

# Public Interest Assessment

Where a Public Interest Assessment is required this form can be completed and lodged with the licensing authority. Applicants should ensure they read the Director of Liquor Licensing's policy - *Public Interest Assessment* prior to completing this form.

## PART 1 - Application details

1.1 Applicant name: \_\_\_\_\_

1.2 Application for:

<input type="checkbox"/> Hotel (inc Hotel Restricted)	<input type="checkbox"/> New licence	<input type="checkbox"/> Removal of licence
<input type="checkbox"/> Tavern (inc Tavern Restricted)	<input type="checkbox"/> New licence	<input type="checkbox"/> Removal of licence
<input type="checkbox"/> Small Bar	<input type="checkbox"/> New licence	<input type="checkbox"/> Removal of licence
<input type="checkbox"/> Liquor Store	<input type="checkbox"/> New licence	<input type="checkbox"/> Removal of licence
<input type="checkbox"/> Nightclub	<input type="checkbox"/> New licence	<input type="checkbox"/> Removal of licence
<input type="checkbox"/> Special Facility	<input type="checkbox"/> New licence	<input type="checkbox"/> Removal of licence
<input type="checkbox"/> Restaurant	<input type="checkbox"/> New licence	<input type="checkbox"/> Removal of licence
<input type="checkbox"/> Club	<input type="checkbox"/> New licence	
<input type="checkbox"/> Club Restricted	<input type="checkbox"/> New licence	
<input type="checkbox"/> Extended Trading Permit	<input type="checkbox"/> Ongoing Hours	<input type="checkbox"/> Liquor Without a Meal (more than 120 persons)
<input type="checkbox"/> Other _____		

1.3 Premises name: \_\_\_\_\_

1.4 Address of proposed premises:  
\_\_\_\_\_  
\_\_\_\_\_

## Introduction

The public interest test is based on the principle that licensed premises must operate within the interests of the local community. The Butterworth's Australian Legal Dictionary defines the term "public interest" as:

*"an interest in common to the public at large or a significant portion of the public and which may, or may not involve the personal or propriety rights of individual people"*

The public interest provisions enable the licensing authority to consider a broad range of issues specific to each licence or permit application, and flexibility exists to assess each individual application on its merits.

Each community is different and has individual characteristics. Similarly, each licensee's business or proposed manner of trade is unique to the particular premises. A Public Interest Assessment (PIA) outlines how the premises/proposed premises will impact the community and provide an outline of how the applicant will manage any impact.

Section 31 of the *Liquor Control Act 1988* ('the Act') provides the licensing authority with the discretion to grant licences.

Under section 33(1) *'the licensing authority has an absolute discretion to grant or refuse an application on any grounds, or for any reason, that the licensing authority considers in the public interest.'*

In considering the public interest, the licensing authority will take into account the objects of the Act as provided in section 5 and the matters set out in section 38(4).

In this regard, applicants will be required to lodge a PIA with the application.

### Legislative Provisions

The primary objects of the Act as set out in section 5 are:

- a) to regulate the sale, supply and consumption of liquor;
- b) to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor; and
- c) to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State.

The secondary objects of the Act are:

- a) to facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State;
- b) to provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor; and
- c) to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act.
- d) to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor that are consistent with the interests of the community.

Section 38(4) of the Act provides that the matters the licensing authority may have regard to in determining whether the granting of an application is in the public interest include:

- a) the harm or ill-health that might be caused to people, or any group of people, due to the use of liquor;
- b) whether the amenity, quiet or good order of the locality in which the licensed premises or proposed licensed premises are, or are to be, situated might in some manner be lessened;
- c) whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises;
- ca) any effect the granting of the application might have in relation to tourism, or community or cultural matters; and
- d) any other prescribed matter. (Please note: there are no prescribed requirements at this time).

The licensing authority has discretion to impose conditions on the licence or permit that has regard to the public interest, the objects of the Act and the information provided in the applicant's PIA submission. Conditions may also be imposed based on the content of the PIA submission.

In considering the public interest, applicants should demonstrate the positive aspects of their application including the social, economic and health impacts. It is not sufficient for applicants to merely demonstrate that the grant of the application will not have any negative impact.

### Locality

As part of a PIA submission, applicants must provide details regarding the community in the vicinity of the licensed premises (or proposed licensed premises) and any amenity issues in the locality.

The term 'locality' in this instance refers to the area surrounding the proposed licensed premises. This locality will be the area most likely to be affected by the granting of an application in relation to amenity issues.

However, in terms of potential harm or ill-health impacts on the community an applicant may need to consider a wider geographic area depending on the intended nature of the business.

In this regard, in terms of addressing objects 5(1)(b) and 5(1)(c) of the Act, an applicant may need to consider an area which is much broader than the 'locality' used for consideration of amenity issues. For example, an application for a destination liquor store, which may draw its clientele from a large geographic area, would need to address 5(1)(b) and 5(1)(c) of the Act in a much broader context. The onus is on the applicant to satisfy the licensing authority that the grant of the application is in the public interest and provide relevant evidence and submissions to discharge this onus. An applicant should address all relevant considerations under the Act, bearing in mind all the circumstances and unique features of its particular application.

### Licensing Authority's Expectations for a PIA

Completing the PIA should be part of an applicant's business planning. A PIA assists the licensing authority in assessing the impact of the application, if granted, on the community, including existing services and amenity. It is also a valuable document for informing the community about the proposed manner of trade. It is important to note that there is no requirement in the Act for PIAs to be prepared by legal counsel or industry consultants. Applicants can complete their own PIA by taking a common-sense approach after liaising with the relevant key stakeholders and interest groups in the community.

Evidence to support an application being in the public interest should include, but is not limited to petitions; survey results; and letters of support and statements of consumers having a requirement for the type of liquor to be sold and supplied under the licence sought.

It is important to note, however, that because each community is different, the level of detail required in a PIA will be different for individual applications. The required level of detail is subject to the complexity of the application and the impact the premises/proposed premises will have on the surrounding community.

***The following questions have been developed to guide applicants through the PIA process and highlight the areas which should be considered.***

***The information provided should not be limited to the space provided on the form. If you need to attach additional information, please refer to the relevant attachment in the space provided.***

**PART 2 – Manner of trade**

*Description of the proposed business, manner of proposed trade and target client base. This information should be consistent with your business plan/model.*

**2.1 What facilities and services will be provided by the proposed premises?**

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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**2.2 What is the proposed manner of trade?**

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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**2.3 What is the target client base?**

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number). **Include objective, accurate and relevant evidence such as a petition, customer survey results and letters of support and statements from potential/existing customers.**

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**2.4 Will the premises be distinguished by any particular theme or decor?**

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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**Part 3 – Public Interest – section 38(2)**

**3.1 Why is the grant of a licence in the public interest and how will it benefit the community?**

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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**PART 4 - Harm or Ill Health - section 38(4)(a)**

*Risk assessment with respect to the harm or ill health that might be caused to people, or groups of people within the locality, due to the use of liquor.*

**4.1 List any 'at risk' groups or sub-communities within the locality, travelling through the locality or resorting to the locality?<sup>1</sup>**

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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**4.2 What are the social health indicators for the locality?<sup>2</sup>**

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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**4.3 What are the proposed strategies the applicant will implement to minimise harm or ill health?**

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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<sup>1</sup> In regard to 'at risk' groups and sub-communities, these have been identified under the *Drug and Alcohol Interagency Framework for Western Australia 2011-2015* and may include: children and young people; aboriginal people and communities; people from regional, rural and remote communities; families; migrant groups from non-English speaking countries; people in low socio-economic areas; mining communities or communities with a high number of itinerant workers; and/or communities that experience high tourist numbers.

<sup>2</sup> In regard to social health indicators, these may include (but are not limited to) the:

- incidence of alcohol related crime in the area. (Data may be reported by local Police, the Australian Institute of Criminology or may be provided by the Office of Crime Prevention); and
- rates of, and trends in, alcohol related hospital presentations/admissions. (Data may be available from country local area health services; the metropolitan health service and the Drug & Alcohol Office).

In addressing social health indicators, applicants should also consider the proximity of the premises to bordering suburbs. In terms of addressing objects 5(1)(b) and 5(1)(c) of the Act, an applicant may need to consider an area which is much broader than the 'locality' used for consideration of amenity issues.

**Part 5 - Impact on Amenity - section 38(4)(b)**

**Descriptive report on the impact on the amenity of the locality of the proposed premises to people who reside or work in the vicinity of the proposed licensed premises.**

The key consideration for the licensing authority is the impact of the facilities and services of the proposed premises on the nature and character of the local communities.

When designing licensed premises, consideration should be given to the principles of *Crime Prevention through Environmental Design* (CPTED). Information on CPTED can be obtained from the WA Planning Commission, The WA Office of Crime Prevention, and the Australian Institute of Criminology.

When considering the nature and character of a community, applicants need to address the community’s social profile in terms of:

- its identity;
- the quality of life;
- the type of people who live and work in the community;
- the average age, income, and employment status of people living in the community;
- the total population numbers and population projections; and
- whether there are any plans for community change/development (information may be obtained from the Australian Bureau of Statistics (ABS) and the relevant local government authority).

In addition to answering the questions below, applicants will also need to provide:

- a map depicting the locality of the proposed premises; and
- a floor plan which highlights the unique aspects of the proposed facility.

**5.1 What is the nature and character of the local community?**  
Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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**5.2 How will the proposed premises integrate with the amenity of the locality (both positively and negatively)?**  
Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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**5.3 What will be the positive recreational, cultural, employment or tourism benefits for the community?**

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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**5.4 What consultation with local government regarding the proposed premises has been taken into account in establishing a business plan?**

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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**Existing licensed premises within the locality of the premises, including the diversity of the current services.**

**5.5 If you intend to sell packaged liquor, provide the name and address of all existing licensed premises within the locality?**

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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**5.6 If you do not intend to sell packaged liquor, provide the name and address of all existing licensed premises within 500 metres of your premises?**

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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**Positive and negative amenity issues in respect to the locality of the premises/proposed premises**

**5.7 What are the public transport facilities (including taxi services) that would be available to patrons, or any other transport facilities proposed to be provided by the applicant for patrons?**

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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**5.8 What publicly available parking facilities exist in the locality?**

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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**5.9 What is the contribution of the proposed premises to the streetscape and atmosphere of the area?**

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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**5.10 What is the potential impact of the proposed premises on the level of noise and anti-social activities in the locality, and the management strategies to minimise this impact?**

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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**5.11 What is the potential impact of the proposed premises on vandalism, litter, criminal acts? (especially violent crimes including domestic violence). This may include improvements in the passive and active security of the area.**

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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**Part 6 - Offence, annoyance, disturbance or inconvenience – section 38(4)(c)**

When addressing the level of offence, annoyance, disturbance or inconvenience in a community, applicants need to consider the impact that may be caused to people who reside or work in the vicinity of the proposed licensed premises.

Some strategies that could be implemented to ameliorate offence, disturbance or inconvenience include:

- the use of licensed crowd controllers and installation of a CCTV camera system;
- the provision of food;
- liquor to be provided by table service only;
- limitation on the types of liquor and containers available for sale;
- restricted advertising or liquor promotions;
- installation of noise limiters on all amplification equipment;
- types of entertainment being provided;
- furniture and premises layout design;
- lighting in and around the proposed premises;
- noise attenuation of the building; and
- maximum accommodation numbers.

<p><b>6.1 Identify the strategies you intend to implement to address potential offence, disturbance or inconvenience to local residents or business operators:</b></p> <p>Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)</p>

**Part 7 – Community consultation**

**7.1 Are any of the following community buildings or facilities located in the locality of the proposed licensed premises?** (tick all boxes that apply)

**Schools and Educational institutions**

YES  NO  If YES, please provide name and address

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)


**Hospitals, Hospices, Aged Care facilities**

YES  NO  If YES, please provide name and address

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)


**Churches/Places of worship (of any faith)**

YES  NO  If YES, please provide name and address

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)


**Drug and alcohol treatment centres**

YES  NO  If YES, please provide name and address

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)


**Short term accommodation or refuges for young people**

YES  NO  If YES, please provide name and address

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)


**Child Care Centres**

YES  NO  If YES, please provide name and address

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)


**Local Government Authority**

YES  NO  If YES, please provide name and address

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)


**Police stations**

YES  NO  If YES, please provide name and address

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)


**Regional Office of the Department of Indigenous Affairs**

YES  NO  If YES, please provide name and address

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)


**Who will be consulted**

**7.2 Identify the stakeholders who will be served with a Notice advising of the application**

(tick all boxes that apply)

<input type="checkbox"/>	The occupier of neighbouring premises and businesses within 200 metres of the premises.
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<input type="checkbox"/>	Stakeholders listed in item 5.1 within the locality of the premises. If not, please explain why: Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)
_____	
_____	

- Special interest groups or individuals within the locality of the premises. These include children and young people; Aboriginal people and communities; people from regional, rural and remote communities; families; migrant groups from non-English speaking countries; people in low socio-economic areas; mining communities or communities with a high number of itinerant workers; and communities that experience high tourist numbers.

Write the name of the relevant groups below:

Please provide sufficient information to answer this question by attaching additional information and referencing (by question number)

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### PART 8 – Declaration

I declare that the contents of this document and attachments are true, correct and complete and that I have made all reasonable inquiries to obtain the information required.

I acknowledge that under section 159 of the *Liquor Control Act 1988* and it is an offence to provide false, misleading or incomplete information in this document.

\_\_\_\_\_  
Signature of applicant/s

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of applicant/s

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of applicant/s

\_\_\_\_\_  
Date