



Local government liquor licence objection kit

NOVEMBER 2019

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@vcglr.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. **Misuse and abuse:** that the licence would be conducive to, or encourage, the misuse or abuse of alcohol. 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

A sample form is available in Section Three of this guide.

It is not a requirement for an objection to be lodged using this form, but 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 from the day on which the notice of the application is first displayed.

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)).

Misuse or abuse of alcohol: (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 the misuse or abuse of alcohol (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 the misuse or abuse of alcohol
- the evidence that the local council has gathered (see the table below).

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.

This evidence could also be relevant to a packaged liquor application, if the local council wished to make a case that the licence would be conducive to, or encourage, the misuse and abuse of alcohol.

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.

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

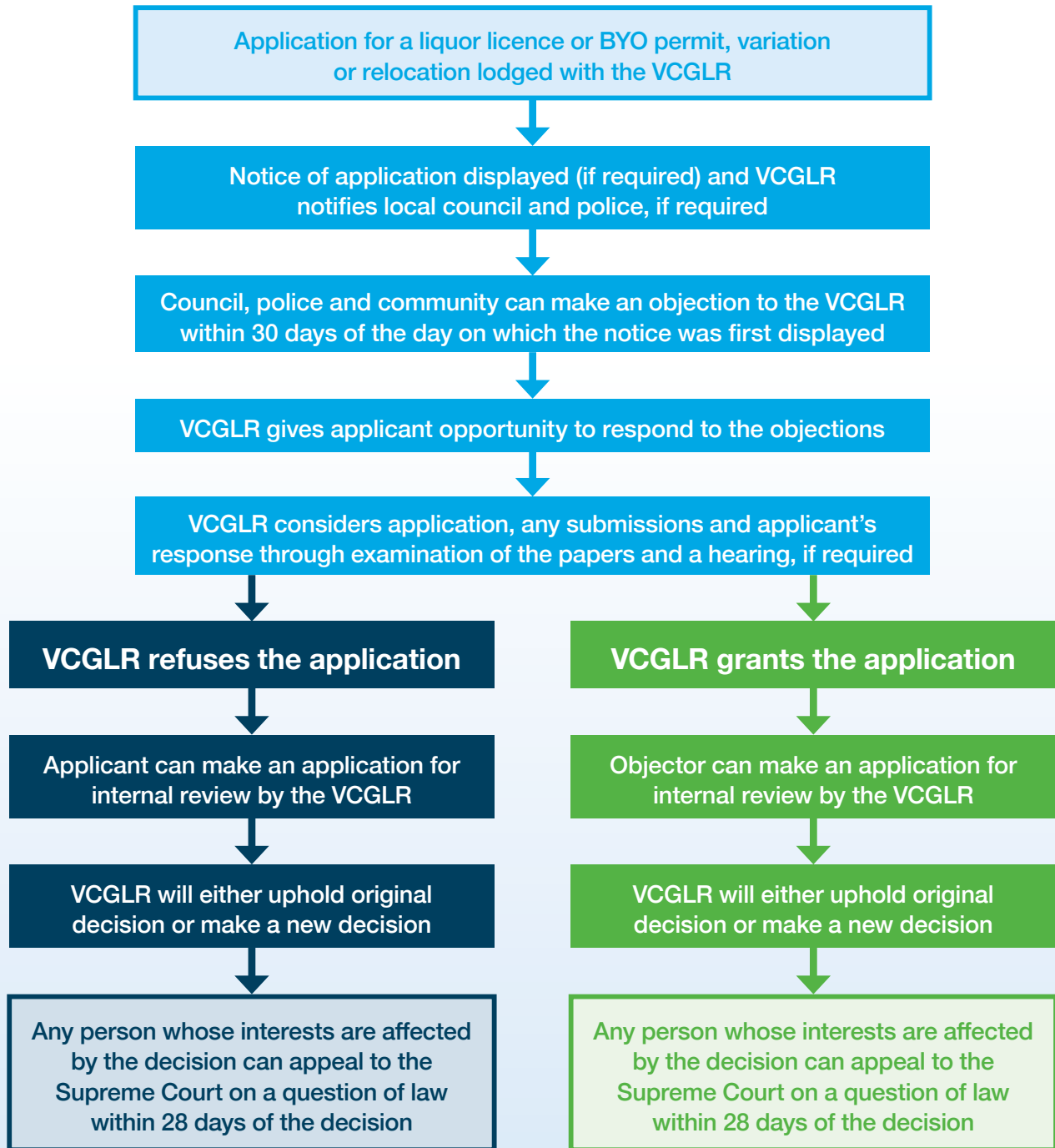
Alternatively, councils can email:
contact@vcglr.vic.gov.au

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.vcglr.vic.gov.au

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Local government liquor licence objection form

SEPTEMBER 2018

About this form

This form can be used by a local council to object to the grant of a new liquor licence, a variation to an existing licence or the relocation of an existing licence in accordance with the *Liquor Control Reform Act 1998* (the Act).

It is not a requirement that a local council objection be lodged on this form, however it must be made in writing.

Please note: An objection must be made within 30 days after the day on which notice of the application is first displayed on the premises or site to which the licence would apply, if granted.

Objector details

Council name

Email

Address

Contact name

Position

Phone

Date of objection

Licence application details

Applicant name

Licence type applied for (i.e. general licence / packaged liquor)

Application number

Additional information relating to licence (if applicable)

Application advertisement or display date

Application type

Grant

Variation

Relocation

Grounds for objection

There are two grounds on which a local council can object to an application to grant, vary or relocate a liquor licence. They are:

- Amenity – that the licence would detract from, or be detrimental to, the amenity of the area.
- Misuse or abuse – that the licence would be conducive to, or encourage, the misuse or abuse of alcohol.

Amenity can be used as a ground for objecting to any category of licence.

The misuse and abuse of alcohol can only be used as a ground for objecting to a packaged liquor or late night packaged liquor licence.



Amenity

The Act defines amenity as the quality of being pleasant and agreeable. Factors that may be taken into account in determining whether the grant, variation or relocation of a liquor licence would detract from, or be detrimental to, the amenity of an area include:

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

In addition, the Act states that the following is taken to be evidence of detraction from, or detriment to, amenity (see s.3AA):

- violent behaviour
- drunkenness
- vandalism
- using profane, indecent or obscene language
- using threatening, abusive or insulting language
- behaving in a riotous, indecent, offensive or insulting manner
- disorderly behaviour
- causing nuisance
- noise disturbance to occupiers of other premises
- obstructing a footpath, street or road
- littering.

Misuse or abuse of alcohol

The misuse or abuse of alcohol is not defined under the Act.

Please note, the following are not valid reasons for an objection under the Act (s41(4)):

- that the business carried on under the licence would or would not be successful
- that the business of another licensee or permittee may be adversely affected by the grant, variation or relocation
- that there is insufficient need or demand to justify the grant, variation or relocation.

Select the ground/s for objecting to this application

- ▶ Amenity
- ▶ Misuse or abuse of alcohol (only available for a packaged liquor or late night packaged liquor applications)
- ▶ Both (only available for a packaged liquor or late night packaged liquor application)

Provide detailed information to support the objection. Attach relevant supporting evidence and any other information you would like the VCGLR to consider.

Attachments

List supporting attachments

Attachment A	
Attachment B	
Attachment C	
Attachment D	
Add additional if required	

Further information about grounds for objecting and the evidence that can be used to support an objection is contained in 'Local government liquor licence objection kit' available at vcglr.vic.gov.au.

