

## Alcohol Management

### Policy Objective

The Shire of Broome seeks to promote, encourage, and support strategies that minimise harm from alcohol and foster a community environment that is healthy and safe. It acknowledges that inappropriate use of alcohol has the potential to adversely impact on health, well-being, public safety and amenity.

The Shire supports health promotion and community awareness activities that aim to prevent harmful drinking and reduce alcohol related harm. It further seeks to appropriately manage the consumption of alcohol through its regulatory processes, including approving events in public places and providing comment on applications for Liquor Licences.

### Policy Statement

1. The Shire shall support and promote the responsible sale, supply, and consumption of alcohol.
2. Applicants seeking to consume alcohol in public places owned or managed by the Shire shall obtain approval to do so from the Shire prior to undertaking the activity, in addition to obtaining any approvals or licences required by other authorities such as the Department of Racing, Gaming and Liquor. This includes any sporting events where alcohol will be sold or supplied.
3. In determining applications to consume alcohol in public places owned or managed by the Shire, the Shire will consider whether the proposed activity will be consistent with the following strategic outcomes:
  - a. Accessible and safe community spaces; or
  - b. Participation in recreational and leisure activities for Broome and the Northwest Region; or
  - c. A preserved historical and cultural heritage of Broome; or
  - d. Retention and expansion of Broome's iconic tourism assets and reputation.

Activities viewed as being inconsistent with the Shire's strategic outcomes may not be supported.

4. The Shire does not support the use of its public places for activities where the primary focus of the activity is the selling, promotion, or consumption of alcohol. This involves activities where the call to action is primarily the promotion, sale or consumption of alcohol or where the purpose of the event relates specifically to a brand or alcohol consumption activity.

5. The Shire will continue to participate in and advocate on behalf of intersectoral partnerships which seek a holistic approach to alcohol management, such as the Broome Liquor Accord.

## Definitions

**Alcohol** has the same meaning as 'liquor', being:

- (a) A substance intended for human consumption which at 20° Celsius contains more than 1.15% ethanol by volume, or such other proportion as is prescribed; in the *Liquor Control Act 1988*; or
- (b) Any mist made up of a gas or liquid droplets that at 20° Celsius contains more than 0.5% ethanol by volume;
- (c) Any aerosol intended for human inhalation that at 20° Celsius contains more than 0.5% ethanol by volume; and
- (d) Any thing that, for the purposes of sale, is held out to be such a substance.

**'Extended Trading Permit'** means a permit issued under the *Liquor Control Act 1988* that entitles a person who holds a liquor licence to sell and supply liquor under that licence at times, in circumstances, or in a place, to which that licence would not otherwise apply.

**'Event'** means an occurrence held within the Shire of Broome, in accordance with the Events Policy by a person(s)/group/organisation, where people assemble at a given time for entertainment, recreation or community purposes, and shall include but is not limited to:

- (a) Concerts and events run as a commercial activity;
- (b) Ceremonies and processions;
- (c) Sporting and competitor events – marathons, triathlons, organised swims, and other similar events;
- (d) Shows and fairs including circuses, carnivals, and other customised venue-based events;
- (e) Festivals, exhibitions and expos; and
- (f) Community events and fundraisers.

**'Liquor Licence'** means a licence to sell and supply liquor granted under the *Liquor Control Act 1988* and includes, but is not limited to, Hotel, Hotel Restricted, Cabaret, Club, Club Restricted, Liquor Store, Nightclub, Restaurant, Small Bar, Special Facility, Tavern, and Tavern Restricted Licences.

**'Occasional Licence'** means a temporary liquor licence granted under the *Liquor Control Act 1988* for a person who does not hold a liquor licence and wants to sell liquor, for a single occasion.

**'Public Place'** means:

- (a) any thoroughfare or local government property; or
- (b) any place which the public is allowed to use, whether the place is or is not on private land, including park lands, squares, reserves, beaches, the intertidal zone and other land designated as being for the use and enjoyment of the public.

# Management Guidelines

## Applications for Liquor Licences

1. Under the *Liquor Control Act 1988*, an applicant must obtain certification from the local government for all new Liquor Licence applications and any alterations to existing Liquor Licences. Such certification takes the form of:
  - a. Certificate of Local Government under Section 39 of the *Liquor Control Act 1988* (Section 39 Certificate). This is issued by the Shire's Environmental Health team and states the Application is compliant with all specifications detailed in the:
    - i. *Health (Miscellaneous Provisions) Act 1911*
    - j. *Public Health Act 2016*;
    - ii. *Food Act 2008*;
    - iii. *Local Government Act 1995*;
    - iv. *Building Act 2011*; and
    - vii. any written law relating to the sewerage of drainage of the relevant premises.
  - b. Certificate of Planning Authority under Section 40 of the *Liquor Control Act 1988* (Section 40 Certificate). This is issued by the Shire's Planning team and states the Application is compliant with Local Planning Scheme No. 7.
2. Applications for Section 39 and Section 40 Certificates will be considered by the Development Control Unit (DCU) and then determined under Delegated Authority, subject to any appropriate conditions.
3. When considering an Application for a Section 39 or Section 40 Certificate, officers shall assess:
  - a. Whether the premises has the appropriate approvals in place under the Shire's Local Planning Scheme No 7 and the relevant Building and Environmental Health legislation; and
  - b. Whether the granting of a Liquor Licence is likely to increase the extent of alcohol misuse or jeopardise the well-being, safety, or amenity of nearby residents, visitors, or the broader community.

## Applications for Occasional Liquor Licences and Extended Trading Permits

4. The Shire may provide comment to the Department of Racing, Gaming and Liquor on applications for Occasional Liquor Licences and Extended Trading Permits. This is provided by the Environmental Health team under Delegated Authority.
5. When a referral for an Occasional Liquor Licence or Extended Trading Permit is received, Environmental Health staff will confer with Events staff as to whether an Event Permit Application has been received for the relevant activity. Events staff may not issue event permits which involve an Occasional Liquor Licence or Extended Trading Permit until the relevant licence or permit has been issued.
6. When considering an Application for an Occasional Liquor Licence or an Extended Trading Permit, officers shall assess:

- a. Whether the information submitted is consistent with what has been included in the relevant Event Permit Application (i.e. number of patrons, hours of operation, proposed activities, available space, etc.)
  - b. Whether the proposed activity could lead to an unacceptable risk to the amenity and safety of households, businesses, and visitors in the area;
  - c. The appropriateness of the hours of operation and venue in relation to the demographic of the participants (i.e. whether the activity is targeted at children or involves mainly child participants);
  - d. Compatibility with the activity that will be occurring during the requested extended time or at the requested venue; and
  - e. Whether the provision of another licenced operator during the said time and/or at the requested venue is considered inappropriate due to a high concentration and/or oversupply of alcohol outlets, increasing the risk to public health and safety.
  - f. Applications will be assessed taking into consideration any previous application(s), any noise problems or complaints and any previous objections
  - g. The Shire will consult with the owners and occupiers of residential premises and businesses within a radius of 60 metres from the boundaries of the subject site where an application seeks to extend trading past the permitted time in the *Liquor Licensing Act 1988*. For applications not extending beyond the permitted time, any consultation with the owners and occupiers of residential premises, including the extent thereof, will be at the discretion of the Shire.
  - h. A copy of all written submissions received in response to a consultation as per clause (g) above shall be included as part of the Shire's submission to the Director of Liquor Licensing.
  - i. Where an application is received for an occasional (one-off) Extended Trading Permit, approval can be granted subject to conditions.
7. Each renewal will be assessed on its merit. Any objections received on any previous approval will be taken into consideration in the preparation of the Shire's submission to the Director of Liquor Licensing.
  8. Should an application have a prior history of complaints from residents, a community consultation process as per clause (g) above may be conducted.
  9. Regardless of whether it is a new application or a renewal, any application that requires consultation with the community will be reported to Council.

## **Events in Public Places Owned or Managed by the Shire**

10. When considering an Application to Consume Alcohol at a Shire of Broome Facility or Reserve, officers shall assess:
  - a. Whether the event is consistent with the Shire's strategic outcomes set out in Clause 3 of this Policy;
  - b. Whether the primary purpose of the event relates to alcohol consumption. Such events are not to be supported unless the intention of the event is to promote local industry/producers, i.e. a Food and Wine Festival;
  - c. The Applicant's ability to demonstrate a responsible attitude to the provision of alcohol and compliance with licencing laws and regulations;
  - d. Appropriate use of registered security staff, where required;
  - e. Whether the event has a focus on children or a strong youth patronage. In these circumstances the provision of alcohol is not appropriate;

- f. How the event will be managed to ensure that other venue users or people in the area will not be negatively impacted because of the service of alcohol; and
  - g. Any other relevant factors as determined by the Shire.
11. The Shire may impose conditions on any approval to consume alcohol at a Shire of Broome facility or reserve, including but not limited to:
  - a. Restrictions on the times alcohol can be supplied or consumed;
  - b. Prohibition of patrons bringing their own alcohol to the event;
  - c. Requirement to provide non-alcoholic beverages, low alcohol products, water and food at the event;
  - d. Designation of an area within the event in which the supply and consumption of alcohol can occur, which should be situated as far as practicable from any body of water;
  - e. Prohibition of juveniles within any licenced area unless accompanied by a responsible adult;
  - f. Prohibition of glass containers unless served into non-glass cups by bar staff in a bar area;
  - g. Requirement for security staff where the event utilises Shire buildings or infrastructure, to ensure the buildings or infrastructure is successfully maintained during the duration of the event; and
  - h. Requirement for a person on-site who holds a Responsible Service of Alcohol Certificate. This will generally not be applied when the event has twenty attendees or less and lasts for less than two hours in duration. Any events with more than one hundred attendees will require an Occasional Liquor Licence.
12. The Shire will promote alcohol-free events in public places.

Document Control Box							
Document Responsibilities:							
Owner:	Director Development Services			Owner Business Unit:	Development Services		
Reviewer:	Manager Health, Emergency and Rangers			Decision Maker:	Council		
Compliance Requirements:							
Legislation:	<a href="#">Building Act 2011</a> <a href="#">Environmental Protection (Noise) Regulations 1997</a> <a href="#">Food Act 2008</a> <a href="#">Health (Miscellaneous Provisions) Act 1911</a> <a href="#">Health (Public Buildings) Regulations 1992</a> <a href="#">Liquor Control Act 1988</a> <a href="#">Local Government Act 1995</a> <a href="#">Local Government (Miscellaneous Provisions) Act 1960</a> <a href="#">Planning and Development Act 2005</a>						
Industry:							
Organisational:	<a href="#">Property and Public Places Local Law 2016</a>						
Document Management:							
Risk Rating:	Low	Review Frequency:	4 Yearly	Next Due:	12/2026	Records Ref:	
Version #	Decision Reference:	Synopsis:					
1.	29 August 1997	SMC Pages 1 – 2 Original Adoption					
2.	12 December 2019	Review and converted to new Policy Template					
3.	16 December 2020	Review and minor wording amendment to align with legislation					
4.	18 November 2021	Minor administrative updates due to Org Structure Changes					
5.	27 April 2023	Council Policy Review - Minute No. C/0423/011					
6.	10 October 2023	Desktop Review - Minor changes					