Victorian Commission for Gambling and Liquor Regulation

Liquor Licensing Information Sheet

# Licence conditions for live music venues

Licensed premises that provide live music entertainment and currently have licence conditions requiring crowd controllers when live music is provided can apply to have their licence conditions varied by the Victorian Commission for Gambling and Liquor Regulation (VCGLR). There is no fee for this application.

Where the applicant can demonstrate that they can manage their premises in a way that means the crowd controller conditions are not required, the VCGLR may decide to remove the crowd controller condition, vary an existing crowd controller condition or decide not to impose a crowd controller condition. Applicants can do this by producing a management plan setting out how they would manage a number of issues in the licensed premises.

## Which live music venues can apply to have their conditions varied?

All venues that provide live music entertainment and currently have licence conditions that require crowd controllers or Closed Circuit Television when live music is provided can apply to have their licence conditions varied by the VCGLR.

There is no fee for this application.

## How do I apply?

Applicants are required to complete the 'Prescribed variation to licence conditions for live music venues' application kit. The application kit contains 'Management plan guidelines' which include a template that can be used as a management plan.

## Will this apply to new live music venues?

Yes, new licensed premises that provide live music entertainment will have their applications assessed against the 'Live music licence conditions matrix' and have the option of developing a management plan. The normal application fee for obtaining a liquor licence will apply to this application.

## What is the 'Live music licence conditions matrix' (the Matrix)?

The matrix sets out suggested licence conditions for licensed premises that provide live music entertainment to address the requirements of the *Liquor Control Reform Act 1998* (the Act). As a guide, each level in the matrix sets out suggested licence conditions differentiated by the trading hours and patron capacity endorsed on the licence.

Each level in the matrix has standard conditions. These standard conditions will be a minimum requirement for each licence that a licensee must comply with.

Additional conditions from the matrix will be suggested by the VCGLR for inclusion in the licence. The applicant can accept these additional conditions or they have the option of demonstrating to the VCGLR that they can manage their premises in a way that means the additional conditions do not need to be imposed. Applicants can do this by producing a management plan and proposing alternate conditions.

If the VCGLR is satisfied that a management plan demonstrates that an applicant will manage their venue responsibly, then proposed conditions in the management plan may form part of the licence conditions in place of some or all of the additional conditions from the matrix.

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## What is a management plan?

A management plan identifies and develops a responsible approach to running the venue.

The management of a licensed premises plays a vital role in preventing and reducing antisocial behaviour and violence in licensed premises.

It is the responsibility of the licensee to manage the risks of alcohol-related harm in their venue. Each licensed premises presents different risks and licensees are in a unique position to understand the particular issues and risks relevant to their licensed premises.

## Who must complete a management plan?

Generally, applications for trading after 1am or large patron capacities will require a management plan.

Venues that fall within Level 4 or 5 of the matrix must submit a management plan.

Management plans are not mandatory for venues that fall into Level 1. Management plans are optional for venue that fall into Level 2 and 3.

However, applicants in Levels 1, 2 and 3 are encouraged to submit a management plan to support their application.

## Can I seek assistance in developing a management plan?

Applicants should refer to the 'Management plan guidelines' for further information about how to complete a management plan.

If applicants require further information, please contact the VCGLR.

## When will the VCGLR provide an application to Victoria Police or local council and require a public notice to be displayed?

All applications will be provided to Victoria Police for comment.

When considering whether to provide an application to council or require a public notice to be displayed, the VCGLR will look at whether the licence conditions were originally imposed as a result of:

- compliance issues including any history of violence or antisocial behaviour associated with the premises
- mediated outcomes with local councils, residents, the VCGLR or Victoria Police
- decisions of the Victorian Civil and Administrative Tribunal (where applicable) or the VCGLR.

If the licence conditions were not imposed because of one of these reasons, the VCGLR is unlikely to require public display of the application or provide the application to the relevant local council for comment.

## Do I need planning approval?

Before the VCGLR can make a decision on a live music application, the applicant must demonstrate that there is no impediment to varying their licence conditions because of a planning permit or planning scheme. This can be done by providing the most recent planning permit, or a letter from the local council.

## Can the VCGLR refuse a management plan?

The VCGLR will not refuse a management plan. However, if the VCGLR decides that the applicant has not demonstrated that they manage their venue in a way that means crowd controllers are not required, the VCGLR will request further information.

## In what circumstances will the VCGLR refuse an application to vary the licence conditions?

The VCGLR may determine that it is not appropriate to vary the conditions of a licence.

This may occur, for example, where the licensed premises has a demonstrated history of poor compliance with liquor licensing laws, a history of incidents of alcohol-related harm or antisocial behaviour or where the applicant has not adequately demonstrated that they can manage their premises without crowd controllers present.

## LIVE MUSIC LICENCE CONDITIONS MATRIX

| | Level 1 | Level 2 | Level 3 | Level 4 | Level 5 |
|---|---|---|---|---|---|
| **Venues** | All venues authorised to trade until 11pm<br>or<br>Venues authorised to trade between 11pm and 1am (and not after) with a maximum patron capacity of 400 or less<br>or<br>Restaurant and cafe licence or wine and beer producer's licence# | Venues authorised to trade until 1am with a maximum patron capacity of 401 or more<br>or<br>Venues authorised to trade past 1am with a maximum patron capacity of 200 or less | Venues authorised to trade after 1am with a maximum patron capacity of between 201 and 600 patrons | Venues authorised to trade after 1am with a maximum patron capacity of 601 or more | Venues authorised to trade after 1am with a maximum patron capacity 601 or more<br>+<br>Poor compliance history<br>or<br>Venues that provide sexually explicit entertainment |
| | **Licence conditions** | **Licence conditions** | **Licence conditions** | **Licence conditions** | **Licence conditions** |
| **Standard conditions** | Basic conditions$^{\Delta}$ | Basic conditions$^{\Delta}$ | Basic conditions$^{\Delta}$ | Basic conditions$^{\Delta}$<br>+<br>CCTV<br>Crowd controllers* | Basic conditions$^{\Delta}$<br>CCTV<br>Crowd controllers*<br>+<br>Additional conditions determined by the VCGLR |
| **Additional conditions** | N/A | CCTV | CCTV<br>Crowd controllers* | N/A | N/A |
| **Is a management plan required?** | N/A | Optional | Optional | Yes | Yes |

$\Delta$ Basic conditions include amenity, patron capacity and/or trading hours. These conditions are currently imposed on most licences and would continue to be imposed as relevant and appropriate.

* Crowd controller licence conditions would be assessed on a case-by-case basis and would likely only require crowd controllers during specified times or when particular numbers of patrons are in attendance.

# Restaurant and cafe licences or wine and beer producer's licences will usually fall into Level 1. However, the VCGLR has the discretion to change the suggested level of these licences for individual licensed premises, for example where the licence contains a large patron capacity.

This publication avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. Authorised by the Victorian Government.

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