



Fact Sheet

Community Objections

Changes needed to SOL Act

Current Situation

Criteria for objections in the Sale of Liquor Act do not allow for objections to be made on the suitability of the location for a licensed premises.

The object of the Act (to reduce liquor abuse) is not considered a criteria for objections.

A notice of licence applications is placed within the public notices section of the paper and written objections must be made within 10 working days.

LLA has power to award costs against objectors. A notice of application of licence to be attached on or adjacent to site.

Alternative Options

That the "criteria for objections" for all licences be extended to include:

whether the proposed site is suitable for a liquor licence
whether it meets the Object of the Act (to reduce liquor abuse)

That costs of LLA hearings be met by other means than objectors.

Planning and Licencing need to work closer together rather than be completely separated.

New Zealand Facts

- Liquor licensing is social legislation: it involves more than planning issues. The wider views of the public, particularly in the proposed area of the licence need to be considered case by case. A broader assessment than the mere "suitability" of the applicants and the zoning of the premises is possibly required. This is the comment made by the Liquor Licensing Authority in its annual report to the government in 1996. (1)
- The present Sale of Liquor Act (Section 13(a) 35(a) 59(a)) only allows objections to licenses to be based around very specific criteria including:
 - a. The suitability of the applicant (eg this is the suitability of the person, not the site)
 - b. Days and hours of the proposed licence
 - c. Areas of premises that should be designated as restricted or supervised areas for minors
 - d. Proposed steps to ensure intoxicated persons and minors are not served
 - e. The proposed sale of non alcoholic drinks and food (2)

- The old Sale of Liquor Act(1962) did allow for objections on grounds of whether certain categories of licence, such as hotels or taverns, were desirable or necessary in a community. This clause was removed from the 1989 SOL Act, which instead requires a planning certificate as a pre-requisite for any licence application. If the local council does not require a notified resource consent for a licence application, the first opportunity for objectors to make the concerns known is before the Liquor Licensing Authority. Once a planning certificate is issued by the local council, the Authority cannot refuse to grant a licence in response to community objections.
- The Liquor Licensing Authority is considering community objections to an on and off licence in Christchurch said "We have no power to refuse the granting of a licence to further the aim of the Act (reduce liquor abuse) or in response to local opinion on issues which may not be a ground of objection ie matters not specified in s.13(1) of the Act". (3)

Overseas Examples

- In New South Wales grounds for objection include the premises being in the immediate vicinity of a place of worship, hospital, public school or proposed site and that the 'quiet and good order of the neighborhood' will not be disturbed. (4)

Comments

The current Act is too restrictive with regard to the complaints or objections that can be made by the public. Often residents oppose the granting of a licence for the following reasons:

- the proposed location may be unsuitable (for example, across the road from a school or playground)
- noise and disorderly behaviour associated with licensed premises
- fears of increase in violence, crime and safety issues
- fears of increase in youth drinking
- too many outlets in the area

However, objections on any of the above issues are not currently allowed as the criteria for objections in the Act. Under the 1962 SOL Act objections could be based on whether a licence was desirable or necessary. However, in the 1989 Act this clause was removed and consequently over the past ten years licences have been automatically granted even when there is considerable opposition.

The Act needs to be amended to ensure that local communities have a far greater say in licensing decisions which affect them. In New Zealand public notices are not often read by those who may be affected by the application and ten days is not sufficient time for residents to lodge objections even if aware of the proposal.

Local community involvement can be a key factor in minimising alcohol-related harm. The Act needs to be amended to widen the range of criteria for public objections and to improve and simplify the process to facilitate the lodging of objections.

References

1. Report of the Liquor Licensing Authority 30 June 1996
2. Sale of Liquor Act 1989
3. Sale of Liquor Hearings Decision No 212/95 & 213/95
4. New South Wales, Sale of Liquor Act, 1982