

SEPT 2018

Self-paced guide

Restricted club licence



Victorian Commission for
Gambling and Liquor Regulation



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Topic 1 - Introduction

Introduction

This is a self-paced training guide outlining:

- what holding a restricted club licence means for you
- the standard conditions on a restricted club licence
- special conditions on some restricted club licences.

Who should use this guide?

Anyone who needs to know about a restricted club licence and its conditions.

This may include:

- a new club or nominee
- existing clubs who don't feel they know enough about their licence
- club committee members who hold a restricted club licence
- volunteers working at a club with a restricted club licence.

Learning outcomes

Once you have completed this guide, you should be able to:

- identify when and where your club is permitted to supply alcohol to members and their guests
- identify any special conditions that apply to your club licence
- identify possible breaches to a restricted club licence.

Topics

The following topics are included in this guide:

- Introduction
- About restricted club licences
- Restricted club licence conditions
 - standard conditions
 - special approvals and consents.

Topic 1 – Introduction (continued)

Before you begin

Make sure you are clear about the type of licence your club has or is applying for.

Locate your club's licence or a copy of the application form your club submitted to the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

How to use this guide

This guide is self-paced so you can work through it in your own time and at your own pace.

Icons you will see in this guide

The following icons have been used throughout this guide:



This is a tip – something you may find useful.



Each topic has a **Check your understanding** section. It includes questions on the content covered and, in some instances, uses a scenario and questions.



Once you've completed the **Check your understanding**, this icon directs you to the answers at the back of the guide.

Topic 2 - About restricted club licences

What this topic covers	This topic looks at the types of premises that hold a restricted club licence, who may be served alcohol and where alcohol can be served and consumed.
Introduction	<p>A restricted club licence permits the supply of alcohol to members and their guests for consumption on the club premises.</p> <p>If you have applied for or have been issued a restricted club licence, it will most likely be for a sporting, recreational or community club run by volunteers.</p> <p>The period of the licence is often seasonal, e.g. football clubs in winter and cricket clubs in summer.</p> <p>They must abide by Schedule 1 of the <i>Liquor Control Reform Act</i> 1998 (see Appendix 1) which sets out a number of items that must be included in the rules of the club.</p>
Who can you supply alcohol to?	<p>A restricted club licence authorises the supply of alcohol to:</p> <ul style="list-style-type: none">• your club members• members' guests.
Where can alcohol be supplied and consumed?	<p>A restricted licence authorises the supply of alcohol to members and their guests for consumption on the club premises.</p> <p>The licence does not allow you to sell alcohol for consumption off the club premises (take-away).</p> <p>The supply of alcohol to members and their guests must be carried out within the red-line area on the plan of your licensed club.</p> <p>If you want to be able to serve alcohol outside the red-line area, such as from a booth or kiosk on football game days, then you will need to apply for an additional licence called a limited licence.</p>

Topic 2 - About restricted club licences (continued)

What is a limited licence?

A limited licence is just that, limited in what it allows you to do.

There are two types of limited licence:

- **Temporary** - for one-off events/functions or a limited season.
- **Renewable** - for regular events/functions outside your trading conditions on your licence over 12 months (eg. supply of liquor to spectators from a booth on club grounds, on game days).

See also: Self-paced guide for a limited licence.

Non-member functions

Your restricted club licence **does not** permit you to hold non-member functions at your club, such as weddings or birthday parties.

Non-member functions can only be held on your club premises if you apply for an additional limited licence.

Special events

You may from time to time hold special events on your club such as functions, or be part of a local festival or community event.

If the special event requires you to trade outside your restricted club licence trading hours, licence conditions or, in some cases, red-line area, you need to apply for a limited licence or, if it is a large event, a major event licence.

A limited licence or major event licence is granted in addition to your restricted club licence and is only in force for the times and locations specified on the additional licence.

Members register

You are required to keep details of your members.

The members' register must contain the:

- member's name
- member's residential address
- last membership payment details.

Members are not required to sign in each time they use the club; the register is to show who the members are.

Topic 2 - About restricted club licences (continued)

Guest registers You are required to keep details of your members' guests.

The guest register should contain the:

- date
- guest's name
- guest's residential address
- name of the member of whom they are a guest.

Guests must sign in each time they visit the club.

Who is responsible for maintaining registers?

The club secretary is responsible for ensuring registers are:

- kept on the club premises
- available for inspection by an authorised person who may be from Victoria Police or a VCGLR inspector.



For information on member and guest registers, go to the VCGLR website at vcglr.vic.gov.au and download *Section 5 – Record keeping*, of the **Our Club** resource kit.

Underage members

Many sporting clubs have junior teams that train and play sporting games at the club. Clubs must submit an application to the VCGLR requesting permission to allow anyone under 18 years to participate in club activities.

Where permission is granted, the terms and conditions will be stated on the club's licence. This usually contains a time by which minors must leave the club premises.

Minors are not allowed to drink liquor on licensed premises under any circumstances

Where does the club have to purchase liquor from?

Clubs holding a restricted club licence or a renewable or temporary limited licence are able to purchase liquor from wholesalers. This will enable these clubs to purchase liquor from the holder of a general, late night (general), packaged liquor, late night (packaged liquor), pre-retail or wine and beer producer's licence.

Topic 2 - About restricted club licences (continued)

What is your red-line plan?

The red-line plan is the plan that your club submitted with the application for the liquor licence and approved by the VCGLR, or if you are the transferee for an existing club licensed premises, the plan submitted by the original or previous club and approved by the VCGLR.

This plan is important as it shows where alcohol can be supplied and consumed on the licensed premises.

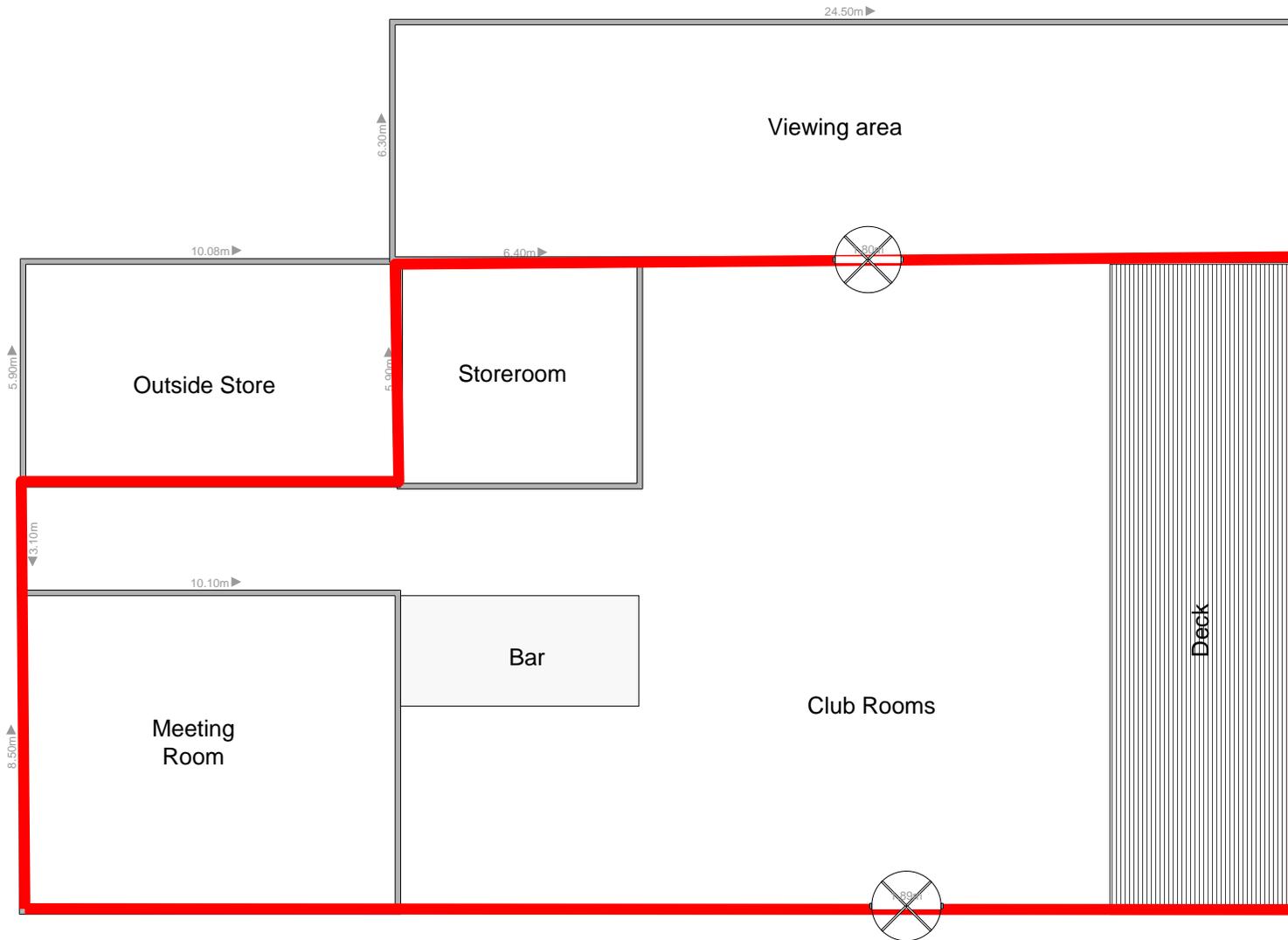
If you intend to do renovations to your licensed premises, you may need to submit a new plan to the VCGLR for approval prior to making the proposed changes.

If you are visited by a member of Victoria Police or a VCGLR Inspector, they will likely request that you provide a copy of your plan and they may check that you are operating within the red-line area.

It is an obligation under the *Liquor Control Reform Act 1998* that you not only keep a copy of your red-line plan on your premises, but that you also produce it if requested by Victoria Police or a VCGLR Inspector.

Sample red-line plan

The Club Club



Check your understanding – About restricted club licences



It is time to check your understanding of what has been covered so far.

Please complete the questions below and check your responses against the answers provided at the back of this guide.

Q.1

A member drinks one glass out of a bottle of wine they have purchased with their dinner in the club room. Can they take the bottle of wine home with them?

Yes / No

Explain your answer:

Q.2

The regular guests of a club member can use the club without the member on occasions.

Yes / No

Explain your answer:

Q.3

What four pieces of information must the guest register contain?

1. _____
2. _____
3. _____
4. _____

Check your understanding – About restricted club licences (continued)

- Q.4** Your club rooms are to be renovated and will now have a room that could be used to hold functions.
- Does your restricted club licence allow you to hold non-member functions?

Yes / No

Explain your answer:

Use the red-line plan on page 7 to answer the following questions.

- Q.5** A member can take alcohol into the viewing area when watching a sports match?

Yes / No

Explain your answer:

- Q.5** Can alcohol be stored in the outside storeroom?

Yes / No

Explain your answer:



Now check your answers on page 21.

Topic 3 – Restricted club licence conditions

What this topic covers This topic looks at the conditions that may be applied to a restricted club licence.

Introduction Licence conditions outline what your club can and cannot do in order to operate your licensed club legally. Licence conditions are monitored and enforceable by Victoria Police and VCGLR inspectors.

What do licence conditions specify? There are standard conditions that all restricted club holders have, and special approvals and consents that some clubs may have on their licence.

Licence conditions specify:

- your club's authorised trading hours
- the amenity condition
- other special approvals and consents.

Trading hours Unlike other licence types, set trading hours do not always apply to a restricted club licence. Your club's trading hours will apply to the times your club is open.

In many instances this will be for:

- set days and times of the week
- specific areas of the club
- set periods of the year.

For example:

Thursday and Saturday: 5pm to 9.30pm

Specified area: club rooms, bar and deck

Restricted to the following months: April to September.

Remember, you have a 30 minute grace period after closing time for members and their guests to finish the drinks they have already purchased; however, no service is to occur during this time.

Topic 3 – Restricted club licence conditions (continued)

Amenity

Amenity describes the effect that your club and its members and guests may have on the surrounding area.

The *Liquor Control Reform Act 1998* defines amenity as:

“The quality that the area has of being pleasant and agreeable”.

Amenity includes:

Parking facilities

Do you have a car park? Do members park in nearby residential streets?

Traffic movement and density

Is there a lot of traffic in the surrounding area from members coming and going to your club?

Noise levels

What measures do you have in place to minimise noise from your club if you have amplified music, or from your members leaving your club?

Possibility of nuisance or vandalism

Is your clientele likely to cause a nuisance to nearby residents? Is there a potential that they may cause noise, nuisance or damage to property or cars?

Harmony and coherence of the environment

What general effect does your club have on the local community and neighbouring businesses/residents?

Topic 3 – Restricted club licence conditions (continued)

Amenity condition

The amenity condition on your clubs licence is explained below.

Condition	What this means
<p>The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of, or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised by this licence.</p> <p>The licensee shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.</p>	<p>You are responsible for what happens in and around your club. This includes the time that you are open for business and when members are leaving your club.</p> <p>This condition relates to the Environment Protection Authority (EPA).</p> <p>For further information, go to www.epa.vic.gov.au/noise.</p>

Licence effect for a specific period

The following condition is placed on some club licences that are seasonal and are only open for a few months of the year.

Condition	What this means
<p>Period of licence</p> <p>This licence will only have effect and continue in force during a specified period in each year.</p> <p>This licence will not be in force:</p> <p>outside the period specified below during a period when the premises are the subject of a limited licence issued by the VCGLR.</p>	<p>The licence is in effect for a specified period only.</p> <p>The club must not sell or consume alcohol outside the specified period or when a limited licence is in effect.</p>

Responsible adult

There are additional conditions placed on some club licences that relate to minors (persons under 18 years of age) being on the club premises. The *Liquor Control Reform Act 1998* states that a person under 18 years can be on a licensed premises if they are in the company of a responsible adult.

A **responsible adult** is a person who is over the age of 18 years and who is:

- the younger person's parent, step-parent, guardian or grandparent, or
- the younger person's spouse (over the age of 18 years), or
- a person who is acting in place of a parent and who could reasonably be expected to exercise responsible supervision of the younger person (e.g. a sports coach).

Approvals and consents

The approvals and consents placed on some club licences are to ensure that minors are not on club premises other than for specific activities and when in the company of a responsible adult.

There are many different types of approvals and consents. Three examples are outlined below:

Condition	What this means
<p>The licensee has the approval of the VCGLR to allow the presence of underage persons on the licensed premises in connection with sporting activities only. This approval does not include social activities (but does include attendance at a presentation function).</p>	<p>Persons under 18 years may be on the premises for sporting activities and presentation functions only.</p>
<p>Persons under the age of 18 years are permitted on the licensed club premises other than in the company of a responsible adult in relation to preparation for and participation in sporting events during the trading hours above.</p>	<p>Persons under 18 years may be on the premises for training (preparation) or participating in sporting events in the specified trading hours without being in the company of a responsible adult.</p>

Condition	What this means
Unaccompanied minors are permitted to be on the licensed premises in connection with sporting activities (including a presentation function) and live music and mixed age events (alcohol-free events)	Persons under 18 years may be unaccompanied for sporting activities, presentation functions and live music and mixed-age events (alcohol-free events).

Check your understanding – Restricted club licence conditions



It's time to check your understanding of what has been covered so far.

Please complete the questions below and check your responses against the answers provided at the back of this guide.

Q.1

It is 1pm on Saturday afternoon at the local football club. The trading hours are Thursday and Saturday from 12noon to 1am.

A member orders some beer for himself and two guests, which he intends to take outside of the red-line area to the grandstands to watch the game that is being played.

Is there a breach of the licence?

Yes / No

Explain your answer:

Q.2

The local sporting club has the standard amenity condition on the licence with no approvals or consents.

Jan and Stan attend a member function one Saturday evening and bring Joey their 17-year-old son and Margy their 19-year-old daughter.

Is the sporting club in breach of it's licence?

Yes / No

Explain your answer:

Q.3

What is the definition of amenity in the *Liquor Control Reform Act 1998*?

Q.4

Some members, including the Club Secretary and President are doing an all day Saturday working bee to do some maintenance at the football club in late March.

The licence is in operation on Tuesday and Saturday from 5pm to 11pm from April to September.

They finish working around 5.30pm and have a BBQ for all those involved.

Some members have brought along beer and wine for the BBQ.

a) Can they drink their beer and wine without being in breach of the club licence?

Yes / No

Explain your answer:

b)

Can one of the members open the bar for those involved in the working bee?

Yes / No

Explain your answer:

Q.5

The tennis club licence states that trading hours are:

Tuesday and Thursday between 6pm and 11pm

Saturday between 1pm and 12 midnight

Sunday between 1pm and 8pm

The tennis club wish to have a special competition on a Friday night just for a month, during which alcohol will be supplied.

How will the tennis club be able to supply alcohol?

- a) ask members to BYO alcohol
- b) apply for a limited licence
- c) tell members that alcohol cannot be sold for the Friday night competition



Now check your answers on page 23.

Conclusion

Congratulations! You have completed the restricted club licence self-paced guide.



For information on liquor licences, application/variation forms, fact sheets or training, go to the VCGLR website at vcglr.vic.gov.au.

Answers



Check your understanding – About restricted club licences

- Q.1** A member drinks one glass out of a bottle of wine they've purchased with their dinner in the clubroom. Can they take the bottle of wine home with them?
- A.** *No. The club is licensed for on-premises consumption only.*
- Q.2** The regular guest of a club member can use the club without the member on occasions.
- A.** *No. The guest must be in the company of the member.*
- Q.3** What four pieces of information must the guests' register contain?
- A.**
- 1. date*
 - 2. guest's name*
 - 3. guest's residential address*
 - 4. name of the member of whom they are a guest.*
- Q.4** Your clubrooms are to be renovated and will now have a room that could be used to hold functions.
- Does your restricted club licence allow you to hold non-member functions?
- A.** *No. The club will need to apply for a limited licence if they want to hold non-member functions.*
- Q.5** A member can take alcohol into the viewing area when watching a sports match?
- A.** *No. The viewing area is outside the red-line area on the plan.*
- Q.6** Can alcohol be stored in the outside storeroom?
- A.** *Yes. Alcohol can be stored away from the red-line area as long as the alcohol is not in public view and there is no sale or consumption from the storage area.*



Check your understanding – Restricted club licence conditions

- Q.1** It is 1pm on Saturday afternoon at the local football club. The trading hours are Thursday and Saturday from 12noon to 1am.
- A member orders some beer for himself and two guests, which he intends to take outside of the red-line area to the grandstands, to watch the game that is being played.
- Is there a breach of the licence?
- A.** *Yes. A restricted club licence only permits alcohol for consumption on the licensed premises and within the red-line area.*
- Q.2** The local sporting club has the standard amenity condition on the licence with no approvals or consents.
- Jan and Stan attend a member function one Saturday evening and bring Joey their 17 year old son and Margy their 19 year old daughter.
- Is the sporting club in breach of their licence?
- A.** *No. Joey is with his parents (who fit within the definition of a responsible adult) and so long as Jan or Stan are members and sign in their guests there is no breach.*
- Q.3** What is the definition of amenity in the *Liquor Control Reform Act 1998*?
- A.** *“The quality that the area has of being pleasant and agreeable”.*

- Q.4** Some members, including the Club Secretary and President are doing an all day Saturday working bee to do some maintenance at the football club in late March.
- The licence is in operation on Tuesdays and Saturdays from 5pm to 11pm from April to September.
- They finish working around 5.30pm and have a BBQ for all those involved.
- Some members have brought along beer and wine for the BBQ.
- a)** Can they drink their beer and wine without being in breach of the club licence?
- A.** *Yes. Providing it is not within the club's red-line area.*
- b)** Can one of the members open the bar for those involved in the working bee?
- A.** *No. It is outside the club's licensed trading hours. It is March and the licence is effective from April to September.*
- Q.5** The tennis club licence states that trading hours are:
- Tuesday and Thursday between 6pm and 11pm
Saturday between 1pm and 12 midnight
Sunday between 1pm and 8 pm
- The tennis club wishes to have a special competition on a Friday night just for a month, during which alcohol will be supplied.
- How will the club be able to supply alcohol?
- a) ask members to BYO alcohol
b) apply for a limited licence
c) tell members that alcohol cannot be sold for the Friday night competition
- A.** *b) apply for a limited licence.*

Appendix 1 – Schedule 1

To download Schedule 1, visit the VCGLR website at vcglr.vic.gov.au

Club licence Schedule 1 <i>of the Liquor Control Reform Act 1998</i>	OFFICE USE ONLY		06/15
	Date Rec'd	/	/
	File No.	_____	

The *Liquor Control Reform Act 1998* provides that the rules of a club that holds or seeks to hold a club licence must comply with Schedule 1, except as otherwise determined by the Victorian Commission for Gambling and Liquor Regulation.

Failure to ensure that the rules of a club continue to comply with the Schedule is a breach of the conditions of licence. Please use this form to check that your rules comply with Schedule 1 requirements prior to signing the "Club Rules" declaration on the application form.

Schedule 1 Clauses

- (a) The rules of a club must preclude the payment of any amount to an officer or servant of the club by way of commission or allowance from the receipts of the club for the sale and disposal of liquor;
- (b) The rules of a club must provide that a visitor to the club must not be supplied with liquor in the club premises unless the visitor is:
- (i) a guest in the company of a member of the club; or
- (ii) an authorised gaming visitor admitted in accordance with the rules of the club.
- (c) The rules of a club must provide that a person shall not:
- (i) be admitted as an honorary or temporary member of the club; or
- (ii) be exempted from the obligation to pay the ordinary subscription for membership of the club unless the person is of a class specified in the rules and admission or exemption is in accordance with the rules.
- (d) The rules of a club, except in the case of a club primarily for sporting purposes, must provide that a person under the age of 18 years shall not be admitted to membership of the club.
- (e) The rules of a club must provide for a Management Committee of the club with responsibility for the affairs of the club.
- (f) The rules of a club must provide that the members of the Management Committee of the club be elected for a term or not less than 12 months by members of a class of members that constitutes not less than 60 per cent of the total membership of the club, excluding temporary or honorary members and persons who are members by reason only of reciprocal arrangements with another club and persons whose rights as members are limited to rights as social, gaming or neighbourhood members.
- (g) Unless the club is a corporation or is registered under the *Associations Incorporation Reform Act 2012*, the rules
- (i) must provide that the facilities of the club are provided and maintained from the joint funds of the club;
- (ii) except as otherwise permitted under the *Liquor Control Reform Act 1998*, must not enable any person to receive a greater profit, benefit or advantage from the club than that to which any member is entitled;
- (iii) must provide for periodic meetings of the Management Committee and the recording of minutes of the meetings;
- (iv) must provide -
- (a) that not less than two weeks shall elapse between the date of nomination and the date of election of ordinary members; and
- (b) that the names and addresses of persons proposed for election as members of the Management Committee of the club shall be displayed in a conspicuous place in the club premises for not less than one week before the date of the election; and
- (c) for the election of members of the Management Committee by the general body of members; and
- (d) for the keeping of records of members voting at an election of members.
- (h) Must provide for the keeping of records of guests.
- (i) In the case of a club in respect of which a venue operator's licence is in force, must provide that an authorised gaming visitor must:
- (i) produce evidence of his or her residential address before being admitted to the licensed premises; and
- (ii) carry identification at all times whilst on the licensed premises; and
- (iii) comply with any relevant rules of the club whilst on the licensed premises.

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Victorian Commission for
 Gambling and Liquor Regulation

