

**SALE OF LIQUOR FOR CONSUMPTION
AT SOUTH MELBOURNE MARKET**

Policy Objectives

This policy is designed:

- (a) To allow the South Melbourne Market Management Committee to consider applications by stallholders to sell liquor for consumption from their leased or licensed area at the South Melbourne Market; and
- (b) To outline the approval process and to detail explicit decision guidelines.

Policy Context

The South Melbourne Market Management Committee, will, only in exceptional circumstances, consider supporting the granting of approvals for stallholders (other than Cecil Street holders of stalls 90 to 103) to sell liquor for consumption within their leased or licensed areas.

Before granting an approval, the Market Management Committee has to be completely satisfied that the approval will bring very substantial advantages to the Market, that there will be no adverse consequences and that any sale of liquor for consumption is ancillary to the primary trading activities undertaken by the stallholder.

The sale of liquor for consumption within a lessee's or licensee's premises at the South Melbourne Market will not be permitted unless specific written approval has been given in accordance with this policy.

In reaching a decision about whether to approve an application under this policy the South Melbourne Market Management Committee will consider and give effect to the explicit decision guidelines as contained in this policy and have regard to the overall neighbourhood amenity and the development needs of the Market, whether Council planning and Liquor Control Commission permits have been issued and any other matters it considers to be material.

The approval of any application under this policy shall not be inconsistent with Community Amenity Local Law No 1 (Section 44 on Behaviour on Council Land, as amended), which sets out the requirements for a person not to behave in a manner which causes interference with the quiet enjoyment of any other person using Council land or in its close proximity.

The principal application of this policy is in terms of Council acting in respect of the South Melbourne Market as a landlord. Nothing in this policy is to be construed as a limitation on the exercise of delegated responsibilities in respect of matters such as planning or liquor licensing by other representatives of the Council.

The sale or consumption of liquor at South Melbourne Market may only be approved conditional on the licensee or lessee obtaining planning approval and a permit to sell liquor consistent with the requirements of the Liquor Control Reform Act. The Market Management Committee may grant approval on such other terms and conditions as it considers fit.

In the case of the new (or projected new) food stalls in Cecil Street referred to below ("Cecil Street Precinct stalls") that have been or are able to be operated in accordance with the "vision" for the Cecil Street Precinct that has been adopted by the Committee

– the sale and serving of liquor for consumption inside the food stalls and outside in associated licensed footpath trading areas is or will be incidental to the provision of dining facilities to be provided by Cecil Street Precinct stalls and ancillary to the primary trading activities undertaken by the stallholder

- a. approval of liquor licences for those stalls will bring substantial advantages to the Market and no adverse consequences are anticipated

2. The Cecil Street Precinct stalls which are eligible are –

- Stall 90 (Organic)
- Stall 92 & 93 (Asian)
- Stall 94 & 95 (Spanish)
- Stall 96 & 97 (Chargrill)
- Stall 98 (Crepes)
- Stall 99 & 100 (Italian)
- Stall 101 -103 (Mediterranean Seafood)
- Any other stall designated by further resolution of the Committee at the recommendation of the Market Manager.

The sale and serving of liquor for Cecil Street Precinct stalls will include additional trading hours and trading days, as approved for the individual stall, which will exceed the trading hours and days otherwise applicable to the rest of the Market.

Where approval is granted, the rent or licence will be reviewed and fixed or refixed to reflect the change in land use and value.

It will be the responsibility of the licensee or lessee to adopt and maintain in force security arrangements appropriate to the sale and consumption of liquor. Licensee and lessee staff will be expected to have undertaken training in the Responsible Service of Alcohol. The licensee or lessee must provide the Market Management Committee with written particulars of all security arrangements that have been adopted and any variations thereto within seven days of their adoption or variation.

Procedure

Lessees or licensees seeking to sell liquor (for consumption or takeaway) will need to obtain separate and appropriate approval through several discrete processes:

- Landlord approval – lease or licence
- Planning approval
- Licensing under the Liquor Control Reform Act
- Kerbside trading – specific approval under Local Law No 7, (if pertinent)

The sale and serving of liquor for Cecil Street Precinct stall will include additional trading hours and trading days, as approved for the individual stall, which will exceed the trading hours and days otherwise applicable to the rest of the market.

Decision Guidelines

The Committee, prior to considering whether to grant approval of any application, must be satisfied that the application addresses all of the following criteria.

The proposal must:

- Bring very substantial advantages to the Market and have no adverse consequences
- Be incidental to the primary trading activities of the applicant
- Be consistent with the ambience of the Market
- Be compatible with other businesses within the Market
- Be able to demonstrate a service demand or need
- Be adequately resourced with suitably trained staff
- Have a location that is suitable for the proposal
- Have appropriate proposed operating times
- Have appropriate on-site arrangements for customers.

Every application must be accompanied by written particulars sufficient to provide a full and accurate explanation of the proposal. The Committee must not consider whether to grant approval of an application unless it is satisfied the accompanying particulars provide a full and accurate explanation of the proposal and are sufficient for that purpose.

Period Of Approval

The period of approval shall be not longer than the term of the applicant's lease or licence agreement.

The 3 year licence to be issued for individual stallholders of Cecil Street Precinct stalls must include an appropriate clause in terms approved by the Council's legal advisors for serving of liquor at the Market.

Termination of Approval

The South Melbourne Market Management Committee shall have the discretion to terminate any approval given if in the opinion of the Committee the licensee or lessee is in any respect has not complied or is not complying with any term or condition of approval.

Date

May 2007