

Prescribed variation to licence conditions for a live music venue

This kit contains all the forms and related materials required to apply for a prescribed variation to licence conditions for a live music venue in Victoria.

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To confirm the current fee, please refer to 'Liquor licence fees' on our website at vcglr.vic.gov.au

Need help?

For more information on how to apply for a liquor or gambling licence or permit:

- visit the Victorian Commission for Gambling and Liquor Regulation (VCGLR) website at vcglr.vic.gov.au
- telephone the VCGLR on 1300 182 457
- email the VCGLR at contact@vcglr.vic.gov.au



Pre-lodgement Checklist

Prescribed variation to licence conditions for a live music venue

This checklist details the documents required to accompany the lodgement of your application. Supplying these with your application will allow the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to commence assessment of the application and can reduce processing time. Your application may be returned if the accompanying documents do not meet the requirements below.

The VCGLR may contact applicants to request additional documentation depending on the circumstances of their business. All forms and fact sheets referred to are available on the VCGLR website vcglr.vic.gov.au.

Please ensure the following forms/documents are attached to this application

Tick all boxes below when a requirement has been met, then sign and date your confirmation at the end of this form.

Application form

Please ensure:

- all fields on the application form are completed
- the nature of the business is detailed, clearly demonstrating why a liquor licence is sought
- trading hours are detailed for internal areas and (if applicable) any external areas where alcohol will be served
- the application form is signed and dated by the applicant

Planning permit or evidence that a permit is not required

- A copy of the planning permit from the local council (or responsible planning authority) showing that you have planning permission to supply liquor as detailed in your application. If a planning permit has not been granted at the time of application, you are required to provide a copy of an application for a planning permit made to the local council (or responsible planning authority). Alternatively, you can provide evidence that a planning permit is not required to supply liquor as outlined in your application. For example, a letter from the local council (or responsible planning authority) or a copy of the relevant planning scheme.

Proposed management plan (if applicable)

- A plan demonstrating how applicants intend to sufficiently manage the various risks and issues in the licensed premises. Refer to the 'Licence conditions for live music venues' information sheet and 'Management plan guidelines' for developing management plans.

Please note

Applicants will be sent an acknowledgement letter when the application and required documentation detailed in the above checklist are lodged. The letter may also outline a list of additional information required and the date by which it must be submitted. The VCGLR will then complete the assessment and determine the application.

One applicant to sign and date below to confirm all required documentation has been completed and is attached to this application.

Name

Signature

Date



Prescribed variation to licence conditions for live music venues

February 2015

This application form is required for licensees to apply to the the Victorian Commission for Gambling and Liquor Regulation (the Commission) for a prescribed variation to licence conditions under sections 29 of the *Liquor Control Reform Act 1998* and Regulation 31 of the *Liquor Control Reform Regulations 2009*.

Important Information

Consistent with the Live Music Agreement, the Commission has a special process to review crowd controller liquor licence conditions at live music venues.

To apply to vary the licence conditions under section 29 of the *Liquor Control Reform Act 1998* simply fill out this form. There is no fee for this application.

In determining the application, the Commission will consider,

- whether the licensed premises has a demonstrated history of poor compliance or incidents of alcohol-related harm or antisocial behaviour.
- if licence conditions and/or a management plan appropriately address amenity, harm minimisation and the risks associated with the misuse and abuse of alcohol.

Obligations

Licensees must comply with their obligations under the *Liquor Control Reform Act 1998* and their licence conditions to:

- maintain a safe venue for patrons and staff
- ensure responsible service of alcohol and

- prevent any adverse impacts on the amenity of the local area.

Licensees need to consider how best to manage these risks. Useful information can be found in the following publications at vcglr.vic.gov.au

- 'Design guidelines for licensed venues'
- 'Responsible liquor and advertising promotions' information sheet
- 'Intoxication guidelines'
- 'Licence conditions for live music venues' information sheet.



Variation details

Are you applying to reduce the maximum patron capacity of the premises?

Yes No

If yes, indicate reduced maximum patron capacity:

Are you applying to reduce the trading hours of the premises?

Yes No

If yes, indicate reduced trading hours:

The days and times when live music is played

Describe the days and times when live music, whether amplified or not, is usually played at the premises.

Monday: _____

Tuesday: _____

Wednesday: _____

Thursday: _____

Friday: _____

Saturday: _____

Sunday: _____

Is recorded amplified music, other than background music, played at the premises?

Yes No

If yes, describe the days and times this music is played at the premises.

Monday: _____

Tuesday: _____

Wednesday: _____

Thursday: _____

Friday: _____

Saturday: _____

Sunday: _____

Peak trading days and times

Provide details of the typical patronage levels at the premises.

	Peak trading times	Patron numbers
Monday:	_____	_____
Tuesday:	_____	_____
Wednesday:	_____	_____
Thursday:	_____	_____
Friday:	_____	_____
Saturday:	_____	_____
Sunday:	_____	_____

Signature/s of licensee or permit holder(s)

Who must sign this request?

If the licensee/permit holder is:

An individual - the individual person must sign.

A company - one director of the company must sign.

A partnership - all partners must sign.

A club - one committee member must sign.

Certification

As the licensee, I/we apply to vary the licence as described in this application. I/we understand that additional conditions including a management plan may be imposed on the licence as a result of this application.

X _____ Date _____ / ____ / ____

Name _____

X _____ Date _____ / ____ / ____

Name _____

What happens next

You will be sent a letter that confirms we have received your request and outlines any further information or documents required.

Once we have received all the required information and documents, your request will be determined. You will be advised of the outcome in writing.

Other requirements/information

As part of your application, you may be required to provide:

1. Planning permit or permission

A copy of a planning permit from the local council (or responsible planning authority) that shows that you have planning permission to vary your licence conditions as proposed. If a planning permit has not been granted at the time of application, you are required to provide a copy of an application for a planning permit made to the local council (or responsible planning authority).

Alternatively, you can provide evidence that a planning permit is not required to supply liquor as outlined in your application. For example, a letter from the local council (or responsible planning authority) or a copy of the relevant planning scheme.

2. Management plan

The Commission requires a management plan for all premises that trade later than 1am with a patron capacity of 601 or more and venues that have a poor compliance history. For all other premises a management plan is optional. Please refer to the guidelines for developing an effective management plan for your premises.

Note: The Commission may ask you to provide additional information. If required to do so you will be notified in writing.

The Commission will also consider the following information as part of determining your application:

3. Victoria Police comment

A copy of the application will be provided to Victoria Police for comment. The Commission will consider Victoria Police's comments to determine your application.

4. Local Council comment

A copy of the application may be provided to your local council for comment. If the application is provided to your local council, the Commission will consider the council's comments to determine your application.

5. Public comment on display of application if required

If the Commission requires you to display a public notice of application, it will consider comments made by the public to determine your application.

How to lodge this request and accompanying documents

By post to:

Victorian Commission for Gambling and Liquor Regulation
GPO Box 1988, MELBOURNE VIC 3001

In person to:

Victorian Commission for Gambling and Liquor Regulation
Level 3, 12 Shelley Street, RICHMOND

By email:

contact@vcglr.vic.gov.au

Privacy – the Victorian Commission for Gambling and Liquor Regulation is committed to responsible and fair handling of personal information consistent with the *Privacy and Data Protection Act 2014* and its obligations under the *Liquor Control Reform Act 1998*. All information provided in this application is available for public viewing, except for the questionnaire form (if applicable) which is forwarded to and retained by Victoria Police.



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Statement of display

To be completed after the 28 day public notice period has passed

Liquor Control Reform Act 1998

OFFICE USE ONLY

06/17

Date rec'd / /

File no. _____

Details of application lodged with the Victorian Commission for Gambling and Liquor Regulation (the Commission)

Licence number (if licence has already been granted)

File number (this can be found on correspondence sent to you by the Commission)

Name of licence applicant (person/partnership/company/club)

ACN (if applicable)

Address of premises

Postcode

Display period required by the Commission

Start date:

/ /

End date:

/ /

Signature and certification of public notice display

Certification

I being the applicant, or on behalf of the applicant certify that:

- during the period specified in this form, a public notice of the size and in the format required by the Commission and containing all relevant details of the application was displayed on the premises or site to which the application relates; and
- the public notice was continuously and conspicuously displayed during the period advised by the Commission in accordance with the guidelines for the display of liquor licensing applications.

I understand that it is an offence under Section 118 of the *Liquor Control Reform Act 1998* to make a false or misleading statement and that penalties apply.

Signature

Printed name

Date

Address

Postcode

Daytime telephone number

How to lodge this form

By post to:

Victorian Commission for Gambling and Liquor Regulation
GPO Box 1988, Melbourne VIC 3001

In person to:

Victorian Commission for Gambling and Liquor Regulation
Level 3, 12 Shelley Street, Richmond

Privacy – the Victorian Commission for Gambling and Liquor Regulation is committed to responsible and fair handling of personal information consistent with the *Privacy and Data Protection Act 2014* and its obligations under the *Liquor Control Reform Act 1998*. All information provided in this application is available for public viewing, except for the Victoria Police questionnaire form (if applicable) which is forwarded to and retained by Victoria Police.

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Guidelines for displaying public notices

Liquor Control Reform Act 1998

Issued by the Victorian Commission for Gambling and Liquor Regulation

Insert the full name of the applicant(s) as written on the application form.

Once the application has been accepted, the applicant will be advised in writing of the start and end date that the public notice must be continuously displayed.

Describe the type of application (eg new packaged liquor licence, variation to an on-premises licence, relocation of a general licence).

Insert the full name and address of the premises for which a licence is sought.

If relocating a licence, insert the address of the previous premises.

Provide details of your application.
(Applications to vary the conditions of existing licences must clearly contrast your proposed conditions with your current conditions).

This section must be completed for all applications. Hours of trade for consumption off the premises must be shown separately. Insert "No change" if the hours on your existing licence are to remain unchanged.

Indicate "yes" or "no" if the proposed trading hours apply to an external area.

This section must be completed for all variation and relocation applications. Hours of trade for consumption on and off the premises must be shown separately.

On-premises licence holders may, with the consent of the local municipal authority, offer a kerbside area. Indicate "Yes" or "No" if you have requested an authority to supply liquor in such an area.

The public notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.
(If you are unable to print the public notices as A3 size, email contact@vcglr.vic.gov.au or telephone 1300 182 457 to request a copy)

Example of Completed Notice

PUBLIC NOTICE Liquor Licence Application

Liquor Control Reform Act 1998

04/16

Details of liquor licence application lodged with the Victorian Commission for Gambling and Liquor Regulation (the Commission)

Name of applicant (person/partnership/company/club)	Smithies Pty Ltd
Display period	Start date: 13 / 10 / 2010 End date: 11 / 11 / 2010
Type of application	Variation of a General Licence
Name and address of premises to which the application relates	Smithies Bar, 400 Smith Street, Smithville
Address of previous premises if relocating	
The purpose of the application is to	Operate a restaurant, operate a bar, extend my licensed area, increase the patron numbers to 500. Extend trading hours on Friday and Saturday nights to 1am.
The proposed days and hours of trade are	Sunday 10am to 12 Midnight Good Friday and ANZAC Day 12 noon to 12 Midnight On any other day 7am to 1am
Will these hours apply to an external area?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
The current days and hours of trade are (if existing licensee)	Sunday 10am to 11pm Good Friday and ANZAC Day 12 noon to 11pm On any other day 7am to 11pm
I/we have requested authority to supply liquor at the kerbside area	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Objections

All objections will be treated as public documents. Full details of the objection, including the name and address of the objector will be provided to the applicant.

Grounds for objection

Any person may object to the grant of this application on the ground that it would detract from, or be detrimental to, the amenity of the area in which the premises are located.

Objection periods

All objections must state the grounds and the reasons for the objection and be made within 30 days of this notice being first displayed.

Additional grounds for objection to the grant relating to a packaged liquor licence

Any person may object to the grant of an application relating to a packaged liquor licence on the ground that the grant, variation or relocation would be conducive to or encourage the misuse or abuse of alcohol.

The following are not valid reasons for objection:

- the business would not be successful
- another licensed business would be adversely affected, or
- there is insufficient need or demand to justify the grant of the application.

The Commission may refuse to accept an objection if:

- the person making the objection is not affected by the application,
- the objection is frivolous or vexatious, or
- the objection is not otherwise in accordance with the Liquor Control Reform Act 1998.

Objections must be made in writing to:

The Victorian Commission for Gambling and Liquor Regulation, GPO Box 1988, Melbourne VIC 3001

Display Requirements

This notice must be displayed as A3 size.

This notice must be continuously displayed as A3 size on the site or premises that are the subject of the application for the period advised in writing by the Commission. If you are unable to print the public notices as A3 size, email contact@vcglr.vic.gov.au or telephone 1300 182 457 to request a copy.

The notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.

Statement of Display requirements

Statement of Display forms cannot be lodged until the Public Notice display period has ended.



Victorian Commission for
Gambling and Liquor Regulation

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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 and/or security cameras 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.

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 or Venues authorised to trade between 11pm and 1am (and not after) with a maximum patron capacity of 400 or less or Restaurant and cafe licence or producer's licence [#]	Venues authorised to trade until 1am with a maximum patron capacity of 401 or more or 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 + Poor compliance history or Venues that provide sexually explicit entertainment
	Licence conditions	Licence conditions	Licence conditions	Licence conditions	Licence conditions
Standard conditions	Basic conditions ^Δ	Basic conditions ^Δ	Basic conditions ^Δ	Basic conditions ^Δ + Security cameras Crowd controllers*	Basic conditions ^Δ Security cameras Crowd controllers* + Additional conditions determined by the VCGLR
Additional conditions	N/A	Security cameras	Security cameras Crowd controllers*	N/A	N/A
Is a management plan required?	N/A	Optional	Optional	Yes	Yes

Δ Basic conditions include amenity, entertainment/music noise, 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 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.