

Wednesday, 26 July 2017

Please quote our reference: 080:AB

Mr Paul Newson,
Secretary, Liquor and Gaming NSW,
GPO Box 7060,
SYDNEY NSW 2001

By email: cis.evaluation@justice.nsw.gov.au

Dear Mr Newson, 

RE: EVALUATION OF THE COMMUNITY IMPACT STATEMENT REQUIREMENT

Thank you for the opportunity to comment on the Community Impact Statement (CIS) requirement for liquor licence applications.

ClubsNSW is supportive of the aims of the CIS scheme however we believe that there are a number of overlaps in the overarching consultative process which may be streamlined. ClubsNSW suggests that the list of stakeholders required to be consulted with, prior to a licence application being submitted, be honed down to key groups, who are directly affected by the granting of a licence. This would still achieve the aims of the CIS but will also reduce inefficiency and cost in the community consultation process.

ClubsNSW also submits that the requirement to perform a CIS when increasing the trading hours of a club is unnecessary because as prior to the introduction of risk-based licensing (RBL) in NSW all clubs held unrestricted trading rights. Following the introduction of RBL many clubs have elected to reduce their trading hours so as to lower their licence fee, however, should they wish to return to their old trading hours the impacts to the community should already be well understood as that is the previously existing state of affairs.

Further, the requirement for a CIS to be completed during the de-amalgamation of a club should not be required. This is because - generally - there will be no changes to the operations of the club, it is simply a change to the governing structure and therefore is more akin to a change of licensee than the creation of a new liquor licence.

Inefficiencies in the Process

Under the current framework, clubs are required to complete a Category B CIS document when applying for a new liquor licence, transferring a liquor licence or wishing to have their trading hours extended. This document is the more rigorous of the two and requires clubs to consult with a wide range of community stakeholders before even applying for a licence.

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The CIS process, in general, is costly both in terms of time and money. The scope of the work means that some clubs may choose to utilise the professional services of consultants to ensure the CIS meets all the requirements. Further the list of stakeholders required to be consulted is quite extensive. The inclusion of any other 'special interest groups', which asks clubs to identify any other groups they think might have concerns about the licence being granted, is vague.

When a club wishes to apply for a new licence or make certain changes to an existing licence, the club must consult with a defined list of stakeholders. If the stakeholders have any concerns the club must seek to address these in the CIS. If the concerns cannot be mitigated, the club must justify why.

Through the course of the CIS, clubs may come across many supporters and detractors. Due to the wide ranging nature of who must be consulted in the CIS process, detractors may be part of an anti-liquor lobby group or simply have a staunch view of alcohol supply in the area. The agendas of these groups decrease the possibility of 'reaching a resolution' that is workable for both parties. While L&GNSW may benefit from being able to balance a contrary viewpoint, ClubsNSW believes the better avenue for such arguments to be put is through the council development application (DA) process and/or the ILGA Noticeboard consultation.

After the conclusion of the CIS process, clubs also need to approach their local council with regard to allowable trading hours and/or use of premise through the development application (DA) process. This will trigger the council's own DA consultation process in which the community may have its say on those aspects of the liquor licence.

Finally, once the application is lodged it is put out for further consultation by the ILGA. Under the Liquor Act anyone may have their say on the proposed licence in this forum.

Therefore, detractors, who may have already raised their concerns through the production of a CIS and were discontented with the outcome are likely to engage the consultative process twice more through the Council DA process (if applicable) and then the ILGA Liquor Licence Noticeboard.

After this process, the liquor licence is either granted and the detractors remain dissatisfied or the licence application is rejected. In both instances the process of engaging and processing these concerns has been costly and timely for the club and for the regulator.

ClubsNSW, in principle, supports the underlying policy of the CIS statement in that it is designed to have licensed venues connect with their local community and understand their concerns prior to lodging their application. Clubs are known as safe, community minded and family friendly venues. They are committed to mitigating any concerns directly impacted community members might have, be it with regard to noise, excessive liquor consumption, rowdy behaviour or any other negative aspect of club operations.

Accordingly, ClubsNSW submits that the list of community stakeholders required to be consulted should be restricted to those directly impacted community members. Specifically the requirement for clubs to consult with the following stakeholders as part of the CIS process should be removed:

- NSW Health;
- Department of Family and Community Services;



- NSW Road and Maritime Services;
- Recognised leaders of the local Aboriginal community in the area; and
- Any other special interest groups.

There are other, more appropriate opportunities for the above mentioned community and special interest groups to raise their concerns during a liquor licence application. Specifically, during the DA phase of the application or during the ILGA consultation. Whilst they may have a general understanding of community impacts, their concerns are generally about overall community impact regarding the provision of liquor in the area. These concerns would be better served when addressed by an authority, rather than the club itself through the CIS process.

CIS Should Not Be Required by Clubs Increasing Trading Hours

ClubsNSW further submits that the requirement for a CIS, either as it stands or with the amendments recommended above, should not apply to clubs seeking to increase their trading hours.

Currently, clubs are most likely to engage with this process as a method of increasing their trading hours. Clubs, historically, were allowed to trade 24/7, but with the introduction of the Risk Based Licensing framework, many opted to reduce their trading hours to limit their licence fee. However, some clubs have found the reduced trading hours not suitable to their operational needs and have requested an increase, requiring the production of a CIS.

Where a club chose to reduce their hours to reduce their licence fees, we submit that the community impact would already largely be known because the club used to trade as such.

The decision to increase trading hours is a commercial one, taken generally because the local community has shown a want for late trade. In that situation, the club is simply returning to a pattern of trade previously approved. ClubsNSW submits that the onerous community consultation process does not need to be repeated in this situation.

CIS Should Not Be Required by Clubs Seeking to De-Amalgamate

Clubs have the potential to amalgamate with another club with similar goals and objectives, often in a parent and child relationship. Generally, the two club premises' will continue to operate separately, however, the two clubs are effectively one entity. During the amalgamation process the child club surrenders their liquor licence and the licence of the new parent club covers the additional premises.

It is sometimes the case that the members of the child club may determine that the amalgamated club is no longer in their interests and seek to de-amalgamate from the parent club. This process requires the creation of a 'new' club licence for the existing premises that the child club now intends to operate out of under its own licence.

ClubsNSW submits that in the case of de-amalgamations – where a club continues to operate out of a premises as per normal but technically as a new entity for the purposes of liquor licensing – a CIS should not be necessary.



This is because there is generally no change to the effective operations of the site so there would be no change to the community impact. Whilst it technically involves the creation of a new licence, it is more akin to a change of licensee for a hotel licence, which does not attract a CIS requirement.

Clubs should understand the impact of their operations on their neighbours however the requirement to pre-consult with a large number of stakeholders, plus additional special interest groups who already have the ability to make submissions on the liquor licence application in other forums should be removed.

Further, the requirement for a CIS should be removed in the instance of clubs wishing to increase their trading hours and during the process of de-amalgamation as in both of these situations the status quo (or historical status quo) are being maintained.

ClubsNSW is of the view that these changes would create a more streamlined, simplified CIS process from the perspective of the venue and the regulator.

If you wish to discuss this submission in more detail please contact Josh Landis, Executive Manager – Public Affairs on 02 9268 3004 or email jlandis@clubsnsw.com.au.

Yours sincerely,



Anthony Ball,
Chief Executive Officer

