

Inner Melbourne Action Plan
Progress Report
Action 6.3– Conflict in Activity Centres
Meeting with VCGLR

Purpose

1. To update the Committee on the recent meeting with the Victorian Commission for Gaming and Liquor Regulation (VCGLR).

Background

2. Following discussion on the Final Report of Action 6.3 Conflict in Activity Centres in November 2011, the IMAP Implementation Committee resolved to meet with the Minister of Consumer Affairs and Director of Liquor Licensing to discuss the findings of the report and to determine future strategies to address ongoing problems associated with alcohol and licensed premises.
3. The Action 6.3 Working Party reconvened in January 2012 to determine priorities for the meeting with the Minister and agreed that a meeting with the Victorian Commission for Gaming and Liquor Regulation (VCGLR) and the Chair of the Licensing Commission (former Director of Liquor Licensing) was preferable initially to discuss operational issues, which were of concern in the first instance. The meeting arrangements were delayed due to the restructure of the VCGLR occurring.
4. The meeting took place on 3 May 2012. Warren Roberts, Geoff Lawler, Bruce Phillips and Elissa McElroy represented IMAP. Representatives from VCGLR were Kate Hammond, Commissioner; Emily Sanders, Manager Regulatory Policy; Lynne Bertolini, Director Licensing & Compliance, and Samantha Adrigham.

Key Points

5. The Commission provided valuable advice on preparing objections and submissions for Hearings on liquor license applications which included:
 - Councils need to exercise their right of objection more often and raise issues, providing grounds and reasons.
 - Councils need to prepare more detailed submissions and evidence that is targeted and relevant to the liquor legislation.
 - Liquor legislation requires licensing experts rather than planning experts to give evidence.
 - Evidence from social and community planners and staff is particularly valuable due to their particular knowledge of the community and the social impacts of liquor. The Commission needs to hear from both statutory and community planners on the issues. These two areas of Councils need to coordinate their responses.
 - Ensure statistical data does not conflict.
 - The strongest objections are where Councils and Police work together. It also ensures the Police crime statistics are provided.

- Don't assume the Commission will consider community safety and wellbeing information beyond that which is presented to them. Issues can only be considered by the Commission if they are raised by the objector.
- There are separate grounds for amenity under liquor legislation. If the amenity issue is not upheld by VCAT, the amenity issues can be raised again at the liquor hearing.

Other points

6. Comments were also provided on a number of other aspects:

- Councils can refer planning applications to the VCGLR under s55 of the Planning and Environment Act at an early stage in the approval process.
- Matters relating to:
 - an extension of the freeze,
 - categories of licenses,
 - restricting the number of liquor licenses, and
 - addressing the variation that still exists in the Definitions between Planning and Liquor legislationare policy matters to be taken up with the Department of Justice.
- Councils can make the Commission aware through the enforcement process of "hot spots" and can apply to the Commission for a venue to have its license cancelled so that it is further investigated.
- It would be a valuable follow up to the meeting for Statutory and Community Planners and staff dealing with liquor and gaming licenses at the IMAP Councils to meet with the VCGLR at their premises for direct advice on these matters.

Recommendations

7. That the IMAP Implementation Committee resolves to:

7.1. Note the outcome of the recent meeting with the VCGLR.

7.2. Engage further with the VCGLR by arranging a meeting for key IMAP Council staff involved in liquor and gaming regulation with key members of the Commission

7.3. Prepare a submission to the Department of Justice on extending the freeze and addressing the variation in definitions.

7.4. Seek VCGLR's support for IMAP's submission to the Department of Justice.