

Local government liquor licence objection kit

AUGUST 2022

This kit has been prepared to provide local councils information on how to lodge a liquor licensing objection in Victoria.

Local government authorities may object to a licence and licence-related applications if the proposed premises are, or will be, located in their municipal district.

A local council may object to:

- the grant of a new liquor licence
- a variation of an existing licence
- the relocation of an existing licence.

Members of the public and Victoria Police can also make an objection.

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Need help?

For more information on how to object to a liquor licence application:

- website vcglr.vic.gov.au
- telephone 1300 182 457
- email contact@vgccc.vic.gov.au

Process guide for making an objection

What can I object to?

Local council can object to an application to grant, vary or relocate a liquor licence on the grounds of:

1. **Amenity:** that the licence would detract from, or be detrimental to, the amenity of the area.
2. **Harm:** that the licence would be conducive to, or encourage harm. This can only be used as a ground for objecting if the application is for a packaged liquor, or late night packaged liquor licence.

What can't I object to?

Local council cannot object on the basis that:

- the amenity impact of the application has not yet been assessed by council
- a planning permit has not been issued
- a proposed liquor licence has different hours/conditions than those on a planning permit.

Apart from pre-retail licences, limited licences or major event licences, a condition of every licence is that the use of the licensed premises does not contravene the planning scheme that applies to the licenced premises under the *Planning and Environment Act 1987*.

A liquor licence can be granted prior to a licensee obtaining a planning permit for their premises. Planning permits and liquor licences can have differing conditions, however, the licensee must ensure they comply with the relevant planning scheme.

How do I make an objection?

Under the *Liquor Control Reform Act 1998* (the Act) for the VCGLR to consider an objection it must be:

1. In writing

To be valid an objection must be made in writing. Objections should include the VCGLR licence application number.

2. On time

An objection must be made within 30 days.

In most cases the VCGLR will notify the local council of an application by writing to the local council's Chief Executive Officer, setting out the relevant grounds for making an objection, and the timeframes that apply.

The VCGLR is not required to notify the local council in the case of an application for a pre-retail licence, temporary event, major event licence, renewable limited licence, or transfer.

3. Address the grounds for objection

The Act sets out the grounds on which an objection to a liquor licence can be made. These are:

Amenity: that the grant, variation or relocation of the licence would detract from, or be detrimental to, the amenity of the area in which the premises are situated (s40(1)).

Harm: (this applies to packaged liquor or late night packaged liquor licences only) that the grant, variation or relocation of the licence would be conducive to or encourage harm (s40(1A)).

When addressing the grounds specified by the Act, it is important to ensure that the objection establishes a clear case that helps the VCGLR understand why the local council is objecting by providing the following:

- the background and/or history of the events occurring in and around the premises or site of the proposed premises.
- the connection between the licensed premises and amenity issues or harm.
- the evidence that the local council has gathered.

Definitions and evidence

Amenity: For objections based on the ground that the application, if approved, would be detrimental to the amenity of the area, section 3A of the Act defines amenity and sets out the factors that may be taken into account by the VCGLR when it considers an application. These are:

- nuisance or vandalism
- the harmony and coherence of the environment.

The table below lists the evidence factors and information that local councils might be able to provide to demonstrate those facts.

Note: On 18 July 2018, the following factors were removed from section 3A of the Act: the presence or absence of parking facilities, traffic movement and density, and noise levels.

Harm: For packaged liquor applications only, local councils can also object on the ground that granting the application would be conducive to, or encourage, harm.

Harm is defined under section 3(1) of the Act to mean harm arising from the misuse and abuse of alcohol. This includes:

- harm to minors, vulnerable persons or communities, including groups within communities
- family violence
- anti-social behaviour, including behaviour that causes personal injury or property damage.

4. Submit your objection

Once complete, the objection can be posted to Victorian Commission for Gambling and Liquor Regulation
GPO Box 1988
Melbourne Victoria 3001

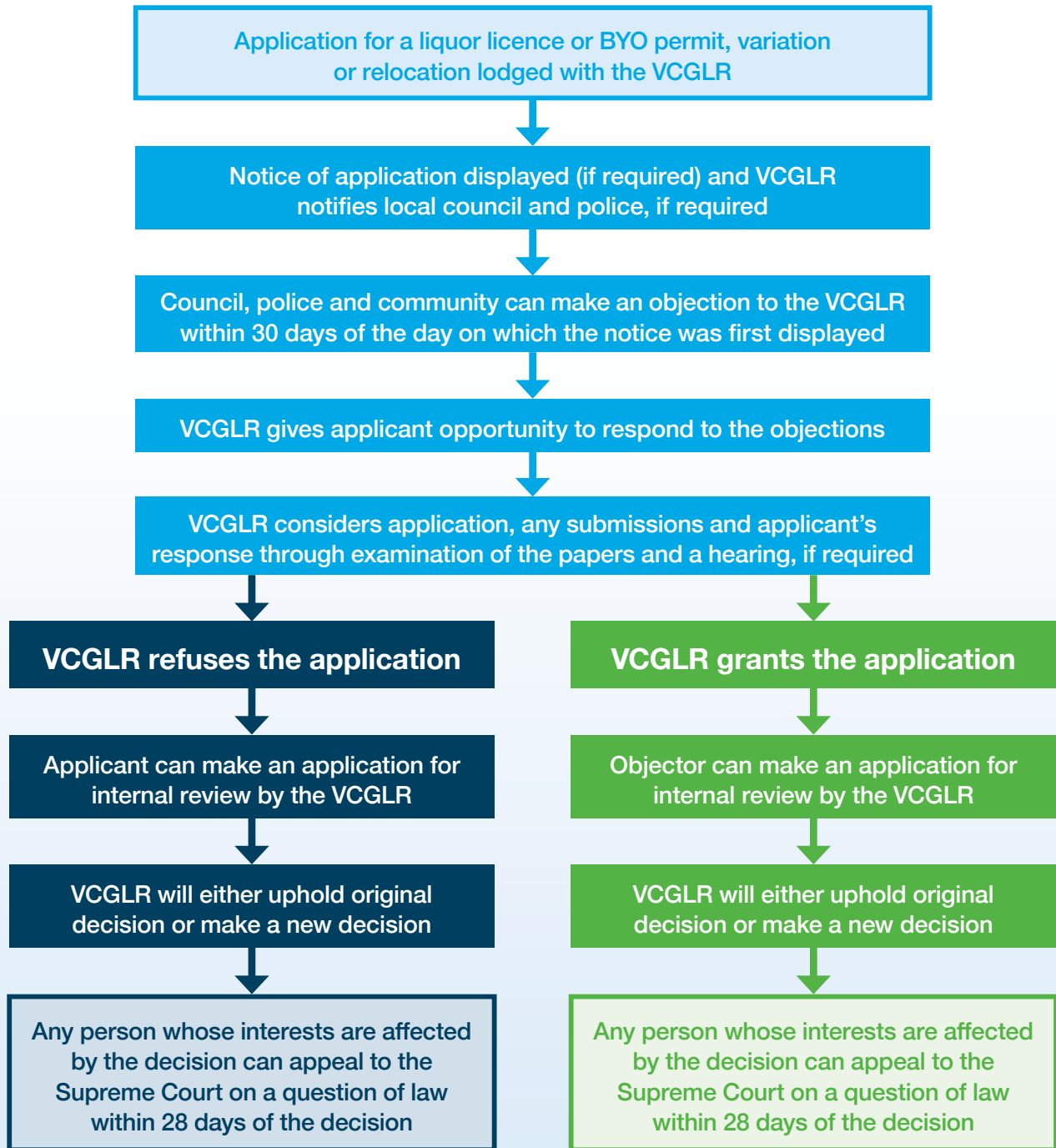
Alternatively, councils can email:
contact@vgccc.vic.gov.au

The local council should not lodge more than one objection to each licence application.

Evidence that constitutes detraction from or detriment to amenity of area (section 3AA of Act)

| Factors | Possible supporting information |
|--|--|
| Using profane, indecent or obscene language | Resident reports, Victoria Police data on behaviour offences near or on the premises. |
| Disorderly behaviour | Resident complaints of behaviour near or on the premises. |
| Causing nuisance | Resident reports of behaviour near or on the premises. |
| Noise disturbance to occupiers of other premises | Resident noise complaints related to the premises or area surrounding the premises. |
| Obstructing a footpath, street or road | Resident reports of behaviour near or on the premises. Council officer reports or other records. |
| Littering | Resident reports of behaviour near or on the premises. Council officer reports or other records. |

Whats next in the objection process?



Frequently asked questions

Can an objection be lodged if a planning permit has already been approved?

In many cases, the applicant for a liquor licence will also need to apply to the local council for planning approval. The planning application and the liquor licence application are separate processes where different considerations apply. This means that although the local council may have previously approved a planning permit for the premises, it can still lodge an objection to the liquor licence application with the VCGLR if it wishes to do so. There are grounds for objecting under the Act that the local council may not have regard to when making a planning decision.

Can an objection be withdrawn?

The local council may withdraw an objection lodged with the VCGLR for any reason and at any time.

What if we missed the deadline for lodging an objection?

If the timeframe for lodging an objection has expired, the local council can apply to the VCGLR for an extension of time.

The VCGLR is not required to accept late objections and will consider these on a case by case basis.

Under the Act, the VCGLR is unable to accept an objection that is made:

- prior to a liquor licence application being lodged by the applicant
- after a determination of a liquor licence application has been made.

What are the local council's rights to review a decision by the VCGLR?

Certain decisions made by the VCGLR are reviewable. This includes where the local council has objected to a liquor licence application, variation or relocation but the VCGLR has determined to grant the licence.

If the decision is reviewable and the local council made an objection to the application, the VCGLR will provide information about the review process along with its reasons for decision.

You can view liquor licence applications currently before the VCGLR, see: liquor.vgccc.vic.gov.au