



Notice of proposal to vary late night licence Frequently Asked Questions

1. Why are you proposing to change or vary my licence?

The Victorian Commission for Gambling and Liquor Regulation (VCGLR) has identified a number of inconsistent and historical conditions attached to late night (general), late night (on-premises) and late night (packaged liquor) licences.

The Minister has also issued the VCGLR with a Statement of Expectations that requires the VCGLR to review the standard conditions on liquor licences to determine if they are effective and appropriate to minimise harm.

The VCGLR has reviewed conditions on late night liquor licences, and developed standard, modern conditions that are clear, transparent and operate within the limitations provided for in the *Liquor Control Reform Act 1998* (the Act).

As a result of the review, the VCGLR is proposing to vary licences included in the review pursuant to its powers under section 58 of the Act.

2. Who is affected by the review?

As part of our review, the VCGLR has identified close to 900 licences that we propose to vary. The review mainly affects licensees trading under the categories of a late night (general) licence, late night (on-premises) licence or late night (packaged liquor) licence. There are a few licensees trading under different categories of licence that we also propose to vary as they conduct similar business activities as late night licensees. This is to ensure consistent conditions with other licensees trading under a late night licence.

3. Why are you proposing to vary or change my licence now, while other nearby venues are not?

The VCGLR has identified two groups of affected licensees.

Your licence is being changed now as it falls within the first group where the proposed new standard conditions are unlikely to significantly impact your business. This is because the majority of proposed changes to your licence conditions are wording changes to ensure consistency of terminology across licences.

For licensees who fall within the second group, the VCGLR has developed new standard conditions that, if imposed on certain licences, may impact on how a venue operates. As the new standard conditions go beyond mere wording changes, before formally proposing to vary those licences we are seeking feedback on the new standard conditions. The outcome may result in further changes to the new standard conditions.

4. Are you proposing to change maximum patron capacities?

No, these changes will not affect the maximum patron capacity condition on your licence.

5. Will these changes affect trading hours?

No, these changes will not affect your current trading hours.

6. Will these changes affect licence renewal fees?

No, these changes will not affect licence renewal fees.

OBJECTION TO THE PROPOSED NEW CONDITIONS

7. What if I don't agree with the variation of my licence?

As you fall into the first group of licensees, pursuant to section 58 of the Act, you can within 21 days of receiving this letter, give the VCGLR written notice of any objection to the proposed variation. The VCGLR must consider your objection before determining whether or not to proceed with the proposed variation.

If you choose to object you must provide reasons for your objection. Objections can be mailed directly to the Commission, **GPO Box 1988 Melbourne VIC 3001** or forwarded by email to LSOP@vcqlr.vic.gov.au. The VCGLR will then contact you to discuss your objection.

If you have any questions concerning the licence condition variation process, please contact the VCGLR via LSOP@vcqlr.vic.gov.au or **1300 182 457**.

8. When will my licence be varied?

Following the 21 day objection period, if no objection is received you will receive correspondence confirming that the VCGLR has varied your licence as proposed, along with a copy of your new licence (Notice of Variation).

AMENITY

9. One of the standard conditions uses the word “amenity”. What is amenity?

In relation to licensed premises, amenity refers to the quality that an area has of being pleasant and agreeable. This area includes inside a venue or a place outside a licensed premises that is sufficiently close to that premises.

10. Who does this condition apply to?

This condition applies to all licensees.

11. Is this a new condition?

No, this condition is on your current licence under the heading “AMENITY”. The condition has been redrafted to make it clearer and easier for licensees to understand their responsibilities regarding amenity.

12. What part of the amenity condition is changing?

For most licences, the current wording of the amenity condition covers both amenity obligations as well as “entertainment/music noise” obligations.

We are proposing to separate these two obligations on your licence to make it easier to read and understand your licensee responsibilities. Wording of the condition has also been altered for better clarity. The obligations for licensees in reference to this condition remain the same.

ENTERTAINMENT/MUSIC NOISE

13. Who does this condition apply to?

This condition applies to all licensees.

14. Is this a new condition?

No, this condition is on your current licence under the heading "AMENITY". The condition has been rephrased to make it clearer and easier for licensees to understand their requirements.

15. What does this condition mean?

This condition restricts the level of 'entertainment' noise that a venue may emit to the standard set down by the Environment Protection Authority (EPA).

16. What is changing in this condition?

Wording of the condition has also been altered for better clarity. The obligations for licensees in reference to this condition remain the same, *i.e.* compliance with the *State Environment Protection Policy (Control of Music Noise from Public Premises) No.N-2 (SEPP N2)* or any other standard replacing it.

17. This condition refers to the "State Environment Protection Policy... that may be amended or replaced by the responsible authority". Who is the responsible authority?

The responsible authority is the [EPA Victoria](#).

The EPA developed and can amend or replace the State Environment Protection Policy.

18. My licence conditions were previously changed under a live music variation. Will those conditions remain on my licence?

Yes. You will not need to reapply to the Commission to have these conditions remain on your licence.

DELIVERY OF LIQUOR

19. Who does this condition apply to?

This condition applies to any licence that permits the supply of liquor for consumption off the licensed premises.

20. Is this a new condition?

This is an existing condition that many licensees already have on their licence. It has been included as a proposed variation to ensure consistency of licensee obligations where customers have liquor delivered.

21. What does this condition mean?

This proposed condition permits delivery of alcohol up to 11pm on any day. Delivery of alcohol at any time on Good Friday or Christmas Day, or before 12 noon on ANZAC Day is not allowed.

22. What is the cut off time for delivery of liquor?

The delivery of liquor must occur at the customer's delivery address prior to 11pm, regardless of the licensee's off-premises trading hours. To be compliant with this condition, licensees and other members of staff will need to manage and take into consideration the time of the order and distance required to travel to reach the customer's delivery address prior to accepting an order. It is recommended that licensees develop and communicate a policy around the latest

time a delivery will be accepted. If the licensee or other member of staff arrives at the customer's delivery address after 11pm, they will not be able to supply the liquor and will need to arrange delivery for the following day.

23. Can I continue to sell liquor to a customer for off-premises consumption after 11pm if the customer takes the liquor away?

Yes. This condition only restricts delivery of liquor to customers to 11pm.

Please remember that if your licence permits you to supply liquor for off premises consumption, it is a statutory offence to supply liquor to a person who is intoxicated.

SPECIAL CONDITIONS

24. What is a special condition?

A special condition is applied to a licence to address harms and risks specific to the licensee and or premises. This may include historical incidents.

25. What if some special conditions on my licence conflict with these proposed varied conditions?

The review of late night licence conditions was for standard conditions only. Due to this, some licensees may have similar or conflicting special conditions to the updated standard conditions. Any special conditions listed on your licence prevail over any standard conditions where a conflict in responsibility occurs.