

Factors in Determining Public Convenience or Necessity

Because the law does not clearly identify criteria to be used in determining public convenience or necessity, a number of factors may be considered. The following is a list of factors that may be considered. It is important to note, however, that this is not an all-inclusive list due to the fact that law makers and courts have not more clearly identified factors to consider.

1. The character of the particular premises.
2. The aesthetics and ambiance of the proposed business.
3. The attractiveness of the proposed business.
4. The manner in which the business is to be conducted, i.e., special or unique features, such as the type of games, food, or other service provided.
5. The type of guests who are likely to be patrons.
6. The predicted mode of operation.
7. The ability of the proposed business to serve a niche in the population not filled by other licensees in the same area, such as, catering to a particular clientele, economic or social grouping.
8. Convenience of purchasing alcoholic beverages in conjunction with specialty food sales, or services.

Other criteria that may be used could include: 1) whether the proposed use for which the alcoholic beverage license is sought would result in a detriment or nuisance to the public health, safety, or welfare for those residing or working in the surrounding community, including nuisances relating to noise, littering, loitering, and crime; 2) whether the proposed use for which the alcoholic beverage license is sought places significant burdens on the delivery of public safety-related services, such as those pertaining to crime and fire protection.