

LIQUOR FORUM AND ACCORD GUIDELINES

Establishing and operating
a local liquor forum



Victorian Commission for
Gambling and Liquor Regulation



Published by the Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond, Victoria, 3121.

Disclaimer

This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. Whilst every effort has been made to ensure the accuracy and completeness of the publication, the advice contained herein may not apply in every circumstance. The Victorian Commission for Gambling and Liquor Regulation cannot be held responsible, and extends no warranties as to the suitability of the information for any particular purpose; and actions taken by third parties as a result of information contained in this publication.

Copyright

© Copyright State of Victoria 2012

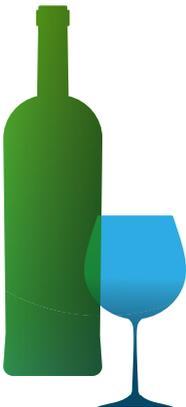
The information contained in this publication is protected by copyright. The Victorian Commission for Gambling and Liquor Regulation hereby grants a non-exclusive licence to the recipient of this publication on the condition that it is not disseminated for profit. The Victorian Commission for Gambling and Liquor Regulation encourages the free transfer, copying and printing of the information in this publication to support the purposes and intent for which the publication was developed.

Authorised by the Victorian Government
49 Elizabeth Street, Richmond, Victoria, 3121.

Print managed by Finsbury Green.

Contents

- 1 Foreword
- 2 Introduction
- 4 The benefits of liquor forums
- 5 Membership and roles
- 7 Establishing a liquor forum
- 7 Promoting a liquor forum
- 8 Local initiatives
- 12 Developing a liquor accord document
- 14 Liquor accord bans
- 23 Materials and resources



Foreword

The value of communities developing practical local solutions to local alcohol-related problems should never be underestimated.

Liquor forums and accords in Victoria allow licensees to voluntarily participate in their local community by agreeing to introduce a range of initiatives, address alcohol-related harm and implement a range of programs to promote harm-minimisation principles.

I have attended a number of liquor forums and accords around the state and witnessed liquor licensees, Victoria Police and local councils working collectively to address alcohol-related problems affecting their local community.

I believe liquor licensees get the customers they deserve. Accordingly, I am committed to working with licensees and other participants of liquor forums to help improve entertainment precincts making them an enjoyable place for residents and visitors, and to enhance business operations by improving compliance with the law. In so doing, liquor forums and accords can substantially influence and improve the behaviour of their customers.

I endorse these guidelines providing practical information on how to establish and operate effective and sustainable accords and forums. In addition to this, the guidelines contain useful information on developing tools to address local alcohol-related issues.



Mark Brennan

Chairperson

Victorian Commission for Gambling and Liquor Regulation

Introduction

Liquor forums were first established in the 1990s to address issues in entertainment precincts in the west end of Melbourne. The number has since increased to include approximately 90 forums established across metropolitan and regional Victoria. Each liquor forum is unique to their local community, and each is united through shared aims and strategies to lead positive change in the culture of alcohol-related harm in licensed premises. It is important to recognise the valuable work of these

groups as new liquor forums are continually being formed to respond to alcohol-related problems in local communities throughout Victoria. Liquor forum partnerships encourage a preventative approach to alcohol-related harms and promote a culture that supports proactive harm-minimisation principles. The forum's collaborative structure enables the development of local initiatives to address local issues. Liquor forums may be formalised with the establishment of an accord.

This guide has been developed to provide information and tools to assist individuals interested in establishing new liquor forums as well as assist existing liquor forums to refine their activities and develop accord documents.

Liquor forums provide an opportunity for groups of local licensees and other community members to meet and discuss alcohol-related issues in their community.



What is a liquor forum?

A liquor forum refers to the meeting of participants. A liquor forum is where liquor industry representatives and interested community members meet regularly to develop strategies to improve the operation of licensed premises and reduce alcohol-related harm in a local area.

Liquor forum membership can include licensees from a range of licence categories such as local sporting clubs, nightclubs, bars, restaurants, packaged liquor outlets, and other key stakeholders in your local community.

What is a liquor accord?

Accords are established under Part 8, Division 6 of the *Liquor Control Reform Act 1998* (the Act).

A liquor accord is a written document that sets out specific aims, actions, objectives and strategies that provide practical solutions to local alcohol-related problems and implement a range of programs to promote harm-minimisation principles.

The benefits of liquor forums

Liquor forums are established to best suit the needs of the local community in which they operate.

Some liquor forums may simply provide an opportunity for liquor licensees to meet and discuss local issues, while other forums may undertake more significant work to develop initiatives to target particular issues or encourage good behaviour.

Liquor forums benefit licensees and permittees¹ by:

- facilitating positive working relationships and networking opportunities with key local stakeholders
- sharing knowledge and tips about making venues feel welcoming
- assisting to develop strategies for managing difficult patrons
- providing information and updates on changes to liquor laws
- providing information about licence conditions and how to improve compliance with liquor laws
- implementing improvements to business standards
- making entertainment precincts a more enjoyable place for residents and visitors.

Each stakeholder group has an important role in contributing to the development of effective strategies.

¹ A permittee is a holder of a BYO permit. For the purposes of this document references made to a licensee also includes a permittee.

Liquor forums provide an opportunity to discuss local issues so you can achieve local solutions.



Membership and roles

Liquor forum members can include local licensees, local Victoria Police and local council representatives, other community and industry groups and organisations with an interest in responsible alcohol use.

Community stakeholders may include groups and organisations such as youth, health, indigenous, multicultural or education support groups, emergency services and local businesses. Industry stakeholders may include security companies, taxi services, and consultants. Each stakeholder group has an important role in contributing to the development of effective strategies that focus on specific problems and achieve local agreements and solutions.

Membership of a liquor forum can include the following:

- **Licensees** from all licence categories benefit from the opportunity to work together with their business colleagues and other stakeholders. This collaboration aims to improve the amenity of entertainment precincts and maintain a safe environment for patrons and the community. This can be achieved by adopting best practice principles that address alcohol-related harm and anti-social behaviour.
- **Victoria Police** can proactively allocate resources to deal with causes of alcohol misuse in and around licensed premises, as well as discuss the application and enforcement of liquor-related laws with key stakeholders.
- **Local councils** can work together with licensees and local businesses to address alcohol-related harm through the application of an appropriate planning framework and the management of public places.
- **Local community** and industry groups can raise specific concerns at liquor forums in order for licensees to understand the positive and negative impacts of their premises on the community. In turn, the local community and industry groups can gain an understanding of the efforts being undertaken by licensees.
- **Victorian Commission for Gambling and Liquor Regulation** education officers attend liquor forum meetings as they present an opportunity to engage with licensees and local community members and provide them with important information about liquor licensing and new initiatives.



Establishing a liquor forum

Liquor forums can be established by either licensees, local council or Victoria Police representatives. The Victorian Commission for Gambling and Liquor Regulation (VCGLR) has developed materials and resources to assist licensees, police and local councils to establish effective and sustainable liquor forums. These materials and resources can be found on the VCGLR website at www.vcglr.vic.gov.au.

A liquor forum is generally managed by a forum coordinator. A forum coordinator is a person, often from the local police or local council, who organises the day-to-day activities of the liquor forum. For example, they may book meeting locations, set up accord meeting invitations, draft meeting agendas, record minutes at meetings and circulate the required documentation for consideration in advance of forum meetings.

A liquor forum may also establish an executive committee or working group that may be responsible for coordinating the implementation of accord strategies, inviting guest speakers to forum meetings and managing the media profile of the forum.

Whether or not an executive committee or working group is required depends on the size of the liquor forum and the types of alcohol-related issues facing the local community. Large forums in metropolitan Melbourne often have an executive committee to coordinate the liquor accord objectives as well as working groups to develop solutions to particular problems. Smaller regional forums may not require such arrangements and may choose to liaise with a local established liquor forum for guidance.

Promoting a liquor forum

New liquor forums should consider holding a public launch. This is a good way to let the community know that the local liquor industry is doing something proactive to enhance safety, improve amenity and reduce alcohol-related harm and anti-social behaviour. New liquor forums could consider inviting guest speakers such as the local Member of Parliament or the Mayor to the liquor forum launch.

Liquor forums can benefit from forming successful relationships with local media. By maintaining healthy relationships with local media, liquor forums may successfully communicate the implementation of proactive initiatives and strategies to the local community.

Local initiatives

The following case studies are examples of successful initiatives implemented by existing liquor forums across Victoria.

'Venue compliance essentials' folder **Melbourne Licensees' Forum**

The 'Venue compliance essentials' folder contains guidelines, templates and protocols to assist licensees in managing the impacts of alcohol use and misuse in and around licensed premises. It also contains venue documentation required to meet conditions on a liquor licence and is designed to be the first point of reference for regulating authorities to check that a venue is meeting compliance standards.

'Licensed venue safety audit' **handbook check**

City of Port Phillip Licensees' Forum

Members of this forum apply the 'Licensed venue safety audit' to help licensees and venue managers take control of safety issues and minimise risks associated with licensed venues.

Several liquor forums carry out the audit as a prerequisite when a new licensed venue becomes a member of the forum. The new member, along with a current member of the liquor forum, conduct the safety audit simultaneously to ensure the new member meets the minimum requirements.



Take control of safety issues and minimise risk.

'No Excuses' campaign

Melbourne Licensees' Forum

The 'No Excuses' campaign was developed in consultation with licensees and the City of Melbourne to educate venue patrons and is supported by Victoria Police. The 'No Excuses' poster lets patrons know that they may be issued with an on-the-spot fine if they refuse to leave licensed premises when requested or where they have been refused entry due to being intoxicated, violent or quarrelsome.

Dedicated Responsible Service of Alcohol officers

City of Stonnington Liquor Forum

The City of Stonnington Liquor Forum has agreed on the appointment of dedicated Responsible Service of Alcohol (RSA) officers in licensed premises that are members of the liquor forum. RSA officers receive specialist training in conflict resolution that might arise from patrons who are refused service. Topics include early warning signs of intoxication, protecting the customer's pride and defusing anger.

A stylized graphic of a city skyline at the bottom of the page, composed of various geometric shapes in shades of green, blue, and teal. A white speech bubble with a tail pointing to the bottom right is overlaid on the skyline.

Consider adopting similar initiatives in your community.

'Safe taxi rank' initiative

Casey Alcohol Accord

As part of the Casey Alcohol Accord meetings, an issue was identified around the availability of taxis at closing times on weekends. Licensees highlighted that the supply of taxis did not meet patron demand and this led to a concentration of patrons in the street outside the late-night venues. There was a concern that a build up of patrons on the footpath, who are reliant on public transport, increased the risk of anti-social and violent behaviour.

A working group was formed to identify and discuss problems and collaborate on solutions that the venues could put in place to ensure the safety of patrons, staff and taxi drivers. These proposals were put forward to the local taxi company management team who were invited to an accord meeting to discuss the viability of these solutions. The meeting was highly successful with the taxi company happy to work with members toward creating a safe taxi rank in the designated area.

As an immediate outcome, venues agreed to work with the taxi company to maximise safety for drivers by, providing security outside the venues around closing time, providing a list of opening and closing times of each venue to pass on to drivers and to forewarn taxi management of large functions.

This was a simple solution to an issue that had been developing for some time. The accord meetings allowed for an open line of communication between stakeholders. The taxi company saw value in this form of communication and have permanently joined the accord. This enables them to work closely with licensees and Victoria Police to address future issues that may arise.

1
A
K

Developing a liquor accord document

Many liquor forums agree to develop a liquor accord document. A liquor accord document can cover a range of subjects, such as:

- best practice initiatives
- education for members (such as featuring guest speakers and attending training courses)
- safety and security principles
- banned patrons policy (optional)
- Responsible Service of Alcohol principles
- illicit substances policy
- amenity principles (such as amenity around exits and smoking areas)
- responsible advertising and promotional practices
- management of problem patrons guidelines
- house policy practices (such as, patron conduct, public transport alternatives, underage drinking and dress guidelines).

It is not compulsory for a liquor forum to have an accord document. However, the development of an accord document is encouraged as this formalises the objectives of the liquor forum and ensures that all members are aware of and agree to meet these objectives.

If liquor forums wish to implement a banning policy they must have an approved liquor accord document in place.

The first step to take when developing a liquor accord document is to research the actual and perceived problems in your community that relate to alcohol. This could involve discussions with local police, local council and community groups. Local police may help with providing statistical data in your area, while local council may have information about common complaints concerning alcohol-related problems and anti-social behaviour. Following these discussions, the forum could then compile a list of the issues facing your local area and discuss ways in which the liquor forum can find solutions to these issues. The liquor accord document can be drafted based on these conversations.

Once forum members have decided on the contents of the liquor accord document, all forum members should endorse the final draft. Approval of the final draft must be sought from the Chief Commissioner of Police and the Victorian Commission for Gambling and Liquor Regulation (the Commission). This must be done prior to publishing the liquor accord.

Liquor forum members can seek to obtain this approval by approaching the local Victoria Police Licensing Inspector and the Commission outlining their local alcohol-related problems and how the liquor accord will address those concerns. In addition to the letter, it is recommended that liquor forum members submit the following information in support of the liquor accord:

- the written liquor accord document
- details of the parties to the liquor accord
- terms of reference (if applicable)
- the date when the liquor accord was established
- details of the frequency of liquor forum meetings, attendance at those meetings and that a process for record keeping and decision-making is kept in respect of those meetings
- details of any banning policies.



Liquor accord bans

The Liquor Control Reform Act states that liquor forum members who are parties to a liquor accord may ban patrons and share information about banned patrons. Liquor forums should note that while the Act allows for a banning policy, it is not compulsory that all forums have a banning policy in place.

Liquor forum members that would like the option to ban patrons under a liquor accord can only do so once their liquor accord document details how the banning process will work. The document, which should outline appropriate and fair banning policies, is subject to the applicable privacy legislation and approval by the Chief Commissioner of Police and the Commission.

Prior to implementing a liquor accord ban, liquor forums must be mindful of the principles of natural justice, also known as procedural fairness. The principles of natural justice ensure the process by which a decision is made is fair and reasonable. For example, liquor forums should not ban a patron without their knowledge and a patron should be able to 'have a say' before a ban is put in place.

Liquor forum members can share information as long as the liquor accord document explains how this process will work and is subject to applicable privacy legislation.



Establishing appropriate banning periods

Liquor forum members must agree on the types of incidents that warrant a ban and the duration of such a ban. To assist, the following table provides recommended and reasonable durations for banning patrons for specific incidents.

Type of incident	Detail of incident	Action/banning period
Assault	Verbal without injury – 1 st occurrence	Warning letter from Victoria Police Licensing Inspector
	Verbal without injury – 2 nd occurrence	One month
	Unlawful, minor assault	One month
	Assault, physical injury	Six months
	Assault, property damage	Six months
	Serious assault – 1 st offence	12 months
	Serious assault – 2 nd offence	24 months
Refusing to leave	1 st occurrence	One month
	2 nd occurrence	Two months
Drug dealing	Must have been prosecuted or convicted	12 months
Sex offences	Must have been prosecuted or convicted	12 months
Underage drinking	1 st occurrence	Warning letter from Victoria Police Licensing Inspector
	2 nd occurrence	On 18 th birthday, one month thereafter
Supplying underage persons with alcohol	1 st occurrence	Warning letter from Victoria Police Licensing Inspector
	2 nd occurrence	One month

Liquor forums may tailor this list to issues faced in their local area. Liquor accord bans should generally be made in relation to behaviour that has occurred in or around licensed premises. It is inappropriate for police to disclose offence histories of individuals to liquor forum members for the purposes of banning.

In determining the period of banning, liquor accord members should consider the severity of the incident and balance this against the likely impact of a ban to the patron and community. Banning periods should also be of a length that provides sufficient discouragement to poor behaviour, but provides patrons with the opportunity to return to the licensed premises within a realistic timeframe, so that they have an incentive to continue to improve their behaviour. Lifetime and indefinite bans are strongly discouraged as such lengthy bans can have a significant impact on a patron's ability to participate in community activities.

Liquor forum members should consider flexible banning practices to ensure that lengthy bans do not adversely impact upon an individual's ability to participate legitimately in community events such as community gatherings. For example, liquor forums might consider allowing a patron to attend a one-off event whilst subject to a ban if that patron agreed to a number of conditions, such as agreeing to abstain from alcohol at that event.

Appropriate decision-making procedures

Liquor forum members should set out clear procedures that indicate how an incident is considered and then decided upon. These procedures should include:

- agreement of the minimum number of forum members that should be present at a meeting at which a patron is banned
- how these decisions are to be recorded to ensure decisions can be tracked
- opportunity for the patron to explain the effect of a proposed ban on their ability to participate in community activities.

Appropriate notification of a ban

Liquor forum members should have in place clear procedures for notifying patrons that they are subject to a ban. This should include written notification that a potential ban is pending (subject to a review process), and following the conclusion of the review process, notification whether the ban will proceed². If a liquor accord ban is to proceed, liquor forums should notify the patron in writing and should specify the incident that the ban relates to and the timeframes associated with the ban. Patrons should not be banned without their knowledge.

² Note: Licensees continue to have the power to refuse entry to their individual premises, and can exercise this power while a formal accord banning process is underway.



The banning notification should provide details to assist the patron should they wish to seek help or support. For example, the banning notification could provide contact details for the local health services, the local support centre for drug and alcohol abuse and aggression management courses.

The liquor forum chairperson and local police member can coordinate such notification letters.

On occasion, capturing a patron's personal details such as name and address may not be possible and liquor forums should be mindful of their location and the practicality of seeking such information. For example, a banning policy may be appropriate in regional areas where it may be easier to capture details such as name and address due to the fact that locals know each other compared to larger liquor forums in metropolitan Melbourne areas where capturing personal details may be more difficult.

Appropriate review processes

All liquor accord documents should set out a clear and transparent review process. This includes ensuring that patrons are advised of a proposed ban, and are given the opportunity to request a review of the proposed ban before it is formally implemented. In practice, this would mean that banning a patron would be a two-step process:

-
1. The patron is advised, in writing, that a ban is proposed, and advised that they are able to request a review before a decision is made. It is encouraged that the patron be contacted by telephone to confirm that they received this information. The review can be conducted by a small group, on a needs basis, that comprises the local police and liquor forum members. It is recommended that the licensee of the venue at which the incident occurred is not to be involved in order to keep the review objective and fair.
-
2. Following their review, the patron is advised that either the ban will not proceed, or the ban will be implemented (in which case, they must also be advised of the relevant time periods the ban will apply). A letter to the patron should be sent advising of the outcome of the review.
-

Liquor forum members should work proactively to ensure that patrons are aware of these processes and have the opportunity to request a review if necessary. Clear guidelines should be made available to patrons to ensure they are able to take up the option to request a review.

Consequences when defying a liquor accord ban

A process should also be in place if a banned patron is recognised inside a venue during the banning period. If this occurs, the licensee or manager on duty may ask the patron to leave on the basis that they are banned. Should the banned person refuse, local police may be called upon to assist. This should be discussed and agreed upon at a forum meeting.

Cultural and communication considerations

Liquor forums should be aware of the following cultural and communication considerations when banning patrons.

Literacy: patrons will have varying literacy levels and therefore written communication to patrons should use a clear and easy to understand format. If necessary, a verbal explanation can be provided to the patron at the same time as the written information to ensure that they understand the terms of the ban.

Appropriate communication: in some instances, patrons may need the assistance of family or community members to engage in the accord process and to take advantage of their right to review a proposed ban. Forums should consider taking each patron who is subject to a proposed ban through the review process in person to ensure that they fully understand their rights and obligations.

Community awareness: liquor forums should ensure there is general community awareness of the banning provisions and procedures. This will enable patrons to be aware of the potential consequences of poor behaviour. Community leaders will also be aware of the appropriate processes so they are able to assist individuals who are facing a potential ban. Liquor forums may consider whether they would like to identify appropriate community members and invite them to join the liquor forum (either regularly or as required) to ensure that communities are adequately represented throughout the process.

Privacy considerations

The Liquor Control Reform Act states that Victoria Police or the Commission may disclose the following information to a licensee, who is party to a liquor accord document, about a person who is subject to a liquor accord ban:

- the person's name
- a photograph of the person
- the period for which the person is subject to the ban
- any other information that the Commission or relevant police officer considers necessary for the effective and efficient enforcement of the ban.

In practice, this means that liquor accord members may disclose information in relation to the contents of the liquor accord document subject to applicable privacy legislation. For example, a licensee of the venue and the employees serving liquor can view and share relevant personal information about a person that is subject to a ban for the purposes of implementing the ban.

Personal information, including photographs of banned patrons, should not be made public and should not be displayed in areas where patrons may see it. Apart from the licensee and their staff who need to be aware that a patron has been banned, no other employee or member of the public is permitted to view or be given personal information relating to the banned patron.

Under both state and federal privacy legislation, organisations and businesses must make sure that they collect personal information in a fair and lawful way and that the personal information they hold is accurate, up-to-date and secure.

Licensees who are parties to a liquor accord document should keep the following principles in mind:

- collect only the information that you need
- do it lawfully and fairly
- don't intrude unreasonably
- tell people you are doing it
- use and disclose people's personal information only for the purpose it was collected for
- generally, consent is required to disclose personal information
- keep information accurate, complete, up-to-date and secure
- be open about what you do with other people's information
- let people see their information and correct it if necessary.

Maintain an incident register

Liquor forum members may also consider keeping an incident register. This allows licensees or permittees to record incidents in their venue, or in close proximity to it, involving violence and anti-social behaviour. Maintaining an incident register enables forum members to gain a better and more detailed understanding of events that may impact adversely on the safety of their venue and patrons. In addition, it can help forum members develop appropriate strategies to reduce the risk of alcohol-related harm and anti-social behaviour and improve responsible service of alcohol practices and business operations.

An incident register could include the following information:

- name of patron(s) involved in incident
- address of patron (if advised)
- date and time of incident
- details of incident involving violence or anti-social behaviour at licensed premises or in close proximity of venue, including any medical assistance required
- action taken by licensee and staff
- attendance by police
- any comments by attending police and the licensee in relation to incident.

Note: This does not replace the requirement under the *Private Security Act 2004* to maintain a register. Rather it is a tool to collect information that allows business managers to better understand the problems and opportunities that arise in their day-to-day working lives.

The difference between a liquor accord banning process and other barring patron processes

There are a number of other ways in which a patron can be banned from a licensed premise, other than through the liquor accord banning process. The other banning powers, and the processes associated with these powers are summarised at www.vcglr.vic.gov.au.





Materials and resources

A range of templates have been developed to assist liquor forum members to establish and operate efficient liquor forums.

Sample templates to establish and run a liquor forum:

Letter of invitation – establishing a liquor forum

Membership application form

Meeting agenda

Minutes of meeting

Attendance register

Letter of invitation to join an executive committee or working group

Letter of invitation – guest speaker

Media release – structure and tips

Progress against action items

Other information available:

Management plan

Information about the RSA refresher course

Required signage

Venue handbook

VCGLR News

Sample templates to establish and run a banning policy:

Incident report

Notification of proposed ban – letter to patron

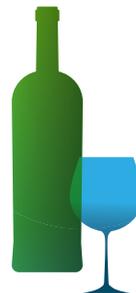
Notification of ban – letter to patron

Notification of warning – letter to patron

Notification of end of banning period – letter to patron

Notice to patrons poster promoting banned patron policy

The templates listed are available at www.vcglr.vic.gov.au.





Victorian Commission for
Gambling and Liquor Regulation

1300 182 457 | www.vcglr.vic.gov.au



JUNE 2012