# Breaking down barriers: Community involvement in liquor licensing decisions in NSW

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## Summary

Communities are affected by alcohol in a number of ways. They endure the noise and disruption from licensed venues, they avoid areas where alcohol use and misuse has led them to feel unsafe, and they live alongside and are affected by alcohol-related violence. These impacts have led communities to engage in liquor licensing processes to try to influence the way that alcohol is made available in their local areas.

Community engagement, participation and input in liquor licensing matters is important for the responsiveness and accountability of licensing decisions to the public interest. Communities engage in a range of licensing matters, and do so for a variety of reasons. Across all motives for participation, there are three common imperatives for community action in licensing matters:

* an awareness of pre-existing alcohol-related problems in their local area;
* a common perception that these harms are at unacceptable levels and compromise the welfare of the local community and others; and
* a sense of injustice from inaction by authorities to prevent future harms or reduce existing levels of harms.

Community participation in licensing matters is a function of democratic governance and procedural fairness. It enables local autonomy and informed community choice in the direction of local health, safety and amenity issues related to alcohol and alcohol-related problems. Informing the public of licence applications, and supporting them to exercise their rights to object or submit complaints, underpins regulatory decision-making to best serve the ‘public interest’ and is consistent with the Objects of the Liquor Act 2007 (NSW).

Where their submissions are evidence-based, compelling, and follow the protocols for decision making by regulatory authorities, communities may be successful in their pursuit of tighter regulatory solutions to local alcohol-related harms. This is, however, a tall order for communities.

## Outcomes

This paper examines how communities can presently engage in liquor licensing matters in NSW, and recommends areas for improvement to service delivery and regulatory support for communities. This paper examines four questions specifically concerning community participation and engagement in licensing matters:

* What is the current liquor legislative and regulatory landscape for community participation?
* In what ways can communities navigate the liquor licensing and regulatory landscape?
* What are the challenges for communities in navigating the current liquor licensing and regulatory landscape?
* How can communities overcome these challenges to influence the liquor licensing decisions?

## Recommendations

The paper concludes by proposing that communities can be assisted through the development of a Community Defenders Office (CDO) which would have two functions:

* a central information service or ‘Knowledge Bank’; and
* an advisory service that provides communities with access to skilled personnel.

Community members would be assisted by the CDO to overcome the legislative, regulatory and resource-based barriers and challenges they face. The CDO would support concerned community groups to meet their needs for research assistance, representation, education and advocacy in liquor licensing matters. In doing so, a CDO serves to:

* facilitate greater community engagement and participation in licensing matters;
* support better-informed decision-making by licensing authorities in relation to objections, complaints and disciplinary matters; and
* contribute to the development of policies that would better protect communities across NSW that are currently affected by alcohol-related harms.

The CDO should be supported by the NSW Government through funding attained by licensees through the introduction of annual liquor licensing fees.

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