The MAV's Hotels Working Party believes that this issue needs some public discussion in order to get a clear picture of where the different parties stand on this issue. To achieve this a seminar will be conducted etc.

A seminar will be conducted concerning the issue of licenced premises trading and the protection of residential amenity in residential areas. Such a seminar would canvass the views of all key players, including the Ministers of Planning and Economic Development, the Chairman of the Liquor Control Commission, Local Government and the Australian Hotels Association (subject to availability). Could you please indicate whether your council would be interested in sending a representative(s) to such a seminar.

Your co-operation in completing the survey form would be most appreciated.

Yours faithfully,

I.R. PAWSEY,
Secretary.

81/640

28th September, 1983.

QUESTIONNAIRE

1. Name of Municipality CAULFIELD

2. Over the last three years, have complaints been made to Council, Councillors or officers about the trading of hotels, licensed clubs, restaurants or reception houses in or opposite RESIDENTIAL areas or zones?

   Yes ✓

   No

3. If complaints have been received, please provide the following information:

TYPE OF LICENSED PREMISES.	NUMBER.
Hotels	
Licenced Clubs	
Licensed Restaurants	1
Reception Centres	1
Other (please specify)	

THE SUBJECT OF COMPLAINT HAS BEEN (Please tick)

- ✓ Disturbance late at night
- ✓ Behaviour of departing patrons
- ✓ Entertainment Noise
- Noise of Departure of patrons' vehicles either from car parking provided by licensed premises or from street parking.
- Other (please specify) CAR PARKING IN STREETS GENERAL.

4. Are there any comments you would like to make?

5. If the MAV conducted a seminar concerning licenced premises trading and protection of residential amenity, please estimate how many representatives of your council would be interested in attending?

- elected representatives/officers	2
- members of the community	

(Who would be invited by your Council to attend).

Signed: _____
Shire Secretary/Town Clerk

Date:- 5/10/83

Ref. No.: 20/080/00022-1108
Enquiries to: Mr. D.B. Logan
Telephone No.: 524 3231
AUSDOC: DX 32069 CAULFIELD

17th August, 1983.

Mr. P.S. Sherman,
Town Clerk,
City of Sandringham,
P.O. Box 27,
SANDRINGHAM 3191

Dear Mr. Sherman,

The Council at its last meeting considered a letter from the City of Sandringham, requesting the City of Caulfield's support to the City of Fitzroy in its Order of Review to the Supreme Court over the Liquor Control Commission's refusal to permit a poll of the views of nearby residents, prior to renewal of an extended trading hours permit for a hotel in a residential area.

After due consideration the Council resolved to note the matter.

Yours sincerely,

G.K. CALDER,
CITY MANAGER.

File No 20/080/00022

CITY OF CAULFIELD

MINUTE SHEET

SUBJECT Extended Trading Hours of Hotels

Committee Meeting held on 9th August 83

Council Meeting held on 16th August 83

ITEM 11. EXTENDED TRADING HOURS OF HOTELS

20/080/00022

Consideration of a letter from the City of Sandringham, requesting the City of Caulfield to support the City of Fitzroy in its Order of Review to the Supreme Court over the Liquor Control Commission's refusal to permit a poll of the views of nearby residents for renewal of an extended trading hours permit for a hotel in a residential area.

The Minister for Economic Development, responsible for Liquor Control matters has indicated that he considers the formal objections proceeding to be fair, and permits residents to voice their objections without the necessity of increasing legal costs. Moreover, he has stated that the amendment to the Act is intended to remove any suggestion that the views of nearby residents who object to the renewal of an extended hours permit, can be canvassed by way of a poll.

Support is also sought for financial assistance for the City of Fitzroy's legal expenses.

COMMITTEE RECOMMENDATION

That the item be noted.

Referred to	Date Referred	Date Actioned Actioning Officers Initials	ACTION REQUIRED AND TAKEN AFTER MEETING
P/A	17.8.83		

H

20/080/00022

CM

City of Sandringham

ALL COMMUNICATIONS TO BE
ADDRESSED TO THE TOWN CLERK
P.O. BOX 27, SANDRINGHAM, 3191
TELEPHONE: 598 8111
ENQUIRIES TO:

Mr. G. Dummett

TPO:CNS:136

1.53/8.11

Municipal Offices,
Royal Avenue,
Sandringham, 3191

14th July, 1983.

Dear Sir,

Liquor Control Amendment Act 1983
Order to Review by the City of Fitzroy

I refer to recent advice that the 1983 Amendment to the Liquor Control Act was proclaimed on Wednesday, 13th July, and also to the recent correspondence to all Councils from the City of Fitzroy for assistance in its Supreme Court action to review a decision by the Liquor Control Commission to refuse to permit a poll of the views of nearby residents for renewal of an annual extended trading hours permit for a hotel.

The Council resolved to seek your support for the action by the City of Fitzroy, and at the same time to draw your attention to its concerns of the current Act.

The recent amendments to the Liquor Control Act have primarily extended trading hours of licenced premises by way of annual permits granted without any local consultation or planning controls. Extensions are granted automatically subject to standard conditions where related hotel or restaurant permits are already held by the licencees.

The Council believes that extensions to the use of licenced premises which are situated in or adjacent to residential areas should be subject to the normal Town Planning process. This procedure should take place prior to the use being extended or established and where appropriate for renewals, taking into account the effect of the proposal on the surrounding area, views of affected nearby residents and the local Council.

In April, 1980, prior to the Amendment of the Liquor Control Act to implement the major recommendations of the Davies Report into Liquor Licencing, this Council wrote to all Ministers of the State Government requesting that any legislation permitting extensions to hotel trading hours clearly distinguish between hotels situated in commercial areas and residential areas. In principle, the Council has no objections to the extensions of trading hours for licenced premises that are wholly contained within Commercial areas, including access and carparking.

In 1981 and 1982 the Municipal Association of Victoria and a number of Councils recently requested the Government to introduce planning controls over extended hotel trading hours. The Council notes that the Australian Hotels Association has been successful in restraining the M.M.B.W. from proceeding with the introduction of belated planning controls over hotel trading hours. The Minister for Planning has indicated he will not intervene even though elsewhere it has been considered appropriate to control late evening retailing near residential areas.

.../2

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In turn, the City of Fitzroy has been advised by the Minister for Economic Development, responsible for liquor control matters, that the 1983 Amendment to the Act is intended to remove any suggestion that the views of nearby residents who object to the renewal of an extended hours permit can be canvassed by way of a poll, rather the Minister considers the more formal objection proceedings to be fair and permit residents to voice their objections without the necessity for incurring substantial legal costs.

In 1981 this Council objected to the renewal of a restaurant and cabaret licence in a residential area. The objection could only be pursued after residents had suffered substantial disturbances for some 18 months. Although the objection was sustained, the restaurant licence cancelled and the licencee disqualified from holding a licence, the Council incurred some $17,000. in legal costs. However, the cabaret licence was transferred to other parties and continues to operate today with some detriment to nearby residents.

The 1983 Act will permit automatic extensions of hotels and restaurants until 11.30p.m. on Sunday evenings, in addition to the recently extended hours of 1.00a.m. on all other evenings. Whilst applicants for new Sunday bar trading permits will be required to show they will not unduly inconvenience nearby residents and worshippers, most hotels already operate extended hours subject to "peace and quiet" conditions that are presumed to be satisfied by their annual renewal. Most hotels hold extended hours permits regardless of whether they currently use them. In most inner and middle suburban areas hotels were established with minimal carparking and on the presumption that they will continue to close at 6.00p.m.

Whilst applications for new annual permits will be required to be notified in the metropolitan dailies, Councils will only be directly notified of applications, transfers and removals of the more limited hours liquor licences.

The Council also notes the 1983 Amendment to the Liquor Control Act will facilitate hotels converting existing residential accommodation to bars or restaurants, and in turn taverns by relaxing the more onerous requirements related to restricted hotelkeeper's licences. An enquiry from one hotelkeeper along these lines has already been received.

Whilst the Council has no objection in principle to this trend, again it could exacerbate present amenity problems.

The Council of the City of Sandringham therefore seeks your support for the actions taken by the City of Fitzroy and the Municipal Association of Victoria, and respectfully suggests that you take such action as your Council may consider appropriate. The City of Sandringham has also resolved to contribute $200.00 towards the legal expenses of the City of Fitzroy.

The Council would urge you to give careful consideration to the implications of the 1983 Amendment to the Liquor Control Act and to make your Council's views known to the Minister for Economic Development, the Minister for Planning and the Melbourne Metropolitan Board of Works to ensure extensions to trading hours of licenced premises are adequately considered on their merits at the local level by the parties that can be directly affected by such extensions prior to the use establishing or extending, rather than reliance on the more costly formal legal objection provisions to established uses only after nuisances are caused.

Yours faithfully,

P S Sherman

(P.S. Sherman)
TOWN CLERK

Town Clerk,
City of Caulfield.

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Copy for Graham Ahlers

MINISTER FOR ECONOMIC DEVELOPMENT

31st May, 1983.

Mr. R. Allen,
Urban Planner,
City of Fitzroy,
Municipal Offices,
201 Napier Street,
FITZROY, Vic. 3065.

Dear Mr. Allen,

I refer to your letter of the 19th May, 1983, concerning the purported right of objectors to demand a "poll" under Section 54(4) of the Liquor Control Act.

As you will be aware, the Commission has recently considered the question of whether a poll can be taken on the renewal of an annual permit and determined that it cannot. This ruling was upheld by the Full Commission on appeal. As I understand it, the grounds of the Commission's decision was that on its prior consideration, the Act did not allow for the conduct of a poll in such circumstances.

Certainly I am not aware that any Government has intended that the poll procedures be available in relation to the renewal of an annual permit. A provision has been included in the Liquor Control Bill currently before Parliament to remove any suggestion that the Act is ambiguous on this point.

i.e. presumably to not allow a poll in regard to Renewal !!

I am satisfied that the existing procedures for dealing with residents objections to renewals by way of a hearing are fair and allow residents to voice their objections without the necessity for incurring substantial legal costs. As you point out in yourletter, the Commission has, on appropriate occasions, amended the hours, imposed other conditions and required undertakings from applicants before renewing permits. I am confident that the Commission will in future continue to balance the legitimate interests of those members of the community who wish to enjoy later licence hours and those who reside in the vicinity of hotels.

Yours sincerely,

IAN CATHIE
Minister for Economic Development

75.

e clause 11 - C.O.W. 18 July, 1983)

Planning Committee's Report - 11/7/83

Advice from the Liquor Control Commission that the Liquor Control (Amendment) Act 1983 will be proclaimed on Wednesday, 13th July, 1983.

THE STAFF REPORT IS AS FOLLOWS:

Further to previous reports (TPC 6.2 C.M. 14/6/1983) the Liquor Control (Amendment) Act 1983 is expected to be proclaimed on Wednesday, 13th July, 1983.

The Act will have the following main effects:-

.1 Extensions to trading hours	Current	New Hours
HotelKeepers Licence		
Sec.26(1)(a) -on any day except Sunday and Good Friday & Anzac Day	10.00am to 10.00pm	
Sec.26(1)(b) -Summertime authorization	10.00am to 11.00pm (during Daylight Saving time)	
HotelKeepers Permits		
(Generally on an annual renewal basis except for special occasion)		
Sec.26(1)(d) -on day other than Sunday or Good Friday with or ancillary to a bona fide meal or substantial refreshment	10pm-1am the following morning on any day other than Sunday or Good Friday but including the hour of 12 midnight to 1am in the morning on a Sunday	
Sec.26(1)(e) -on Sunday,	12noon-3pm 6pm-10.00pm	12noon-4p 6pm-11.30
Sunday being Christmas Eve, Christmas Day, New Year's Eve, New Year's Day	12noon-3pm 6pm-1am in following morning	
On Anzac Day with a bona fide meal	12noon-1pm	
Sec.26(1)(f) -Particular function or particular occasion permit on-		
Sunday or Good Friday	6pm-open	
Any other day	10pm-open	
Sec.26(1)(e) - Good Friday	12noon-3pm 6pm-10.00pm	

Town Planning Committee (cont'd)

Clause 14.1 (cont'd)

	Current Hours	New Hours
Sec.26(1)(g) -Particular function or particular occasion permit on- any other day than Sunday, Good Friday or Anzac Day with a bona fide meal	8am-10am	
Sec.26(1)(h) and (3A) (Sunday Bar Trading)	none except as above	two periods of two hours separated by two hours between 12noon & 8pm

Annual permits may only be granted where the Commission is satisfied there is a need and it will not unduly inconvenience persons residing or worshipping in the area.

Whilst permits and licences may be granted subject to such condition as the Liquor Control Commission sees fit, there are normally standard conditions unless there are/have been objections/problems in respect of the premises.

30 minutes grace for vacating premises applies.

Restaurants Licence

	Current Hours	New Hours
Sec.28 (1)(a)(i)-any day other than Sunday or Good Friday with or ancillary to a bona fide meal	12noon-1am the following morning including the hour of 12 midnight to 1am in the morning on a Sunday	
Sec.28 (1)(a)(ii)-Sunday and Good Friday with or ancillary to a bona fide meal	12noon-3pm 6pm-10pm	12noon-4pm 6pm-11.30pm
Sec.28(1)(a) and (iii)-Sunday being Christmas Eve, Christmas Day, New Year's Eve or New Year's Day with or ancillary to a bona fide meal	12noon-3pm 6pm-1am the following morning	

Town Planning Committee (cont'd)

Clause 14.1 (cont'd)

	Current Hours	New Hours
Sec.28(1)(b)-any day other than a Sunday or Good Friday with substantial refreshments	10pm-1am the following morning including the hour of 12midnight to 1am in the morning on Sunday	
Sec.28(1)(c)-Permit	at any time to an inmate	
Sec.28(1)(d)-Particular function or particular occasion with or ancillary to a bona fide meal on any day other than Sunday, Good Friday or Anzac Day	8am-12noon	
Sec.28(1)(e)(i)-Particular function particular occasion with or ancillary to a bona fide meal or substantial refreshment-on Sunday	10pm-open but not including hours on Anzac Day	
Sec.28(1)(e)(ii)- on any day apart from Sunday or Good Friday		1am-2am in the morning

Club Licences

These licences permit the sale and disposal of liquor on premises to any member, guest or employee as set out below.

	Current Hours	New Hours
Sec.38(1)(a)-Anzac Day not being a Sunday	At any time after 1pm	
Sec.38(1)(b)-Sunday with or ancillary to a bona fide meal	12noon-3pm 6pm-10pm	12noon-4pm 6pm-11.30pm
Sec.38 (1)(c)-Any day except Sunday, Good Friday or Anzac Day	At any time (as specified in club constitution)	
Permits-Sec.38 (1)(d) and (1) Sunday. No meal or refreshment	12noon-2.30pm 4.30pm-8.30pm	
Sec.38(1) (da)-Particular function or occasion or a series thereof-no meal or refreshment	as specified in the permit	

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Town Planning Committee (cont'd)

Clause 14.1 (cont'd)

	Current Hours	New Hours
Sec.38 (1) (db)-"Musicians Union Club-enablement". Sunday	12midnight - 1.30am	
Sec.38(1)(e)-To an inmate	at any time	
Sec.38(2)	12noon-2.30pm 4.30pm-8.30pm	
Sec.38(1aa) & (1ab) Sunday Trading		two periods 1 2 hours with not less tha 2 hours brea between 12no and 8.00pm
Sec.38(8A) where engaged in trade or business	midnight Saturday to 1.30am in the morning on Sunday	

With these licences the primary instrument of control tends to be the Club's constitution which is vetted and can only be varied with the approval of the Liquor Control Commission. The Liquor Control Commission may impose such conditions as it sees fit.

Again Sunday permits are subject to the requirement that the Liquor Control Commission satisfy itself there is a need and the use will not unduly inconvenience residents or worshippers

"Bring Your Own" Consumption (Cafe) Permit

	Current Hours	New Hours
Sec.45A(2)-Any day except Sunday and Good Friday	12noon & 1am the following morning including the hour between 12midnight and 1am in the morning of Sunday	
Sec.45A(2)-Sunday and Good Friday	12noon-3pm 6pm-10pm	12noon-4pm 6pm-11.30pm
Sec.45A(8)-Particular function or occasion	any time on any day except Good Friday	

Again these annual permits are subject to such conditions as the Liquor Control Commission considers appropriate.

Town Planning Committee (cont'd)

Clause 14.1 (cont'd)

Annual Unlicenced Club Permits: that permit consumption of alcohol with or without a meal.

There is no change to their trading hours.

	Current Hours
Sec.45B(3) and (11)-Monday to Saturday	as specified in the permit
Sunday no meal	12noon-2.30pm 4.30pm-6.30pm
Sunday with or ancillary to a bona fide meal	12noon-2.30pm 6pm-10pm
Sec.45B(11)-Particular occasion	at any time on any day

Restricted Club Permits

These annual permits allow for the sale and consumption of alcohol on defined club premises.

Sec.45D(1)-Saturday	5.00pm-7.00pm
Sunday	11.30am-1.30pm or 5.00pm to 7.00pm
Sec.45D(2) Cricket Clubs- Saturdays or Sundays	6.00pm-8.00pm

.2 By the repeal of much of Section 49, the Act will facilitate the establishment of hotels without residential accommodation.

Whilst the Act elsewhere seeks to encourage tourist accommodation, it will encourage the conversion of the less profitable residential areas to bar and dining areas (N.B. TAVERNS WILL BE LIKELY.)

Already one of the hotels within this municipality has made tentative inquiries along these lines.

.3 The Act substitutes new provisions for Applications and Renewals of Annual Permits.

The provisions for applications/objections to licences and permits are:-

Licences (not changed)

.1 New Licences - (Hotels, Restaurants, Cider Taverns, Cabarets, Bottleshops and Clubs) are notified on site, in local (The Age) paper, to Council and Divisional Licencing Inspector.

Town Planning Committee (cont'd)

Clause 14.1 (cont'd)

All persons have the right to object:-

- 3 electors may request a poll and a petition with 50 signatures makes a poll mandatory and a majority of objections will preclude the grant of a permit.
- Objection to renewals (31st Dec.) must be lodged by 30th November.

New Annual Permit Applications

Most extensions to Hotel and Restaurant trading hours, etc. are by way of annual permits under a particular licence.

Council will not be notified of new permit applications.

Notice is given to the local Licencing Inspector and in "The Age".

The objection provisions for such permit applications are the same as for licences.

Permit and Licence Renewals

No notice is given of requests for renewals.

Although the Act states that there is provision for conducting a poll for renewal of annual permits if requested by residents, the Minister has stated that he will not permit use of such provisions for renewal of annual permits.

Further whilst the Act states that requests for renewals must be lodged by 31st October, in practice the Liquor Control Commission exercises its discretion and will generally accept such request at anytime.

Further, the City of Fitzroy successfully opposed an annual permit one year (heard mid year), but did not object by 30th November and a subsequent request for renewal was granted in the absence of any objection.

Despite the above, the staff's experience is that the staff of the Liquor Control Commission are most co-operative and helpful.

The Act states a person's rights of objection to a renewal are the same as to an application for a new permit.

Committee of Whole Council (Cont.)

7. To consider the report of the Town Planning Committee in regard to amendments to the Liquor Control Act.
(Referred from T.P.C. Clause 14, C.M. 11.7.83).

Recommendation

That the report of the Town Planning Committee (see T.P.C. Clause 14, C.M. 11.7.83) be received and -

1. The Council note:

1.1 the Act will come into force on Wednesday, 13th July 1983;

1.2 under the Act, where Hotels already have existing annual permits, those permits will automatically be extended to the new hours. Only the Hampton Hotel does not have current Sunday Trading Permit;

1.3 all Hotels, Clubs and Restaurants will have to make new applications for the new Sunday (Bar) Permits, even though most hotels currently hold Sunday (Meals with Liquor) permits (regardless of whether they use them);

1.4 Council will not receive notice of such applications apart from notices in "The Age";

1.5 the Minister has clearly indicated that he only intends use of the public notification/poll provisions at the time an application for a new permit/licence is made.

2. The Council advise the Liquor Control Commission that it is most concerned at the permissible extensions to trading hours of hotels of a Sunday where such hotels are within or adjacent to residential areas.

The Council notes that these extensions have occurred without any prior canvassing of the views of nearby residents, or notification to the Council despite its request to the Commission in 1980 and 1981.

In view of the stated policy that such consultation will not be permitted for the renewal of permits, the Council formally requests the Commission to canvass the views of persons living and worshipping near the following hotels and to notify the Council prior to the determination of any applications for extensions to trading hours by way of annual permits :-

Committee of Whole Council (Cont.)

Clause 7 (Cont.)

Hampton Hotel, 56 Beach Road, Hampton.

(Noting this hotel currently does not have any Sunday trading permits, the views of persons living in the area bounded by Beach Road, Orlando Street, Railway Line, Hampton Street and Linacre Road should be canvassed.)

Red Bluff Hotel, 169 Beach Road, Sandringham.

(The views of persons living in the area bounded by Beach Road, Southey Street, Fernhill Road and Royal Avenue, should be canvassed.)

Beaumaris Hotel, 475 Beach Road, Beaumaris.

(The views of persons living in the area bounded by Beach Road, Keys Street, Martin Street, Dalgetty Road, Bodley Street, Tramway Parade and Banksia Avenue, should be canvassed.)

Sandringham Hotel, 118 Beach Road, Sandringham.

(The views of persons living in the area bounded by Beach Road, Bay Road, Station Street, Waltham Street, Chalmers Avenue and The Crescent, should be canvassed.)

3. That the affected residents be advised of what their rights are now, what the new Act allows to be provided for and the ways in which they can present their views by petition and referendum.

City of Caulfield

ACTION SHEET

File Number 20/080/00022

Precis of Subject LIQUOR CONTROL ACT - COMMENTS.

PT A Folio 7

Acknowledge

For _____ Committee/Council

For Officer/Committee Action _____

Recorded by Committee Officer / /

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

Date 22/7/88

Action Officer

DCM

ACTION TAKEN OR REQUIRED

FOR REPORT TO E.S. C'TEE.

A 25/7.

AFTER ACTION

(RM5)

H

20/080/00022

Cm

City of Sandringham

ALL COMMUNICATIONS TO BE
ADDRESSED TO THE TOWN CLERK
P.O. BOX 27, SANDRINGHAM, 3191
TELEPHONE: 598 8111
ENQUIRIES TO:

Mr. G. Dummett

TPO:CNS:136

1.53/8.11

Municipal Offices,
Royal Avenue,
Sandringham, 3191

22 JUL 1983

14th July, 1983.

Dear Sir,

Liquor Control Amendment Act 1983
Order to Review by the City of Fitzroy

I refer to recent advice that the 1983 Amendment to the Liquor Control Act was proclaimed on Wednesday, 13th July, and also to the recent correspondence to all Councils from the City of Fitzroy for assistance in its Supreme Court action to review a decision by the Liquor Control Commission to refuse to permit a poll of the views of nearby residents for renewal of an annual extended trading hours permit for a hotel.

The Council resolved to seek your support for the action by the City of Fitzroy, and at the same time to draw your attention to its concerns of the current Act.

The recent amendments to the Liquor Control Act have primarily extended trading hours of licenced premises by way of annual permits granted without any local consultation or planning controls. Extensions are granted automatically subject to standard conditions where related hotel or restaurant permits are already held by the licencees.

The Council believes that extensions to the use of licenced premises which are situated in or adjacent to residential areas should be subject to the normal Town Planning process. This procedure should take place prior to the use being extended or established and where appropriate for renewals, taking into account the effect of the proposal on the surrounding area, views of affected nearby residents and the local Council.

In April, 1980, prior to the Amendment of the Liquor Control Act to implement the major recommendations of the Davies Report into Liquor Licencing, this Council wrote to all Ministers of the State Government requesting that any legislation permitting extensions to hotel trading hours clearly distinguish between hotels situated in commercial areas and residential areas. In principle, the Council has no objections to the extensions of trading hours for licenced premises that are wholly contained within Commercial areas, including access and carparking.

In 1981 and 1982 the Municipal Association of Victoria and a number of Councils recently requested the Government to introduce planning controls over extended hotel trading hours. The Council notes that the Australian Hotels Association has been successful in restraining the M.M.B.W. from proceeding with the introduction of belated planning controls over hotel trading hours. The Minister for Planning has indicated he will not intervene even though elsewhere it has been considered appropriate to control late evening retailing near residential areas.

.../2

In turn, the City of Fitzroy has been advised by the Minister for Economic Development, responsible for liquor control matters, that the 1983 Amendment to the Act is intended to remove any suggestion that the views of nearby residents who object to the renewal of an extended hours permit can be canvassed by way of a poll, rather the Minister considers the more formal objection proceedings to be fair and permit residents to voice their objections without the necessity for incurring substantial legal costs.

In 1981 this Council objected to the renewal of a restaurant and cabaret licence in a residential area. The objection could only be pursued after residents had suffered substantial disturbances for some 18 months. Although the objection was sustained, the restaurant licence cancelled and the licencee disqualified from holding a licence, the Council incurred some $17,000. in legal costs. However, the cabaret licence was transferred to other parties and continues to operate today with some detriment to nearby residents.

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Whilst the Council has no objection in principle to this trend, again it could exacerbate present amenity problems.

The Council of the City of Sandringham therefore seeks your support for the actions taken by the City of Fitzroy and the Municipal Association of Victoria, and respectfully suggests that you take such action as your Council may consider appropriate. The City of Sandringham has also resolved to contribute $200.00 towards the legal expenses of the City of Fitzroy.

The Council would urge you to give careful consideration to the implications of the 1983 Amendment to the Liquor Control Act and to make your Council's views known to the Minister for Economic Development, the Minister for Planning and the Melbourne Metropolitan Board of Works to ensure extensions to trading hours of licenced premises are adequately considered on their merits at the local level by the parties that can be directly affected by such extensions prior to the use establishing or extending, rather than reliance on the more costly formal legal objection provisions to established uses only after nuisances are caused.

Yours faithfully,

P S Sherman

(P.S. Sherman)
TOWN CLERK

Town Clerk,
City of Caulfield.

Copy for Graham Phelan

MINISTER FOR ECONOMIC DEVELOPMENT

31st May, 1983.

Mr. R. Allen,
Urban Planner,
City of Fitzroy,
Municipal Offices,
201 Napier Street,
FITZROY, Vic. 3065.

Dear Mr. Allen,

I refer to your letter of the 19th May, 1983, concerning the purported right of objectors to demand a "poll" under Section 54(4) of the Liquor Control Act.

As you will be aware, the Commission has recently considered the question of whether a poll can be taken on the renewal of an annual permit and determined that it cannot. This ruling was upheld by the Full Commission on appeal. As I understand it, the grounds of the Commission's decision was that on its prior consideration, the Act did not allow for the conduct of a poll in such circumstances.

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Yours sincerely,

IAN CATHIE
Minister for Economic Development

e clause 11 - C.O.W. 18 July, 1983)

Planning Committee's Report - 11/7/83

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THE STAFF REPORT IS AS FOLLOWS:

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HotelKeepers Permits		
(Generally on an annual renewal basis except for special occasion)		
Sec.26(1)(d) -on day other than Sunday or Good Friday with or ancillary to a bona fide meal or substantial refreshment	10pm-1am the following morning on any day other than Sunday or Good Friday but including the hour of 12 midnight to 1am in the morning on a Sunday	
Sec.26(1)(e) -on Sunday,	12noon-3pm 6pm-10.00pm	12noon-4p 6pm-11.30
Sunday being Christmas Eve, Christmas Day, New Year's Eve, New Year's Day	12noon-3pm 6pm-1am in following morning	
On Anzac Day with a bona fide meal	12noon-1pm	
Sec.26(1)(f) -Particular function or particular occasion permit on-		
Sunday or Good Friday	6pm-open	
Any other day	10pm-open	
Sec.26(1)(e) - Good Friday	12noon-3pm 6pm-10.00pm	

Town Planning Committee (cont'd)

Clause 14.1 (cont'd)

	Current Hours	New Hours
Sec.26(1)(g) -Particular function or particular occasion permit on- any other day than Sunday, Good Friday or Anzac Day with a bona fide meal	8am-10am	
Sec.26(1)(h) and (3A) (Sunday Bar Trading)	none except as above	two periods of two hours separated by two hours between 12noon & 8pm

Annual permits may only be granted where the Commission is satisfied there is a need and it will not unduly inconvenience persons residing or worshipping in the area.

Whilst permits and licences may be granted subject to such condition as the Liquor Control Commission sees fit, there are normally standard conditions unless there are/have been objections/problems in respect of the premises.

30 minutes grace for vacating premises applies.

Restaurants Licence

	Current Hours	New Hours
Sec.28 (1)(a)(i)-any day other than Sunday or Good Friday with or ancillary to a bona fide meal	12noon-1am the following morning including the hour of 12 midnight to 1am in the morning on a Sunday	
Sec.28 (1)(a)(ii)-Sunday and Good Friday with or ancillary to a bona fide meal	12noon-3pm 6pm-10pm	12noon-4pm 6pm-11.30pm
Sec.28(1)(a) and (iii)-Sunday being Christmas Eve, Christmas Day, New Year's Eve or New Year's Day with or ancillary to a bona fide meal	12noon-3pm 6pm-1am the following morning	

Town Planning Committee (cont'd)

Clause 14.1 (cont'd)

	Current Hours	New Hours
Sec.28(1)(b)-any day other than a Sunday or Good Friday with substantial refreshments	10pm-1am the following morning including the hour of 12midnight to 1am in the morning on Sunday	
Sec.28(1)(c)-Permit	at any time to an inmate	
Sec.28(1)(d)-Particular function or particular occasion with or ancillary to a bona fide meal on any day other than Sunday, Good Friday or Anzac Day	8am-12noon	
Sec.28(1)(e)(i)-Particular function particular occasion with or ancillary to a bona fide meal or substantial refreshment-on Sunday	10pm-open but not including hours on Anzac Day	
Sec.28(1)(e)(ii)- on any day apart from Sunday or Good Friday		1am-2am in the morning

Club Licences

These licences permit the sale and disposal of liquor on premises to any member, guest or employee as set out below.

	Current Hours	New Hours
Sec.38(1)(a)-Anzac Day not being a Sunday	At any time after 1pm	
Sec.38(1)(b)-Sunday with or ancillary to a bona fide meal	12noon-3pm 6pm-10pm	12noon-4pm 6pm-11.30pm
Sec.38 (1)(c)-Any day except Sunday, Good Friday or Anzac Day	At any time (as specified in club constitution)	
Permits-Sec.38 (1)(d) and (1) Sunday. No meal or refreshment	12noon-2.30pm 4.30pm-8.30pm	
Sec.38(1) (da)-Particular function or occasion or a series thereof-no meal or refreshment	as specified in the permit	

Town Planning Committee (cont'd)

Clause 14.1 (cont'd)

	Current Hours	New Hours
Sec.38 (1) (db)-"Musicians Union Club-enablement". Sunday	12midnight - 1.30am	
Sec.38(1)(e)-To an inmate	at any time	
Sec.38(2)	12noon-2.30pm 4.30pm-8.30pm	
Sec.38(1aa) & (1ab) Sunday Trading		two periods 1 2 hours with not less tha 2 hours brea between 12no and 8.00pm
Sec.38(8A) where engaged in trade or business	midnight Saturday to 1.30am in the morning on Sunday	

With these licences the primary instrument of control tends to be the Club's constitution which is vetted and can only be varied with the approval of the Liquor Control Commission. The Liquor Control Commission may impose such conditions as it sees fit.

Again Sunday permits are subject to the requirement that the Liquor Control Commission satisfy itself there is a need and the use will not unduly inconvenience residents or worshippers

"Bring Your Own" Consumption (Cafe) Permit

	Current Hours	New Hours
Sec.45A(2)-Any day except Sunday and Good Friday	12noon & 1am the following morning including the hour between 12midnight and 1am in the morning of Sunday	
Sec.45A(2)-Sunday and Good Friday	12noon-3pm 6pm-10pm	12noon-4pm 6pm-11.30pm
Sec.45A(8)-Particular function or occasion	any time on any day except Good Friday	

Again these annual permits are subject to such conditions as the Liquor Control Commission considers appropriate.

Town Planning Committee (cont'd)

Clause 14.1 (cont'd)

Annual Unlicenced Club Permits: that permit consumption of alcohol with or without a meal.

There is no change to their trading hours.

	Current Hours
Sec.45B(3) and (11)-Monday to Saturday	as specified in the permit
Sunday no meal	12noon-2.30pm 4.30pm-6.30pm
Sunday with or ancillary to a bona fide meal	12noon-2.30pm 6pm-10pm
Sec.45B(11)-Particular occasion	at any time on any day

Restricted Club Permits

These annual permits allow for the sale and consumption of alcohol on defined club premises.

Sec.45D(1)-Saturday	5.00pm-7.00pm
Sunday	11.30am-1.30pm or 5.00pm to 7.00pm
Sec.45D(2) Cricket Clubs- Saturdays or Sundays	6.00pm-8.00pm

.2 By the repeal of much of Section 49, the Act will facilitate the establishment of hotels without residential accommodation.

Whilst the Act elsewhere seeks to encourage tourist accommodation, it will encourage the conversion of the less profitable residential areas to bar and dining areas(N.B. TAVERNS WILL BE LIKELY.)

Already one of the hotels within this municipality has made tentative inquiries along these lines.

.3 The Act substitutes new provisions for Applications and Renewals of Annual Permits.

The provisions for applications/objections to licences and permits are:-

Licences (not changed)

.1 New Licences - (Hotels, Restaurants, Cider Taverns, Cabarets, Bottleshops and Clubs) are notified on site, in local (The Age) paper, to Council and Divisional Licencing Inspector.

Town Planning Committee (cont'd)

Clause 14.1 (cont'd)

All persons have the right to object:-

- 3 electors may request a poll and a petition with 50 signatures makes a poll mandatory and a majority of objections will preclude the grant of a permit.
- Objection to renewals (31st Dec.) must be lodged by 30th November.

New Annual Permit Applications

Most extensions to Hotel and Restaurant trading hours, etc. are by way of annual permits under a particular licence.

Council will not be notified of new permit applications.

Notice is given to the local Licencing Inspector and in "The Age".

The objection provisions for such permit applications are the same as for licences.

Permit and Licence Renewals

No notice is given of requests for renewals.

Although the Act states that there is provision for conducting a poll for renewal of annual permits if requested by residents, the Minister has stated that he will not permit use of such provisions for renewal of annual permits.

Further whilst the Act states that requests for renewals must be lodged by 31st October, in practice the Liquor Control Commission exercises its discretion and will generally accept such request at anytime.

Further, the City of Fitzroy successfully opposed an annual permit one year (heard mid year), but did not object by 30th November and a subsequent request for renewal was granted in the absence of any objection.

Despite the above, the staff's experience is that the staff of the Liquor Control Commission are most co-operative and helpful.

The Act states a person's rights of objection to a renewal are the same as to an application for a new permit.

Committee of Whole Council (Cont.)

7. To consider the report of the Town Planning Committee in regard to amendments to the Liquor Control Act.
(Referred from T.P.C. Clause 14, C.M. 11.7.83).

Recommendation

That the report of the Town Planning Committee (see T.P.C. Clause 14, C.M. 11.7.83) be received and -

1. The Council note:

1.1 the Act will come into force on Wednesday, 13th July 1983;

1.2 under the Act, where Hotels already have existing annual permits, those permits will automatically be extended to the new hours. Only the Hampton Hotel does not have current Sunday Trading Permit;

1.3 all Hotels, Clubs and Restaurants will have to make new applications for the new Sunday (Bar) Permits, even though most hotels currently hold Sunday (Meals with Liquor) permits (regardless of whether they use them);

1.4 Council will not receive notice of such applications apart from notices in "The Age";

1.5 the Minister has clearly indicated that he only intends use of the public notification/poll provisions at the time an application for a new permit/licence is made.

2. The Council advise the Liquor Control Commission that it is most concerned at the permissible extensions to trading hours of hotels of a Sunday where such hotels are within or adjacent to residential areas.

The Council notes that these extensions have occurred without any prior canvassing of the views of nearby residents, or notification to the Council despite its request to the Commission in 1980 and 1981.

In view of the stated policy that such consultation will not be permitted for the renewal of permits, the Council formally requests the Commission to canvass the views of persons living and worshipping near the following hotels and to notify the Council prior to the determination of any applications for extensions to trading hours by way of annual permits :-

Committee of Whole Council (Cont.)

Clause 7 (Cont.)

Hampton Hotel, 56 Beach Road, Hampton.

(Noting this hotel currently does not have any Sunday trading permits, the views of persons living in the area bounded by Beach Road, Orlando Street, Railway Line, Hampton Street and Linacre Road should be canvassed.)

Red Bluff Hotel, 169 Beach Road, Sandringham.

(The views of persons living in the area bounded by Beach Road, Southey Street, Fernhill Road and Royal Avenue, should be canvassed.)

Beaumaris Hotel, 475 Beach Road, Beaumaris.

(The views of persons living in the area bounded by Beach Road, Keys Street, Martin Street, Dalgetty Road, Bodley Street, Tramway Parade and Banksia Avenue, should be canvassed.)

Sandringham Hotel, 118 Beach Road, Sandringham.

(The views of persons living in the area bounded by Beach Road, Bay Road, Station Street, Waltham Street, Chalmers Avenue and The Crescent, should be canvassed.)

3. That the affected residents be advised of what their rights are now, what the new Act allows to be provided for and the ways in which they can present their views by petition and referendum.

City of Caulfield

ACTION SHEET

File Number 20/080/00022

Precis of Subject LIQUOR CONTROL ACT

PT A Folio 6

Acknowledge

For _____ Committee/Council

For Officer/Committee Action _____

Recorded by Committee Officer / /

Keywords

1. 83/161
2. 73/83
3. _____
4. _____
5. _____
6. _____

Date 18/5/83

Action Officer

CPT

MHC

ACTION TAKEN OR REQUIRED

NOTED A 19/5

J

AFTER ACTION

(RM5)

20/080/00022

MUNICIPAL ASSOCIATION OF VICTORIA

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

File 83/161 J.Coldbeck/ap

11th May, 1983.

CIRCULAR MAV73/83

The Municipal Clerk,
(as addressed)

18 MAY 1983

Dear Sir/Madam,

LIQUOR CONTROL (AMENDMENT) ACT 1983

The above Bill had its second reading in the Legislative Assembly on 31st March, 1983 and debate was resumed on 20th April. At the time of writing the Bill had not passed through all stages.

The purpose of the Bill is to amend the Liquor Control Act 1968 in order to remove impediments currently preventing some tourist and cultural facilities from being fully used in the manner in which they were intended.

The Bill involves two amendments to the principal Act. One changes the definition of "licensed premises" contained in section 5(1) so that in future moving vehicles such as trams can be used as licensed restaurants. The other amends section 25(2) of the principal Act to provide for the creation of cultural centre licences.

This latter amendment will have the effect of allowing municipalities to apply for and be granted cultural centre licences. Several municipalities have already developed and are operating cultural centres. Experience has shown that for such centres to be used to their full capacity they need to be licensed. Although permits under the Act can be readily obtained for special functions to be held at such centres, municipalities find it time consuming to prepare and lodge the multiplicity of applications involved.

The Government believes that, given that section 25(2) already authorizes municipalities to obtain hotel keepers licences, booth licences, restaurant licences and tourist facility licences, there is no reason why they should not also be able to obtain cultural centre licences.

Yours faithfully,

I.R. PAWSEY,
Secretary.

City of Caulfield (5)

ACTION SHEET

File Number 20/080/00022

Subject LATE & SUNDAY TRADING - HOTELS

Acknowledge

For _____ Commitee/Council

For Officer/Committee Action _____

Recorded by Committee Officer / /

Keywords
1. 81/640
2. 82/629
3. 82/693
4. _____
5. _____

Date 17/2/83

ACTION TAKEN OR REQUIRED

Action Officer

CM

MHL

PLEASE SUPPLY INFO. ✗ 16/2. received 1/3.

Contacted MAV Lochrayne on MHL
Leech on 8/3 meeting held 25/2.

AFTER ACTION

(RM5)

(5)

20/080/00022

MUNICIPAL ASSOCIATION OF VICTORIA

Address all correspondence to the Secretary

RIGBY HOUSE, 15 QUEENS ROAD, MELBOURNE, VICTORIA, 3004 PHONE (03) 26 4421

H.Cockayne/ap
Files 81/640, 82/629, 82/693

Circular MAV23/83 16th February, 1983.

The Municipal Clerk,
(as addressed)

17 FEB 1983

Dear Sir/Madam,

FOR URGENT ACTION

Re: 1. **Late Trading Hotels and Amendment No. 188 to MMPS;**

and

2. **Proposed Legislation to Permit Sunday Trading by Hotels**

In Circular No. 192/82 of 23rd November, 1982, the MAV advised, amongst other things, that an urgent meeting was being sought with the then Minister for Tourism, Mr. Landeryou (the Minister responsible for the administration of the Liquor Control Act), in relation to contents of a recommendation from the Metropolitan Sectional Council to the MAV's Executive Committee (refer to page 2 of Circular No. 192/82 for details) concerning the abovementioned and related matters.

Subsequent to the MAV's approach for this meeting, Mr. Ian Cathie became the Minister responsible for the Liquor Control Act and Mr. Cathie agreed to meet an MAV deputation on the matters raised in that recommendation and in Circular 192/82, especially the aspect whereby the MAV supports late trading proposals for licensed premises and proposed new licensed premises being made subject to the town planning consent process through the relevant responsible authorities before the proponents apply for and obtain liquor licenses or late trading liquor permits.

Mr. Cathie indicated to the deputation that he would be willing to investigate the suggestions put forward by the MAV. In the context of the amenity problems being experienced in residential neighbourhoods as a result of late trading licensed premises, he asked that the MAV submit to him case studies on problem premises within the various municipalities where such problems are occurring.

The MAV wishes to respond in a prompt and positive way to Mr. Cathie's request for these case studies and accordingly your urgent co-operation would be appreciated in forwarding to the MAV the required particulars of any licensed premises located within your municipality which are causing an amenity problem in the neighbouring residential environment. Those councils known to the MAV to have experienced problems in this regard have been contacted by 'phone in advance of this Circular to enable work to begin on preparing the case studies. However, there may be many more examples of the problem which have not been brought to the MAV's attention and therefore this Circular is being sent to all councils to give them the chance to put forward their particular case studies if they think appropriate.

We would like the case study to include:-

i) Location and type of licensed premises;
ii) Zoning information;
iii) Nature and extent of complaints received from residents;
iv) Action taken by residents/council in relation to the problem;
v) Any other appropriate information or comments.

The MAV would appreciate case studies reaching it by Friday, 25th February, if possible, in order that they may be transmitted to the Minister (**note:** please prepare two copies, one for the MAV and one for the Minister).

The MAV is treating this matter as urgent because it is aware of the possibility that Sunday hotel trading legislation might be imminent with the Autumn Session of Parliament due to start within the next few weeks. It is emphasised that the MAV has not taken a position of opposition to the Sunday trading proposal as such; it is merely concerned that the relevent pieces of legislation properly reflect the respective roles of responsible authorities in their town planning jurisdiction and the Liquor Control Commission in its liquor industry jurisdiction because this is where the main problem lies at the moment and this is what the MAV is pursuing changes in. We are therefore aiming at strengthening our case to the Minister by providing case studies so that full account can be taken of the residential amenity implications before any Sunday hotel trading legislation is introduced into Parliament.

Would you therefore ensure that this matter is treated as urgent and refer it to your Town Planning Officer or other appropriate officer for attention and, if necessary, for the preparation of the case study (or studies).

Your help in expediting this matter will be greatly appreciated.

Yours faithfully,

J.R. PAWSEY,
Secretary.

(4)

City of Caulfield

ACTION SHEET

File Number 20/080/00029.

Subject AMENDMENT No. 188

Acknowledge

For _____ Commitee/Council

For Officer/Committee Action _____

Recorded by Committee Officer / /

Keywords
1. homes
2. MAP
3. TRADING
4. HOTEL.
5.

Date

26.11.82.

Action Officer

CM.

THL.

ACTION TAKEN OR REQUIRED

Gaye Have we made any comment on 188? S

Asked MGK
6/12/82

AFTER ACTION

(PM5)