



Mr Tony Schwartz

TSchwartz@bsv.com.au

1 December 2017

Dear Mr Schwartz

APPLICATION NO: APP-0003123704

APPLICATION FOR: Packaged Liquor Licence

TRADING HOURS: Monday to Saturday 9:00am – 9:00pm
Sunday 10:00am – 8:00pm

APPLICANT: Mr Anthony Charles Smith

LICENCE NAME: BWS – Beer Wine Spirits

LICENSED PREMISES: Shop 7, Kings Langley Shopping Centre Corner
of Ravenhill Street and Isaac Smith Parade
KINGS LANGLEY NSW 2147

ISSUE: Whether to grant or refuse an application for a
packaged liquor licence

LEGISLATION: Sections 3, 29, 30, 40, 45 and 48 of the *Liquor
Act 2007*

**Independent Liquor & Gaming Authority Decision
Application for a packaged liquor licence – BWS – Beer Wine Spirits**

The Independent Liquor & Gaming Authority considered application number APP-0003123704 at its meeting on 18 October 2017 and, pursuant to section 45 of the *Liquor Act 2007*, decided to **grant** the application, subject to the following conditions:

1. Section 11A of the Liquor Act 2007 applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 3:00 AM and 9:00 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.

2. Restricted trading & NYE (std)

Retail sales	
Good Friday	Not permitted
December 24 th	Normal trading Monday to Saturday, 8:00 AM to 10:00 PM Sunday
Christmas Day	Not permitted
December 31 st	Normal trading

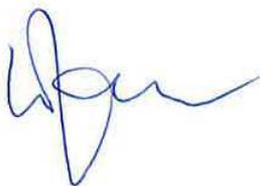
3. The licensee or its representative must join and be an active participant in the local liquor accord.
4. The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
5. The premises must be operated at all times in accordance with the Endeavour Drinks Group Liquor Store House Policy and Best Practice Policies and Interventions documents, as submitted to the Independent Liquor and Gaming Authority in support of the licence application, or as varied from time to time after consultation with the Commander of the Alcohol Licensing Enforcement Command of NSW Police. A copy of these documents is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
6. 1) The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises ("the premises") in accordance with the following requirements:
 - a) the system must record continuously from opening time until one hour after the premises is required to close,
 - b) recordings must be in digital format and at a minimum of six (6) frames per second,
 - c) any recorded image must specify the time and date of the recorded image,
 - d) the system's cameras must cover the following areas:
 - (i) all entry and exit points on the premises, and
 - (iii) all publicly accessible areas (other than toilets) within the premises.
- 2) The licensee must also:
 - a) keep all recordings made by the CCTV system for at least 30 days,
 - b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
 - c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

Please note that the licence cannot be exercised unless and until the Authority has been:

1. provided with evidence that the premises is complete and ready to trade, and
2. notified of the appointment of an approved manager to the licence or the licence has been transferred to an individual licensee.

If you have any enquiries about this letter, please contact the case manager via email to santina.causa@liquorandgaming.nsw.gov.au.

Yours faithfully



Philip Crawford
Chairperson
For and on behalf of the **Independent Liquor & Gaming Authority**

STATEMENT OF REASONS

DECISION

1. On 30 June 2017, Mr Anthony Charles Smith (“the Applicant”) lodged an application for a packaged liquor licence for premises located at Shop 7, Kings Langley Shopping Centre Corner of Ravenhill Street and Isaac Smith Parade KINGS LANGLEY NSW 2147 (“the Application”) with Liquor & Gaming NSW (“L&GNSW”) for determination by the Independent Liquor & Gaming Authority (“the Authority”).
2. Pursuant to section 45 of the *Liquor Act 2007* (“the Act”), the Authority decided to grant the Application.
3. In making this decision, the Authority has had regard to the material before it, the legislative requirements under sections 3, 11A, 29, 30, 31, 40, 45 and 48 of the Act, and the relevant provisions of the *Liquor Regulation 2008* (“the Regulation”).

MATERIAL CONSIDERED BY THE AUTHORITY

4. The Authority has considered the Application, the accompanying community impact statement (“CIS”), and all submissions received in relation to the Application.
5. The Authority is satisfied that procedural fairness was afforded to the Applicant and interested parties regarding this decision, as all parties required to be notified of the Application were provided with the opportunity to make submissions.
6. In accordance with the Authority’s Guideline 6, the Authority has also had regard to relevant L&GNSW liquor licensing records, Bureau of Crime Statistics and Research (“BOCSAR”) crime data, HealthStats NSW data, and Australian Bureau of Statistics (“ABS”) socio-demographic data pertaining to the local and broader communities, sourced by L&GNSW staff from publicly available sources.
7. The material considered by the Authority is listed in the Schedule, with a summary where appropriate.

LEGISLATIVE FRAMEWORK

8. The Authority has considered the Application in the context of the following legislative provisions.

Objects of the Act

9. The objects of the Act, as set out in section 3, are to regulate the supply of liquor in line with the expectations and needs of the community, and facilitate the balanced and responsible development of the liquor industry and related industries.
10. In the pursuit of these objectives, section 3 requires the Authority to, in determining a liquor licence application, have due regard to the need to minimise alcohol-related harm, encourage responsible liquor supply practices, and ensure that the supply of liquor does not detract from the amenity of community life.

Trading hours

11. Section 12 of the Act sets out the standard trading period for different types of liquor licences. Additionally, section 11A imposes a condition on all licences prohibiting the sale of liquor by retail on the licensed premises for a continuous period of 6 hours during each consecutive period of 24 hours.

Minimum procedural requirements

12. Section 40 of the Act prescribes the minimum procedural requirements for a liquor licence application to be validly made to the Authority.

Fit and proper person, responsible service of alcohol, and development consent

13. Section 45 of the Act provides that the Authority may only grant a licence if it is satisfied that:
- the applicant is a fit and proper person to carry on the business to which the proposed licence relates,
 - practices will be in place to ensure the responsible service of alcohol and to prevent intoxication on the premises, and
 - the applicable development consent required for use of the premises for the business is in force.

Community impact statement

14. Section 48 of the Act requires certain applications, including an application for a packaged liquor licence, to be accompanied by a CIS prepared in accordance with the relevant requirements.
15. Section 48(5) provides that the Authority may only grant the licence if it is satisfied that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community, having regard to the CIS and any other matter brought to its attention.

Provisions specific to packaged liquor licence

16. Further legislative provisions specific to a packaged liquor licence are set out in sections 29, 30 and 31 of the Act.
17. Section 29 prescribes the period and manner in which a licensee can sell or supply liquor.
18. Section 30 requires a separate liquor sales area to be set up on the licensed premises if its primary business is not to sell liquor for consumption away from the premises.
19. Section 31 sets out certain restrictions on the granting of the licence to general stores, service stations and take-away food shops.

KEY FINDINGS

20. Having regard to the information before it and relevant legislative requirements, the Authority makes the following findings in relation to the Application.

Validity, procedural and trading requirements

21. The Authority finds that:
- the Application has been validly made and meets the procedural requirements under section 40 of the Act,
 - the proposed trading hours for the Premises meet the requirements under sections 11A and 12 of the Act in respect of trading and 6-hour closure periods, and

- the proposed use of the Premises as a bottle shop satisfies the requirements under section 29 of the Act and renders sections 30 and 31 not applicable.

Fit and proper person, responsible service of alcohol, and development consent

22. Pursuant to section 45 of the Act, the Authority is also satisfied that:

- the Applicant is a fit and proper person to carry on the business to which the proposed licence relates, given that no concerns regarding the Applicant's probity were raised upon consultation with relevant law enforcement agencies,
- practices will be in place from the commencement of licensed trading at the Premises to ensure the responsible service of alcohol, having regard to the Applicant's "House Policy" and "Best Practice Policy & Interventions" documents and the conditions to be imposed on the licence, and
- the requisite development consent is in force, based on Complying Development Certificate No. 17/21 issued by Building Construction Certificates on 20 June 2017, and the Notice of Determination of Development Application 99-6582 issued by Blacktown City Council on 19 May 2000.

Community impact statement

23. Pursuant to section 48 of the Act, the Authority finds that the CIS submitted with the Application was prepared in accordance with the relevant requirements. The Authority has taken into consideration the CIS and other available information in making the findings below about the social impact of the Premises on the local and broader communities.
24. For the purpose of this decision and consistent with its position in *Guideline 6*, the Authority is satisfied that the relevant "local community" is the community within the suburb of Kings Langley, and the relevant "broader community" comprises Blacktown Local Government Area ("the LGA").

Positive social impacts

25. The Authority notes that there are currently two packaged liquor licences in Kings Langley suburb and the density of packaged liquor licences per 100,000 of population in both Kings Langley suburb and the Blacktown LGA is lower than the corresponding NSW figure.
26. The Authority accepts the Applicant's contentions that the granting of the licence will provide an additional measure of convenience and choice to the local and broader communities, particularly to customers of the adjoining Woolworths Supermarket who wish to engage in "one stop shopping" by purchasing liquor items together with grocery and other items from stores which are in close proximity to one another.
27. The Authority does, however, consider that the extent of this convenience is somewhat reduced given that visitors to Kings Langley Shopping Centre, within which the Premises will be located, can already access grocery and liquor products together at the existing Coles Supermarket and adjoining Liquorland packaged liquor outlet.
28. The Authority acknowledges the Applicant's contentions that the Premises will offer customers a "comfortable and convenient experience" by providing a "state of the art" liquor outlet with modern fixtures and fittings, a large range of liquor products and significant off-street car parking (provided by the Kings Langley Shopping Centre). Further, the Premises has been designed to provide a convenient and safe shopping environment by incorporating various features to maximise ease of access for customers and minimise opportunities for crime.

29. The Authority is satisfied that there were no objections to the Application received from any stakeholders, special interest groups, occupiers of neighbouring residences or any other members of the public.
30. On the basis of the above, the Authority is satisfied that the Premises will provide additional convenience and choice to local consumers wishing to purchase liquor, and will contribute to the balanced and responsible development of the liquor industry, and the related retail industry, to meet the needs and expectations of the local and broader communities.

Negative social impacts

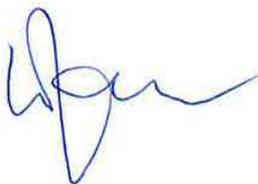
31. The Authority notes that there is little evidence of any significant degree of support for the proposal amongst members of the local or broader communities. The only indication of any such support is the fact that no submissions in opposition to the Application were received.
32. The Authority acknowledges the NSW Police submission advising that it does not oppose the Application, including the Trading Hours, and requests the imposition of conditions on the licence. The Authority is satisfied that the concerns raised by NSW Police can be mitigated by the Applicant's adherence to the Liquor Store House Policy and Best Practices Policies and Interventions documents together with the imposition of the licence conditions.
33. The Authority notes, from the BOCSAR Crime Maps for the year ending June 2017, that the Premises was not located in any hotspots for incidents of domestic, non-domestic or alcohol-related assault, or malicious damage to property.
34. The Authority is satisfied that alcohol-related offences are occurring at lower than average rates in Kings Langley suburb compared to the average rates in NSW, noting that for the year ending June 2017, the suburb recorded:
 - i) a rate of 91.2 per 100,000 persons for incidents of alcohol-related domestic assault, which is lower than the NSW rate of 116.2;
 - ii) a rate of 20.3 per 100,000 persons for incidents of alcohol-related non-domestic assault, which is significantly lower than the NSW rate of 134.3; and
 - iii) a rate of 303.9 per 100,000 persons for incidents of malicious damage to property, which is significantly lower than the NSW rate of 817.3.
35. The Authority notes that for the year ending June 2017, the LGA recorded:
 - i) a rate of 131.1 per 100,000 persons for incidents of alcohol-related domestic assault, which is higher than the NSW rate of 116.2;
 - ii) a rate of 96.4 per 100,000 persons for incidents of alcohol-related non-domestic assault, which is lower than the NSW rate of 134.3; and
 - iii) a rate of 1016.7 per 100,000 persons for incidents of malicious damage to property, which is higher than the NSW rate of 817.3.
36. The Authority is concerned that incidents of alcohol-related domestic assault and malicious damage to property are occurring at higher than average rates in the LGA. However, the Authority considers that the significantly lower rates at the localised suburb level, together with the lower rates of incidents of alcohol-related non-domestic assault at LGA level, somewhat alleviate these concerns.
37. The Authority accepts that data provided by NSW Health indicates that residents of the Blacktown LGA are dying from alcohol-related health issues at a lower than average rate

and are being hospitalised as a result of alcohol-related health problems at a similar rate to the NSW average.

38. The Authority has had regard to the ABS data indicating that, as at 2011, Kings Langley was advantaged in comparison with other suburbs in NSW on the Index of Relative Socio-economic Advantage and Disadvantage, ranking in the 9th decile (with a decile of 10 being the most advantaged). Whereas the Blacktown LGA ranked in the 7th decile when compared to other LGAs in NSW. The SEIFA data indicates that socio-economic disadvantage is not a compounding risk factor with respect to the impact of alcohol related harm in the local and broader communities.
39. The Authority acknowledges that, over time, there may be a risk that liquor sold or supplied at the Premises will contribute to alcohol-related crime and health issues in the local and broader communities. The Authority is nevertheless satisfied that this risk is adequately mitigated by the low density of packaged liquor licences in the local and broader communities, low rates of alcohol-related offences in Kings Langley and the absence of socio-economic disadvantage, adverse alcohol related health impacts or an objection from NSW Police to the Application together with the imposition of licence conditions and the Applicant's adherence to the "House Policy" and "Best Practice Policy & Interventions" documents lodged with the Application.

Overall social impact

40. Having considered the positive and negative impacts that are likely to flow from granting the licence, the Authority is satisfied that the overall social impact of granting the licence would not be detrimental to the well-being of the local and broader communities.
41. Furthermore, the Authority is satisfied that a decision to grant the licence would be consistent with the objects of the Act to regulate the supply of liquor and facilitate the responsible development of the liquor industry in line with community expectations and needs.
42. Accordingly, the Authority has decided to grant the Application.



Philip Crawford
Chairperson

Important Information:

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the liquor and gaming website <http://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/decisions-of-interest.aspx> and be accompanied by the fee prescribed by the regulations.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The NCAT website is at <http://www.ncat.nsw.gov.au/>.

SCHEDULE

1. List of Alcohol Free Zones in Blacktown City Council, dated August 2010.
2. ABS SEIFA data based on the 2011 Census ranking Kings Langley and the LGA on the Index of Relative Socio-Economic Advantage and Disadvantage.
3. HealthStats NSW data relating to alcohol attributable deaths by local government area, 2001-2002 to 2012-2013 and alcohol attributable hospitalisations by local government area 2001-2003 to 2013-2015.
4. 2016 Census QuickStats for Kings Langley suburb and Blacktown LGA.
5. An email to the Applicant's Solicitor from Aboriginal Affairs dated 31 January 2017 advising no objection to the application on the basis that the applicant has also notified the NSW Aboriginal Land Council and Local Aboriginal Land Council of the proposal and objection process.
6. A letter to the Applicant's Solicitor from Transport Roads & Maritime Services dated 3 February 2017, providing recommendations.
7. A completed Category B CIS form, signed by the Applicant and dated 2 June 2017, with accompanying documents provided by the Applicant in support of the CIS, including:
 - Document titled "Statement of Impact" dated 8 June 2017;
 - Endeavour Drinks Group – Liquor Store "House Policy" NSW; and
 - Endeavour Drinks Group – Woolworths Best Practice Policy and Interventions.
8. Submission from Senior Constable McAlister, Licensing Officer at Quakers Hill Local Area Command dated 5 June 2017.
9. Complying Development Certificate No. 17/21 issued by Building Construction Certificates on 20 June 2017 for the change of use and fitout for BWS which included the Notice of Determination of Development Application 99-6582, issued by Blacktown City Council on 19 May 2000.
10. NSW crime statistics for the two years to June 2017, published by BOCSAR, showing the rates of alcohol related domestic and non-domestic assault and malicious damage to property in Kings Langley and the LGA.
11. BOCSAR Crime Hotspot Maps for Kings Langley and surrounding suburbs for the year ending June 2017.
12. Application form for a packaged liquor licence, lodged 30 June 2017.
13. Plan of the proposed licensed area lodged with the Application on 30 June 2017.
14. Correspondences between L&GNSW and the Applicant's Solicitor between 30 June and 19 September 2017, in relation to the assessment of the Application.

15. Certification of Advertising Application signed by the Applicant and Mr Schwartz, solicitor for the Applicant, dated 4 July 2017.
16. Liquor licensing records from L&GNSW as at 13 September 2017 setting out the liquor licence density in the suburb and LGA, based on 2016 Census population figures.
17. Google maps showing the location of the Premises, extracted from the Google website on 13 September 2017.