Ref. No.: 20/080/00022-874B
Enquiries to: Ms. Cindy Wilson
Telephone No.: 524 3227
AUSDOC: DX 32069 CAULFIELD

17 June, 1985

Ms. Narelle Ferguson
24 Darbyshire Road,
MT. WAVERLEY VIC. 3149

Dear Narelle,

I refer to your enquiry regarding location of licensed hotels in the Melbourne metropolitan area and would advise the following.

There are three licensed hotels in Caulfield, all of which have been there in excess of 20 years.

Current Council controls over the establishment of new licensed hotels would include the following:

1. Town Planning - The City of Caulfield is covered by the Melbourne Metropolitan Planning Scheme which divides the City into different zones and allows or prohibits certain uses in each of these zones. "Hotel" is a defined use in the Melbourne Metropolitan Planning Scheme and means "a building or part of a building for or in respect of which a licensee holds an hotel keeper's licence or a residential licence, under the Liquor Control Act 1968". An hotel is permitted in the following zones (which exist in Caulfield) subject to a Town Planning Permit from Council - Residential C Zone, Restricted Business Zone, Light Industrial Zone and Service Business Zone. In considering an application for a Town Planning Permit to establish an hotel, Council would have regard to a number of matters including:

(a) Carparking
The Melbourne Metropolitan Planning Scheme sets down a carparking ratio for hotel use. A minimum and maximum number is specified and it is based on the amount of floor area available to the public.

(b) Location
Consideration would be given to the location of the proposed site in relation to proximity to residential uses (effect on amenity of residents in the area, due to noise and traffic), traffic in the area and accessibility of the site including points of access onto the actual property.

...2/

(c) Siting and Asthetics
The design of the building particularly in relation to surrounding development, appropriate landscaping of the site, and appropriate setbacks and boundaries would be considered.

Any application for a hotel would be required to be advertised to nearby property owners/occupiers to allow opportunity for a submission of objections from any persons. The Council would then consider the application together with any objections and make a determination. Appeal rights against the determination would exist to allow the applicant, in the case of a refusal, or the objectors, in the case of an approval, to have the matter further considered by the Planning Appeals Board.

2. Health Regulations - Under the Health Act and the Cleanliness (Foods, Drugs and Substances) Regulations, an hotel would be required to comply with certain structural and cleanliness requirements.

All other regulations on the establishment of a licensed hotel would be covered by the Liquor Control Commission and Health Commission Controls and I would suggest you contact those authorities for further information. I also advise that Caulfield is not declared as a "dry" area but would further suggest that you contact either Box Hill or Camberwell Councils to ascertain the history and regulations of this "dry" area control.

I hope the above information is of use to you in your project and should you have further queries please contact the Town Planning Department.

Yours sincerely,

B.F.J. BOYLE,
MANAGER HEALTH & LEGISLATION.

City of Caulfield

ACTION SHEET

File Number 20/080/00022

Precis of Subject Info Required

PT A Folio 12

Acknowledge

For _____ Committee/Council

For Officer/Committee Action _____

Recorded by Committee Officer / /

Keywords
1. Ferguson
2.
3.
4.
5.
6.

Date 7/6/85

Action Officer TP

ACTION TAKEN OR REQUIRED

AFTER ACTION

(RM5)

Narelle Ferguson

24 Darbyshire Rd

mt. Waverley 3149

288 5078

Dear Sir | Madam,

I am a year 12 student at Burwood High School, doing Geography as one of my subjects. For this subject each student is required to do an Individual Research Project (also called an I.R.P.) on any geographical concept, which is worth 20% of the final year's mark. For my I.R.P. I have chosen to investigate the location of licensed hotels in the melbourne & metropolitan area, and the factors which affect hotel location.

Several factors affect hotel location, the main ones being council regulations and population statistics of local government areas. As you would be aware, many council regulations do not permit hotels to locate in certain areas, or do not permit any further hotels to operate in an area. As a result, "dry" areas become established and thus affect hotel location.

I have applied to the liquor Control Commission for information regarding the reasons for such regulations, and which areas are "dry". However, they do not have this information on record, and suggested that I ask all the individual councils for this information, as this might be my only way of obtaining this vital information.

I do not know if in fact your government area has any "dry" zones in it, but as your council's area has relatively few hotels in it (compared to other areas), restrictive regulations on liquor sales may be the reason for this small number of hotels.

I would be very obliged if you would supply me with information concerning hotel location in your area; mainly outlining any council regulations concerning liquor sales or hotel operation, and, if such regulations exist (if parts of your area are "dry"), the boundaries of such areas, which show these "dry" areas clearly, so that I can map these areas.

Even if your government area does not have such restrictions or regulations, I would be very grateful if you would reply in some way to inform me of this, otherwise I will not know if your government area has "dry" zones in it or not. If, however, your area does, I would be extremely grateful if you would send me a map outlining such "dry" areas and an explanation of why such regulations exist, and, if possible, how long they have existed for.

As this information is vital to the accuracy of my project, and needs to be obtained almost immediately, I would appreciate a reply, whether it is to say such "dry" areas exist or not, as soon as possible.

If you cannot help me in any way, but someone else in your offices or council can, I would be very grateful if you could pass on this letter to them, in order that my questions may be answered.

Thankyou for your much needed assistance, it is appreciated greatly.

With anticipation to your reply,

Noelle Ferguson

City of Caulfield

ACTION SHEET

File Number 20/280/00022

Precis of Subject LIQUOR CONTROL REVIEW

PT A Folio 11

Acknowledge

For _____ Committee/Council

For Officer/Committee Action _____

Recorded by Committee Officer / /

Keywords
1. 84/449
2.
3.
4.
5.
6.

Date 10/4/85

Action Officer

ACTION TAKEN OR REQUIRED

~~DM~~ ☆ 10/4

~~MHKL~~ 8

AFTER ACTION

(RM5)

20/080/00022 cm

MUNICIPAL ASSOCIATION OF VICTORIA

Address all correspondence to the Secretary

RIGBY HOUSE, 15 QUEENS ROAD, MELBOURNE, VICTORIA, 3004 PHONE (03) 267 5266

File 84/449 H. Parsons:mr 1414M 3rd April, 1985
Circular ~~MAV~~ 58/85

The Municipal Clerk,
(as addressed)

Dear Sir/Madam,

Liquor Control Review

The MAV has established a Liquor Control Review Working Party, Chaired by Councillor Paul Dahan, to investigate into and report on the Municipal issues associated with the control of licensed premises. It is believed:

(a) The main issue is the control of the adverse effects which any business may have on its immediate neighbours and those on the lines of access, whether affecting other land uses, pedestrians, vehicles or the use and enjoyment of the surrounding areas;

(b) That there is an accepted system of building and locational controls, maintained by Municipalities as Responsible Authorities, which is capable of dealing appropriately and equitably with any aspect of the building, location or use of any premises where alcohol and associated products are to be sold;

(c) That a Liquor Commission form of authority is unsuitable for the control of factors which create adverse effects from the establishment or operation of licensed premises in any zone within any Municipality;

(d) That the appeal from Municipalities as Responsible Authorities in these matters is more suitable to the Planning Appeals Board than to an agency established expressly for the control or encouragement of licensed premises;

(e) That it is apparent, in the State Government's treatment of planning controls over the MCG lights for example, that there are existing methods whereby significant State levels of interest can be maintained within the present building and planning control system in Victoria;

(f) That the recommendations of the Hotels Working Party should be supported with specific regard to shortcomings in the definitions of licensed premises for environmental control purposes, the order in which the steps to obtain consents and clearances for licensed premises should be made (with the Municipality as the first of the significant Authorities to be consulted), control and definitions in changes of use, and the methods whereby neighbourhood amenity questions can best be resolved.

The Working Party would appreciate Council's support for these points, and requests the advice and opinions of Council on the problems which may have been experienced in the control of licensed premises in your Municipality.

The Working Party is particularly interested in any professional and technical reports which may have been used in forming decisions and fighting appeals on the building, engineering or planning aspects of licensed premises. The matters of interest include actual or proposed changes in the buildings, hours of operation, property, style, traffic and zoning of licensed premises and in the measurement of nuisances derived from their presence, their associated trades, and their customers.

The material should be sent before the middle of May to the Senior Executive, Physical Services Policy, Harry Parsons, to whom any queries should be addressed.

Previously sent 9/83

Yours faithfully,

I.R. PAWSEY,
Secretary.

City of Caulfield

ACTION SHEET

File Number 20/80/00022

Precis of Subject (AMENDMENT) ACT, 1984-NO10130

PT A Folio 10

Acknowledge

For _____ Committee/Council

For Officer/Committee Action _____

Recorded by Committee Officer / /

Keywords
1. 84/325
2.
3.
4.
5.
6.

Date 31/1/85

Action Officer

ACTION TAKEN OR REQUIRED

AFTER ACTION

(RM5)

20/080/00022
CM

MUNICIPAL ASSOCIATION OF VICTORIA

Address all correspondence to the Secretary
RIGBY HOUSE, 15 QUEENS ROAD, MELBOURNE, VICTORIA, 3004 PHONE (03) 267 5266

File 84/325 D. Bennett:mv 0236B
Circular MAV15/85

24th January, 1985.

The Municipal Clerk,
(as addressed)

Dear Sir/Madam,

LIQUOR CONTROL (AMENDMENT) ACT, 1984 - No. 10130.

As foreshadowed by MAV Legislative Newsletter No. 2, 1984, this circular details the changes made to the liquor laws by the recently passed Liquor Control (Amendment) Act 1984.

Councils will please note that this circular supercedes the discussion of the Liquor Control (Amendment) Bill set out in MAV Circular 213/84, dated 24th October 1984.

The Liquor Control (Amendment) Act 1984 received Royal Assent on 7th November 1984, and the following sections have been proclaimed:

- sections 1-3 operate from Wednesday 7th November 1984;
- sections 4-12, 13(1), 13(2), 14-21, 24(a), 24(c), 24(d), 25, 26, 27(b), 28-32 and 34-41 operate from Friday 16th November 1984;
- section 42 is deemed to operate from 28th June 1983;
- section 13(3) operates from Friday 1st March 1985;
- section 24(b) and 27(a) operate from Thursday 1st August 1985.

A paper is attached which summarises the effect of those provisions of the Act which are of interest to councils.

Yours faithfully,

I.R. PAWSEY,
Secretary.

Encl.

Functions of the Liquor Control Commission

Section 4 - Amends section 10 of the Principal Act, and sets out the functions of Liquor Control Commission. It empowers the Commission to investigate any matter relevant to the operation of the Act and enables the Commission to proceed expeditiously and informally and in such manner as it thinks fit, without regard to legal rules, although it shall observe the rules of natural justice.

Granting of Certain Licences

Section 6 - Removes the requirement in s25 of the Principal Act for applications for the grant of certain licences to be heard and determined by the Full Commission and empowers one Commissioner to hear and determine such applications.

Trading Hours of Hotels and Required Refreshments

Section 7 - Makes a number of amendments to sections 26, 97 and 99 of the Principal Act dealing with the trading hours of hotels and required refreshments. In brief, the essence of the amendments is:

(i) s26(1)(d) is amended to remove the requirement for substantial refreshments in relation to "supper permits"; the requirement for a bona fide meal will remain.

(ii) Paragraph (h) of s26(1) is substituted and new paragraphs (i) and (j) are added.

Paragraph (h) provides for a permit for trading on Sundays between noon and 8.00 p.m., paragraph (i) provides for trading between 10.00 p.m. and midnight on any day except Sunday or Good Friday, and paragraph (j) provides for trading where entertainment is provided between midnight on any day except Sunday or Good Friday and three in the following morning including Sunday morning.

(iii) Section 97(1)(a) is amended to provide that bar-rooms shall be closed except during ordinary trading hours and during the hours applying under permits under s26(1)(h) and (i).

Section 97 (1)(e) is amended to provide that bottle shops may not be opened during the hours applying under permits under s26(1)(h) and (i) unless a public bar-room is also open.

New sub-sections (3A),(3B) and (3C) are inserted into s97 to provide that the rules under s97(3) relating to closing times and "periods of grace" shall apply to permits under s26(1)(h), (i) and (j).

Section 99(1) is amended to include the requirement that every licensed hotelkeeper have available for purchase refreshments at all times during ordinary trading hours and during the extended hours where a permit is held under s26(1)(h) or (i); and where a permit is held under s26(1)(j), substantial refreshments at all times in ordinary hours during which liquor may be sold pursuant to that permit.

The amendments do not affect the requirement that a bona fide meal be available between 12 noon to 2.00 p.m. and 6.00 p.m. to 8.00 p.m.

Licensed Caterer may obtain Booth Licence

Section 8 - Section 27 of the Principal Act is amended to enable a licensed caterer to obtain a booth licence and also to require a caterer to provide facility for meals in conjunction with the booth licence.

Caterer's Licence

Section 9 - New s27A is inserted into the Principal Act, creating a new "Caterer's Licence". This licence authorises the licensee to sell and dispose of liquor for consumption on his own premises or other premises for persons attending any social reception, function or any like gathering. It provides that the licensee may sell or dispose of liquor at such a gathering between the hours of nine in the morning and half-past one in the following morning on any day except Sunday and on Sunday between the hours of twelve noon and half-past eleven in the evening.

It also provides that the Commission may upon application vary or increase the hours.

Restaurant Licences

Section 10 - Section 28 of the Principal Act is amended in relation to restaurant licences.

Section 28(1)(a)(i) and (ii) is amended to enable licensed restaurants to open at 7.00 a.m. on Monday to Saturday (excluding Good Friday) and to trade from 12.00 noon to 11.30 p.m. on Sundays.

A new s28(1A) is inserted to authorise the licensee to allow persons over the age of eighteen years to bring liquor to the licensed restaurant and to consume such liquor therein.

Hours and Refreshments in Cabarets

Section 11 - Section 29 of the Principal Act is amended in relation to cabaret licenses.

A cabaret licence will authorise the licensee to sell liquor with or ancillary to entertainment between 7.00 p.m. and 3.00 a.m. on the following morning on any day save Good Friday and at any time to employees of the licensee.

The holder of a cabaret licence may apply for a permit to sell liquor, where there is accompanying entertainment, during the period from 3.00 a.m. to 7.00 a.m. on any day save Good Friday.

It is a condition of a cabaret licence that between 7.00 p.m. and 10.00 p.m. liquor be sold for consumption with substantial refreshments, and that after 10.00 p.m. the licensee shall have substantial refreshments available for purchase and provide these on request.

The Commission may, on the application of the licencing inspector or chief supervisor suspend or revoke a permit which enables opening between 3.00 a.m. and 7.00 a.m., if it is satisfied that the holder of the permit has not complied with the provisions of the permit or of the Act.

Theatre Licences in respect of Cinemas

Section 12 - Section 30 of the Principal Act is amended to extend theatre licences to cinemas. The sale of liquor is restricted to between 6.30 p.m. and midnight. This extension does not apply to drive-in cinemas.

Retail Bottled Liquor Licences

Section 14 - Section 32(1) of the Principal Act is amended to provide for trading by the holders of retail bottled liquor licences until 6.30 p.m. on days other than Saturdays and Sundays and from 6.30 p.m. to 9.00 p.m. on Fridays.

In an area which is certified by the Governor-in-Council to be a holiday tourist or resort area, application may be made to open on such days (including Sundays) and during such hours (including 1.00 p.m. onwards on a Saturday) as are specified in the permit. Such a permit may be revoked or suspended under certain circumstances upon application by the licensing inspector or chief supervisor.

Club Licences

Section 19 - Section 38 of the Principal Act is amended in respect of the hours of club licences. Clubs are permitted to extend their trading hours to include midnight to 1.00 a.m. Sunday mornings.

A licensed club may apply for a permit to trade on Sundays between noon and 8.00 p.m. (previously permits authorized noon to 2.30 p.m. and 4.30 p.m. to 8.30 p.m. trading only).

Section 27 - Section 51 of the Principal Act is amended to provide that the Commission shall not grant or renew a club licence unless the club's rules provide that all classes of membership of the club are open to persons of either sex (with certain exceptions).

The Commission may grant or renew a club licence if it thinks fit despite non-compliance with the provisions contained in s51(1)(c), (d), (e), (f)(i) to (xiii).

Restricted Club Permits

Section 24 - Section 45D of the Principal Act is amended in relation to restricted club permits.

Possible trading hours are increased to such days (including Sundays) and during such hours (including 1 p.m. onwards on Saturdays) as the Commission thinks fit.

A restricted club permit will not be granted unless the rules of the club provide that all classes of membership of the club are open to persons of either sex. (However certain exceptions apply to this provision.)

A permit holder must keep a register of all purchases of liquor and produce it for inspection on demand at any reasonable time by any member of the Commission or a licensing inspector. The Commission shall not (save in certain circumstances) renew a permit if under previously held permits sales of liquor have exceeded the prescribed amount in any period of twelve months.

A club or permit holder shall not advertise in the press or by any other menas that the club has a permit authorizing the sale of liquor or that entertainment is provided on the premises of the club.

Accommodation in Hotels

Section 25 - Section 48(a) of the Principal Act is amended to remove the present requirement for accommodation in hotels and section 100 is amended to provide the Commission with the power to exempt the licensee from the requirement under that section to supply lodging or accommodation.

Applications for Grant of Annual Permits

Section 30 - Section 56A of the Principal Act is amended in relation to applications for the grant of annual permits. The rules under s52(3) and s52(4) governing the giving of notice and advertising of licence applications will now also apply to applications for annual permits under s56A.

Under the new provisions, at least 28 days before the date specified in the notice of intention to make application for the grant of an annual permit, a copy of the notice shall be given in the prescribed manner to the Secretary, the licensing inspector for the division, the chief supervisor and to the town clerk or secretary of the municipality in which the relevant premises are situated.

A copy of the notice shall be displayed on the relevant premises/site continuously for 28 days immediately preceding the date specified for the application, in such a manner as to invite public attention. In addition, the intention to apply for the grant of an annual permit must be advertised for the same period in a local newspaper.

Variation of Licences and Annual Permits

Section 31 - A new Division is inserted in Part 3 of the Principal Act, entitled "Division 2B - Variation of Licences and Annual Permits".

Under the new s56C, the Commission has the power at any time during the currency of a licence or annual permit on the application of the licensee, annual permit holder, chief supervisor, a licensing inspector or the council of the municipality within which the premises are situated to vary the licence or annual permit by:

(a) amending or cancelling any term, condition, restriction or limitation imposed by the Commission in repsect of the licence or annual permit; or

(b) imposing any new term, condition, restriction or limitation in respect of the licence or annual permit - as the Commission thinks fit.

The procedure under which applications are to be made by the specified parties is set out in s56C(2)-(5) (giving of notice to affected parties, advertisement, etc).

Use of Unlicensed Premises for Purposes Ancillary to Use of Licensed Premises.

Section 33 - Section 79 of the Principal Act is amended to provide that an owner or licensee of licensed premises shall not rebuild any part of or make a variation to the licensed premises unless authorised or required to do so by the Commission under s80 or s81. "Variation" is defined to include a change in the use of any part of the premises, or of part of any premises adjacent to the licensed premises.

Repeated Applications for Grant of Licences and Permits

Section 36 - New section 138B is inserted into the Principal Act, which provides that where any application for the grant of a license or permit has been refused by the Commission or withdrawn prior to the Commission's determination, the applicant shall not be entitled to make a like application in respect of the same premises or subject-matter until the expiration of one year after the refusal or withdrawal.

However the Commission has the power to order otherwise if it considers such action appropriate in any particular case.

Transitional Provisions in respect of Existing Licences and Permits under the Principal Act.

Section 41 - This section provides that permits in force under s28(1)(d), s35A(1B), s38(1)(ca), s38(1)(d) or s45D of the Principal Act shall be as valid after the commencement of the amending Act as they were previously, and shall remain in force (subject to the Principal Act) for the period for which they were granted.

City of Caulfield

ACTION SHEET

File Number 20 / 080 / 00022

Precis of Subject AMEND. BILL 8984

PT A Folio 9

Acknowledge

For _____ Committee/Council

For Officer/Committee Action _____

Recorded by Committee Officer / /

Keywords
1. 84/325 BILL
2.
3.
4.
5.
6.

Date 25/10/84

Action Officer

ACTION TAKEN OR REQUIRED

AFTER ACTION

(RM5)

H 20/080/00022 C07

MUNICIPAL ASSOCIATION OF VICTORIA

Address all correspondence to the Secretary
RIGBY HOUSE, 15 QUEENS ROAD, MELBOURNE, VICTORIA, 3004 PHONE (03) 26 4421

File 84/325 D. Bennett:mv 0196B
Circular MAV213/84

24th October, 1984.

The Municipal Clerk,
(as addressed)

Dear Sir/Madam,

LIQUOR CONTROL (AMENDMENT) BILL 1984

The Liquor Control (Amendment) Bill 1984 makes substantial amendments to the Liquor Control Act, 1968.

The Government sees the purpose of the Bill as being to provide a better deal for the Victorian public on the availability of alcohol and to provide some measures which will increase the efficiency and accountability of the Liquor Control Commission.

In brief, the proposed amendments vary permitted hours of trading during the week and on Sundays; vary the conditions under which a number of existing licences and permits may be obtained; create four new types of licence; make the necessary adjustments to the Act which result from the Government's recent announcement on wine taxes and cover some proposed administrative changes.

Councils should also note that the State Government has now instituted a Review into the Liquor Control Act which will report by the 30th September 1985.

The relevant parts of the terms of reference are as follows:-

1. To inquire into review and report upon the objectives, operation and administration of the Liquor Control Act 1968 (Victoria).

2. The review shall -

   (a) have particular regard to:

   (i) the interests of liquor consumers;
   (ii) the interests of both existing and potential employers and employees in the liquor and hospitality industries;
   (iii) community attitudes towards the degree of restriction which should be placed upon the distribution and consumption of liquor; and
   (iv) the significance of the hospitality and liquor industries in the development of the tourism industries in Victoria.

2/.

(b) advise whether, in the light of the findings made by the Review in relation to (a) above:

(i) the number and types of licences and permits available under the Liquor Control Act 1968 (Victoria) should be reduced, and, if so, advise what terms and conditions should be attached by legislation to these licences;

(ii) the Liquor Control Act should authorise a licence issuing body to have regard to matters pertaining to the maintenance of public health, building standards, maintenance of licensed premises and local amenity when considering the granting, renewal, transfer or removal of licences and permits under the Act, and, if not, advise what arrangements, if any, should be effected;

(iii) a licence issuing body should be vested with the broad discretion to prescribe such terms, conditions, restrictions and limitations as it thinks fit when granting, renewing, transferring or authorising the removal of licences and permits, and if not, advise what arrangements, if any, should be effected.

Councils wishing to comment on these terms of reference are invited to send written submissions to Mr. L. Noonan, The Secretary, Review of the Liquor Control Act, 228 Victoria Parade, East Melbourne, Vic. 3002, no later than 15th February, 1985.

A summary of the major provisions of the Liquor Control (Amendment) Bill is attached. The Government considers that implementation of these provisions will allow access to licences and permits to sell and dispose of liquor to a much wider range of persons and companies than at present. It sees this as being advantageous to Victoria.

The MAV has discussed the implications of this Bill with the Minister (the Hon. Ian Cathie),particularly the potential for the loss of residential amenity as a result of the extension of hotel trading hours.

It is now understood that the Bill will be amended in the areas of:-

- Supper permits;
- Late bar trading;
- More stringent conditions on permits;
- Councils having the right to make submissions to the Liquor Control Commission in relation to the question of residential amenity.

Yours faithfully,

I.R. PAWSEY,
Secretary.

Attach.

A. HOURS OF TRADING: MONDAY TO SATURDAY

Under present legislation hotelkeepers are able to apply for a permit which enables the opening of certain areas between 10.00 p.m. and 1.00 a.m. provided liquor is served with refreshments, and customers remain seated at tables. Some 1,200 of Victoria's 1,400 hotels have been granted such permits.

Clause 7:

Makes a number of amendments to sections 26, 97 and 99 dealing with the trading hours of hotels and the requirement of offering refreshments.
Cl 7(1)(a)(ii) amends s26 to make available a permit for hotel bar-trading between 10.00 p.m. and midnight on days other than Sundays or Good Friday.
Cl 7(2)(a)(ii) amends s97 to provide that hotel bottle shops may not be opened during these new extended hours unless a public bar room is also open.

Refreshments must be made available during the new extended hours.
Clause 11: Relates to cabaret licences.

Section 29 is amended to extend the hours during which liquor can be sold in cabarets from 7.00 p.m. to 3.00 a.m., to 7.00 p.m. to 7.00 a.m.
Clause 12: Amends s30 to extend the ability to apply for theatre licences to cinemas.

If so licensed, cinemas may sell liquor on days other than Sundays between the hours of 6.30 p.m. and midnight at such times as are specified in the licence, and on special occasions may apply for permits to sell liquor between midnight and any hour until 3.00 a.m., as specified in the permit.

This does not apply to drive-in cinemas.

B. SUNDAY TRADING HOURS

Clause 7: Amends s26.

Hotels may apply for a permit for trading in public bars on Sundays between noon and 5 p.m. Refreshments must be made available.

Provided a public bar-room is also open hotels may open bottle-shops from noon till 5 p.m. on Sunday (see also cl.32).

Clause 11: A licensed cabaret may open until 7 a.m. Sunday mornings and may trade from 7 p.m. on Sundays.

Clause 19: Amends s38 in relation to Clubs.

The permitted Sunday trading hours for licensed clubs are extended to include trading until 1 a.m. on Sundays. Also a club licence holder may apply for a permit to authorise consumption of liquor on Sundays between noon and 8 p.m., rather than from noon to 2.30 p.m., and 4.30 p.m. to 8.30 p.m. as previously.

C. EXISTING LICENCES AND PERMITS - VARIATIONS IN CONDITIONS

Extended bar trading hours for hotels are to be granted by permit upon the application of the licensee.

The Government has indicated that it intends that permits should be freely available; however the process for obtaining them will still enable access by objectors.

(i) Retail Bottled Liquor Licences

Clause 14: Amends ss.32 and 33.

A retail bottled liquor licence will entitle the licensee to trade between 9.00 a.m. and 6.30 p.m. weekdays (previously to 6 p.m.), and on one night weekly, as specified in the licence (other than a Saturday or Sunday), between 6.30 p.m. and 9.00 p.m.

Also, where the premises are within an area certified by the Governor in Council to be a holiday, tourist or resort area, the Commission may on the application of the holder of a licence grant a permit for trading on the days and hours specified therein.

ii) Restaurant Licences

The Government has stated that it intends that restaurant licences should be freely granted by the Liquor Control Commission. Such a licence should, it has stated, be available to restauranteurs who wish to maintain their restaurants substantially as BYO establishments.

Clause 10: Makes amendments to s28 which applies to restaurant licences.

In essence, persons over 18 years may bring their own liquor to licensed restaurants for consumption on the premises, and may also carry it away with them.

(iii) Restricted Club Permits and Club Licences

Clause 23: Amends the provisions relating to restricted club permits.

This includes an increase in possible trading hours, a prohibition on advertising and a subclause which ensures that the club will comply with the Equal Opportunity Act.

The clause also provides for the monitoring of liquor sales under restricted club permits to ensure that these permits are used for the purposes for which they are intended, and that when the liquor turnover of the clubs becomes substantial they will apply for a full club licence.

Clause 26: Amends s51 in relation to conditions on club licences.

The clause includes provisions to ensure that clubs comply with the Equal Opportunity Act.

Although these amendments make it clear that compliance with the Equal Opportunity Act will be a condition of obtaining a club licence or permit, the Government has indicated that it realises that clubs will need time to amend their rules to comply with the Act. The Government will therefore defer proclamation of this subclause so that it will not affect renewals for the 1985 year.

D. NEW TYPES OF LICENCES

(i) Caterer's Licence

Clause 8 and 9: Relate to the activities of licensed caterers.

Clause 8 amends s27 to enable a licensed caterer to obtain a booth licence and also to require a caterer to provide facility for meals in conjunction with a booth licence.

Clause 9 inserts a new s27A creating a new "Caterer's Licence". This will authorise the licensee to sell and dispose of liquor for consumption on his own premises or other premises for persons attending any social reception, function or other like gathering. It provides that the licence holder may sell liquor in this manner from 9.00 a.m. to 1.30 a.m. the following morning on any day except Sunday; and on Sunday between noon and 11.30 p.m. However the Commission may, upon application, vary or increase the hours.

(ii) Other New Licences

Other new licenses created by the Bill are an auctioneers license (cl.13), a meat producer's licence (cl.17), and a Victorian Arts Centre Licence (cl.22).

E. ADMINISTRATION OF THE ACT

Clause 4: Replaces s10(3) and (4).

This clause empowers the Commission to investigate any matter relevant to the operation of the Act in an expeditious and informal manner without regard to legal rules. However the Commission will be required to comply with the rules of natural justice when operating under this provision.

Clause 20:

This clause states that a certificate provided by the Minister for a tourist facility licence shall be conclusive evidence of the matters certified therein.

Clause 28: inserts a new Division 2B entitled "Variation of Licences and Annual Permits" into Part III of the Act.

This will enable the Commission during the currency of a licence or annual permit, on the application of a licensee, annual permit holder, chief supervisor or a licensing inspector to vary the licence or annual permit by amending, cancelling or imposing any new term, condition, restriction or limitation.

Clause 30: Amends s79 of the Act.

This gives the Commission power in respect of the construction, layout or use of liquor storages built outside licensed premises, whether adjoining or adjacent.

Clause 33:

Under the present Act, applicants for licences can repeatedly withdraw and submit their applications and by these means can incur undue costs for persons wishing to object to the granting of the licence. The clause inserts a new section preventing repeated applications for grants of licences within a 12 month period, but grants the Commission discretion in the matter.

7th NOVEMBER, 1983.

re Liquor Control Commission

Telephone: 598 8111

Noted
Please file
Jan

With Compliments

City Engineer

Liquor Control Act 2

20,080,00022

Municipal Offices
Royal Avenue
Sandringham, 3191

I own Banner: for Your Information.

Town Planning Committee (cont'd)

29. Consideration of the ruling by the Liquor Control Commission that late evening extensions to liquor with meals and other annual permits will be automatic from 1st January, 1984 (without notice to Councils or residents) as a result of the July amendment of the Liquor Control Act, with regard to the effect such extensions could have on the amenity of residents living near the Hampton and Beaumaris Hotels.

29.1 THE STAFF REPORT IS AS FOLLOWS:

In July, 1983, the Liquor Control Act was amended to permit Sunday bar trading and extensions to trading hours of liquor with meals permits held by hotels.

At the time the legal understanding of the Council and the local member was that all applications for extensions to the trading hours would be advertised and permits only granted where they would not unduly inconvenience the amenity of nearby residents or churches.

This is the current practice of the Liquor Control Commission for all extensions for 1983 liquor with meals permits and this procedure was advised to residents living in the immediate vicinity of hotels within Sandringham.

However, at the recent Liquor Control Commission hearing, Judge Campton confirmed the advice given by Commission staff, the applicant's Barrister and privately by Council's Solicitor that consistent with previous practice extensions to annual permits where extended by amendments to the legislation would be granted automatically upon renewal of the permit.

Applications for renewal of permits are not advertised. The Liquor Control Commission will not permit polls to be held on the renewal of permits. Objections to the renewal of permits must be lodged by 30th November.

The effect of this ruling would be that on 1st January, 1984, all hotels with existing liquor with meals permits would automatically obtain extended trading hours. No notice of these extended hours would have been given. The earliest opportunity nearby residents would have to object to any nuisance caused by such extensions would be November, 1984. The earliest a hearing could be anticipated would be early 1985.

As this situation is quite contrary to the advice the Council gave nearby residents regarding the opportunities to comment upon the proposed extensions to trading hours, it is considered that further notice should be given to residents living near the Hampton and Beaumaris Hotels of the change to the procedures.

Town Planning Committee (cont'd)

Clause 29.1 (cont'd)

Complaints have been received from residents about the operations of the Beaumaris and Hampton Hotels in the recent past.

STAFF RECOMMENDATION

It is recommended that the residents living in the near vicinity of the Hampton and Beaumaris Hotels be advised of the anticipated automatic extensions to liquor with meals permits in 1984 and of their opportunities to object to such permits.

29.2 COMMITTEE RECOMMENDATION

That the report be received and the Staff Recommendation be adopted.

Cr. Reynolds moved that the clause be received and the recommendation adopted.
Seconded by Cr. Gundry-White and carried.

City of Caulfield

ACTION SHEET

File Number 20/080/00022

Precis of Subject AMENITY PROBLEMS LICENCED PREMISES

PT A Folio 8

Acknowledge

For _____ Committee/Council

For Officer/Committee Action _____

Recorded by Committee Officer / /

Keywords
1. 81/640
2. 82/629
3. 83/161
4. 174/83
5. 192/82
6. LICENCED

Date 30/9/83

Action Officer

Cm

MHL

ACTION TAKEN OR REQUIRED

RELEASE COMPLETE

A 4/10.

AFTER ACTION

(RM5)

20/080/00022

(8)

MUNICIPAL ASSOCIATION OF VICTORIA

Address all correspondence to the Secretary
RIGBY HOUSE, 15 QUEENS ROAD, MELBOURNE, VICTORIA, 3004 PHONE (03) 26 4421

File 81/640, 82/629
83/161 A.Austin:mv
Circular MAV174/83

28th September, 1983.

The Municipal Clerk,
(as addressed)

30 SEP 1983

Dear Sir/Madam,

Re: Amenity Problems - Licenced Premises Trading In Residential Areas

I refer to circular MAV 192/82 dated 23rd November, 1982 in relation to:-

1. Late Trading Hotels and Amendment No. 188 to the Melbourne Metropolitan Planning Scheme; and

2. Proposed Legislation to Permit Sunday Trading by Hotels.

The MAV has been advised recently by the MMBW that the proposal to include an "Extended Hours Hotel" definition within Amendment No. 188 to the Planning Scheme has been withdrawn. Although the proposed Amendment No. 188 clearly had its limitations, it is felt that a potentially important process has been lost. A planning solution is still considered to be the best way of protecting residential amenity, and it is again stressed that the objective of Local Government in this issue is the protection of residential amenity and not to interfere with the operation of hotels and licenced premises.

The MAV has received many submissions from concerned councils to the general effect that applications for extended hours trading by hotels and other licenced premises should be subject to the normal town planning processes in the first instance.

Earlier this year, the MAV had discussions with the Minister for Economic Development (the Minister responsible for administering the Liquor Control Act) the Hon. I.R. Cathie about the problem of protecting amenity in residential areas. Subsequently, Mr. Cathie was provided with case study information demonstrating the problems experienced by 26 councils. The matter has also been discussed recently by the MAV's Hotels Working Party and Planning Policy Committee.

The MMBW has proposed that further discussions now take place between the Ministry for Planning and Environment, the Liquor Control Commission and the MAV to consider the most appropriate way to effectively regulate extended hours trading by licenced premises. In order to present an accurate assessment of the problems currently being experienced (if any) within your municipality, could you please complete the enclosed survey form and return it to the MAV by 31st October, 1983.

The responses to the questionnaire <u>are confidential</u> and are intended only to give an indication of the extent of any problems experienced throughout the State of Victoria.