1 (Recommended):

That Council adopts the updated General Policy – Liquor Licensing, Gaming Machine Licencing and Adult Entertainment Permits.

Option 2:

That Council revokes the existing Liquor Licensing, Gaming Machine Licensing and Adult Entertainment Permits General Policy.

CONSIDERATIONS:

Most Queensland Councils do not maintain standalone liquor licensing policies.

The absence of a clear, measurable policy position by Council would represent a gap in Council policy in an area of currently high public focus on alcohol related anti-social behaviour impacting public safety, amenity and reputation of the Cairns region, .

Council already commits significant resources to community safety initiatives, and the amendments are intended to support and strengthen this work.

If Council chose to revoke the Liquor Licensing, Gaming Machine Licensing and Adult Entertainment Permits General Policy and staff still required direction regarding feedback to the OLGR, this could be achieved through an internal administrative instruction.

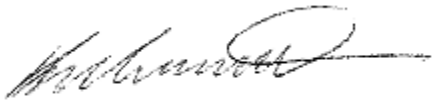
Statutory:

The amendments maintain the Policy's alignment with the legislative intent and requirements of the *Liquor Act 1992* and the *Gaming Machine Act 1991*.

ATTACHMENTS:

Attachment 1: Liquor Licensing and Adult Entertainment Permit General Policy (ADOPTED) – Marked Up

Attachment 2: Liquor Licensing, Gaming Machine Licensing and Adult Entertainment Permit General Policy (PROPOSED) – Clean Version



Brett Nancarrow
Executive Manager Development & Planning



Mark Davey
Director Planning, Growth & Sustainability

Attachment 1: Liquor Licensing and Adult Entertainment Permits General Policy (ADOPTED) – Marked Up

CAIRNS REGIONAL COUNCIL



General Policy

LIQUOR LICENSING, GAMING MACHINE LICENSING AND ADULT ENTERTAINMENT PERMITS

- Intent:** The intent of this policy is to provide a guideline for ~~assessing and commenting~~ Council ~~commentary~~ on liquor ~~licence~~ ~~licencing~~, ~~gaming machine licencing~~ and adult entertainment permit applications, ~~to ensure the amenity, safety and vibrancy of surrounding areas are maintained, sufficient demand is monitored in a locality, and other relevant approvals are in place.~~
- Scope:** This policy shall apply to all ~~requests for comment on~~ liquor licensing applications, ~~gaming machine licencing~~ and ~~Adult adult Entertainment entertainment Permits~~ ~~permits~~ referred to Cairns Regional Council ~~received from the~~ Office of Liquor and Gaming Regulation (OLGR), ~~referred to Cairns Regional Council. Responsibility for approving or refusing liquor licence applications sits with the OLGR.~~

PROVISIONS

Statutory

In accordance with the provisions of the *Liquor Act 1992*, ~~local government~~ the OLGR must ~~provide certain~~ ~~be consulted about any~~ liquor licence applications ~~or~~ ~~(including~~ proposed changes to existing liquor licences) ~~to the relevant local government authority for comment or objection.~~ Council may provide comment on the following matters:

- ~~(a) Comment on the reasonable requirements of the public in the locality, or of the proposed application and.~~
- ~~(a)(b)~~ Object to the granting of the relevant application on the grounds that the ~~health~~ amenity, quiet or good order ~~social and amenity~~ of the locality would be lessened ~~by the application.~~

Licensing

OLGR issues different types of liquor licenses, gaming machine licences and Adult adult Entertainment entertainment Permits ~~permits~~, with the type of licence issued dependent on the primary purpose.

Assessment Considerations

~~When preparing comments on an application, Council's assessment of an application will have~~ will give consideration to ~~the following criteria~~ matters:

- Proximity to other licensed ~~venues~~ sensitive receptors including residential areas;
- Existing land use rights or development approvals for the premises;
- Security and patron management;
- Proximity to sensitive facilities;
- Proximity to residential areas;
- Socio-demographics of the area;
- Number of complaints about this venue or this type of venue.
- Noise impacts
- Proposed patron capacity and ~~Trading Hours~~ hours.
- High risk areas in consideration of anti-social behaviours.
- History of the applicant's ability to manage and operate a licenced venue.

Specific Policy Provisions

Council does not support liquor licence trading prior to 10am and after 12 midnight. In the case of nightclubs, ~~taverns~~ ~~hotels~~ ~~(not including detached bottle shops)~~ and bars, Council may support trading with extended hours to 5am with lock out periods (3am) on Friday and Saturday, ~~with where a premises is located within the CBD Safe Night Precinct, appropriate consideration given to location.~~

Council does not support any additional detached bottle shops proposed within the CBD and North Cairns Area or Inner Suburbs of Cairns as identified within Appendix 1.

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Council does not support trading of detached bottle shops prior to 10am or after 12 midnight.

Council does not support operation of gaming machines prior to 10am or after 12 midnight.

All applications proposing to increase noise levels and/or undertake amplified entertainment, must be accompanied by an acoustic report from a licensed sound engineer and provide Council with details of speaker positions.

All applications for Adult Entertainment Permits will be assessed in accordance with the above criteria and consideration made to the suitability of the proposed location.

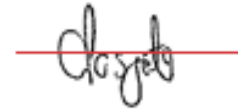
This policy is to remain in force until otherwise determined by Council.

General Manager Responsible for Review: Planning & Environment, Growth & Sustainability

ORIGINALLY ADOPTED: 10/10/2002

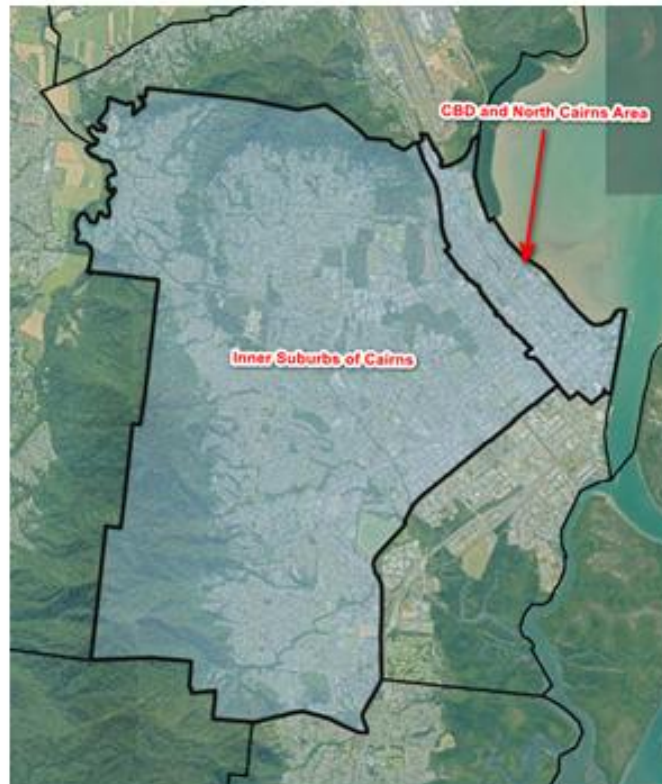
CURRENT ADOPTION: 25/11/2020XX 2026

DUE FOR REVISION: 25/11/2024XX 2030



Christine Peggate
Chief Executive Officer

Appendix 1: Inner Suburbs and CBD and North Cairns Area Map



Attachment 2: Liquor Licensing, Gaming Machine Licensing and Adult Entertainment Permit General Policy (PROPOSED) – Clean Version

CAIRNS REGIONAL COUNCIL



General Policy

LIQUOR LICENSING, GAMING MACHINE LICENSING AND ADULT ENTERTAINMENT PERMITS

- Intent:** The intent of this policy is to provide a guideline for Council commentary on liquor licencing, gaming machine licencing and adult entertainment permit applications, to ensure the amenity, safety and vibrancy of surrounding areas are maintained, sufficient demand is monitored in a locality, and other relevant approvals are in place.
- Scope:** This policy shall apply to all requests for comment on liquor licensing applications, gaming machine licensing and adult entertainment permits referred to Cairns Regional Council from the Office of Liquor and Gaming Regulation (OLGR). Responsibility for approving or refusing liquor licence applications sits with the OLGR.

PROVISIONS

Statutory

In accordance with the provisions of the *Liquor Act 1992*, the OLGR must provide certain liquor licence applications (including proposed changes to existing liquor licences) to the relevant local government authority for comment or objection. Council may provide comment on the following matters:

- (a) Comment on the reasonable requirements of the public in the locality; or
- (b) Object to the granting of the relevant application on the grounds that the amenity, quiet or good order of the locality would be lessened.

Licencing

OLGR issues different types of liquor licenses, gaming machine licences and adult entertainment permits, with the type of licence issued dependent on the primary purpose.

Considerations

When preparing comments on an application, Council will give consideration to the following matters:

- Proximity to other sensitive receptors including residential areas.
- Existing land use rights or development approvals for the premises.
- Security and patron management.
- Number of complaints about this venue or this type of venue.
- Proposed patron capacity and trading hours.
- High risk areas in consideration of anti-social behaviours.
- History of the applicant's ability to manage and operate a licenced venue.

Specific Policy Provisions

Council does not support liquor licence trading prior to 10am and after 12 midnight. In the case of nightclubs, hotels (not including detached bottle shops) and bars, Council may support trading with extended hours to 5am with lock out periods (3am) on Friday and Saturday where a premises is located within the CBD Safe Night Precinct.

Council does not support any additional detached bottle shops proposed within the CBD and North Cairns Area or Inner Suburbs of Cairns as identified within Appendix 1.

Council does not support trading of detached bottle shops prior to 10am or after 12 midnight.

Council does not support operation of gaming machines prior to 10am or after 12 midnight.

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General Manager Responsible for Review:

Planning, Growth & Sustainability

ORIGINALLY ADOPTED: 10/10/2002

CURRENT ADOPTION: XX 2026

DUE FOR REVISION: XX 2030

Ken Gouldthorp
Chief Executive Officer

Appendix 1: Inner Suburbs and CBD and North Cairns Area Map

