



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 seeking feedback on the proposed new standard conditions.

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 seeking feedback from me, while other nearby venues are having their licence conditions changed now?

Before varying late night licences, the VCGLR has identified two groups of affected licensees.

For licensees who fall within the first group the proposed new conditions are unlikely to significantly impact their business. This is because the majority of proposed changes to their licence are wording changes to ensure consistency of terminology across licences.

Your licence falls within the second group, where 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 from affected licensees 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.

FEEDBACK ON THE PROPOSED NEW CONDITIONS

7. What if I don't agree with the proposed new conditions?

The VCGLR acknowledges that the proposed new standard conditions may impact on how a venue operates. We are consulting and seeking your feedback to inform whether or not the proposed conditions (including the precise wording) needs to change.

This is your opportunity to inform the content and language of conditions that the VCGLR intends to impose on existing late night licences, as well as future late night licences.

We welcome your feedback and if you wish to provide this we encourage you to email us at LSOP@vcglr.vic.gov.au by **Tuesday 27 June 2017**.

Alternatively, if you would prefer to consult with us in person, please contact us on **1300 182 457** to organise a convenient time to meet.

8. When will my licence be varied?

After the consultation period on the proposed new conditions concludes on 27 June 2017, we will carefully consider all feedback and suggestions.

If we then decide to proceed with varying your licence conditions, you will receive another letter.

This letter will provide you with formal notification that, pursuant to section 58(4) of the Act, the VCGLR proposes to vary your licence (Notice Proposing Variation).

After you receive the Notice Proposing Variation letter, you have 21 days to provide the VCGLR formal written notice of any objection to the proposed variation. If you do this you must also provide your reasons for any objection.

Following consideration of any objection, if the VCGLR still determines to proceed, it will provide a reasonable time before formally varying your licence to allow you to comply with the new standard conditions on your licence.

When the formal variation of your licence takes place, you will also be sent a new licence. When you receive that licence, you will also have 28 days to make an application for internal review of the VCGLR's decision to formally vary your licence

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.

DELIVERY OF LIQUOR

18. Who does this condition apply to?

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

19. Is this a new condition?

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

20. 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.

21. 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.

22. 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.

SECURITY CAMERAS

23. Who does this condition apply to?

This condition applies as a standard condition to licensees providing live or recorded amplified music or karaoke (in private booths or cubicles).

24. Is this a new condition?

No, this condition is already in place for many licensees and has been included to ensure consistency of obligations across all late night licences that provide live or recorded amplified music or karaoke (in private booths or cubicles) This is an existing condition that has been redrafted to make it clearer and easier for licensees to clarify the areas that security cameras must cover.

25. What is changing in this condition?

This condition is already in place for many licensees and has been included to ensure consistency of obligations across all late night licences. Wording of the condition has also been altered for better clarity. The obligations for licensees who already have this condition remain the same.

26. I do not provide live or recorded amplified music, or karaoke (in private booths or cubicles). Why is this condition applying to my licence?

If you have not previously advised the VCGLR that you provide live or recorded amplified music or karaoke, this condition will apply to you as your licence permits you to have patron numbers that exceeds 200.

In this situation, the wording of this condition makes clear that the requirement to have security camera measures only applies if you choose to provide live or recorded amplified music or karaoke (in private booths or cubicles). If you do not do this, while the security camera condition remains on your licence, you do not have to comply with it.

27. Where do I need to install security cameras?

Security cameras must be installed and maintained in all areas where patrons are permitted including entrances, exits, bars, dance floors and areas where entertainment occurs excluding toilets, washrooms, change rooms and lactation rooms.

28. This is a new condition for me. How long will I have to install security cameras?

The VCGLR appreciates that, should it decide to vary your licence conditions, you will need time to make any necessary changes. To that end, the VCGLR is proposing to allow you a reasonable time prior to formally deciding to vary your licence conditions.

29. Do I need written approval from a VCGLR Inspector regarding the position of my security cameras?

There is no formal process to seek approval for the position of security cameras. If a VCGLR Inspector visits your venue and finds that the security cameras do not cover an area that is specified in the condition, you will be notified.

30. I have previously been granted a prescribed variation relating to security cameras on my licence. Will this remain on my licence?

If you have been granted a prescribed variation to your licence in relation to security camera requirements, these conditions will remain on your licence as special conditions and you will not be subject to the new standard security camera condition. You will not need to reapply to the Commission to have these conditions reinstated on your licence.

CROWD CONTROLLERS

31. Who does this condition apply to?

This condition applies as a standard condition to licensed premises providing live or recorded amplified music or karaoke (in private booths or cubicles).

32. Is this a new condition?

No, this is an existing condition that has been redrafted to make it clearer and easier for licensees to understand the number of crowd controllers required when karaoke, live or recorded amplified music entertainment other than background music is provided. The table below indicates the number of minimum crowd controllers required to ensure safety for different patron numbers:

Patron numbers	Crowd controllers
0 – 100	2
100 – 200	3
200 – 300	4
300 – 400	5

33. How many crowd controllers do I need at the entrance of the premises?

Licensees need to ensure at least one crowd controller is present at the entrance of the premises to monitor the behaviour of patrons arriving at and departing from the premises at all times when the venue is open to the public.

34. This is a new condition for me. How long will I have to become compliant with the crowd controller condition?

The VCGLR appreciates that, should it decide to vary your licence conditions, you will need time to make any necessary changes. To that end, the VCGLR is proposing to allow you a reasonable time prior to formally deciding to vary your licence conditions.

35. I have previously been granted a prescribed variation relating to crowd controllers. Will this condition remain on my licence?

If you have been granted a prescribed variation to your licence in relation to crowd controller requirements, these conditions will remain on your licence as special conditions and you will not be subject to the new crowd controller condition. You will not need to reapply to the Commission to have these conditions reimposed on your licence.

36. My venue does not provide live or recorded amplified music or karaoke (in private booths or cubicles). Why do I have crowd controller conditions imposed on my licence?

If you have not previously advised the VCGLR that you provide live or recorded amplified music or karaoke (in private booths or cubicles), this condition will apply to you as your licence permits you to have patron numbers that exceeds 200.

In this situation, the wording of this condition makes clear that the requirement to have crowd controllers only applies if you choose to provide live or recorded amplified music or karaoke (in private booths or cubicles). If you do not do this, while the crowd controller condition remains on your licence, you do not have to comply with it.

RESTRICTION ON LIQUOR SUPPLY (applies to Karaoke venues only)

37. Who does this condition apply to?

This condition applies as a standard condition to all licensed premises providing karaoke (in private booths or cubicles).

38. Is this a new condition? Why has it been placed on my licence?

Yes, this is a proposed new condition that relates to all licensed premises that provide karaoke (in private booths or cubicles). This condition has been applied to ensure consistency across licences and to address the risk surrounding patrons consuming spirits in unsupervised booths or cubicles.

39. This is a new condition for me. How long will I have to become compliant with the restriction on liquor supply condition?

The VCGLR appreciates that, should it decide to vary your licence conditions, you will need time to make any necessary changes. To that end, the VCGLR is proposing to allow you a reasonable time prior to formally deciding to vary your licence conditions.

40. What does this condition mean?

This condition requires licensees to ensure any beverage which contains spirits will be in a container of 285ml or less and will not contain more than 30ml of spirits.

This condition also restricts full or partially full bottles or other containers of spirits being provided in a private booth or cubicle, unless a staff member with responsible service of alcohol training is present.

Licensees will need to communicate these new conditions to staff.

SEXUALLY EXPLICIT ENTERTAINMENT

41. Who does this condition apply to?

These conditions apply as standard conditions to all licensed premises providing sexually explicit entertainment.

42. Are these proposed conditions new?

Yes, these proposed conditions are to ensure consistency across all licensed premises providing sexually explicit entertainment.

The proposed new standard conditions are based on conditions of general and late night (general) licences (which are the categories primarily held by licensed premises providing sexually explicit entertainment).

43. What has changed for my crowd controller requirements?

See “Crowd Controllers” above. Standard crowd control conditions for licensed premises providing sexually explicit entertainment vary slightly before 8pm.

44. What has changed for my security camera requirements?

See “Security Cameras” above.

45. What has changed for my party bus requirements?

The VCGLR has proposed a variation for all licensed premises providing sexually explicit entertainment to prohibit the licensee from entering into agreements with party bus operators which involve the offering of discounts to those operators.

This restriction previously only applied to licensed premises operating under a general or late night (general) licence and has been proposed to ensure consistency across all licensed premises providing sexually explicit entertainment.

46. This is a new condition for me. How long will I have to become compliant with the new conditions?

The VCGLR appreciates that, should it decide to vary your licence conditions, you will need time to make any necessary changes. To that end, the VCGLR is proposing to allow you a reasonable time prior to formally deciding to vary your licence conditions.

SPECIAL CONDITIONS

47. 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.

48. 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.