

	<p>COUNCIL AND COMMUNITY ALCOHOL (LIQUOR) POLICY</p>
<p>Version No.</p>	<p>Draft Version 1.0 October 2017</p>
<p>Endorsement</p>	<p>General Manager, Community Services</p>
<p>Authorisation</p>	<p>(TBD)</p>
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<p>Responsible officer</p>	<p>Manager, Community Planning</p>
<p>Policy owner</p>	<p>Coordinator, Social Planning and Wellbeing and Coordinator, Statutory Planning</p>

Introduction

This *Council and Community Alcohol (Liquor) Policy* forms an integral part of the *City of Melton Council and Community Alcohol (Liquor) Policy Framework*. This Policy outlines Council’s key policy positions which underpin alcohol service and supply arrangements for the municipality. The Policy’s relationships with the other documents within the Framework are shown in Figure 1 below.



Figure 1. The City of Melton Council and Community Alcohol (Liquor) Policy Framework

At the Guidance Notes level, tailored and more detail will support each of the relevant commercial, social and community settings and aim to enhance design, planning and decision making where alcohol is made available, supplied or consumed.

Purpose

Melton City Council is committed to supporting improved health and wellbeing in our community and reducing the harms that can come from excessive alcohol consumption. Council is also committed to fulfilling its statutory role liquor licensing in a transparent, equitable and predictable manner.

This Policy recognises that Council's key role in creating environments that support positive lifestyle choices is best achieved by establishing clear expectations, providing reliable information and enabling transparent decision making. While Council can provide leadership and direction aimed at improving health and wellbeing, the role we all have to play is of equal significance.

By establishing a shared regime for decision making on all alcohol and liquor licensing matters, this Policy incorporates the recommendations of the Competition Policy Commission Review and VicHealth *Alcohol Cultures Framework (ACF)*, it does so by embedding this Policy within the 'Settings' and 'Subcultures' frames¹, highlighting that evidence-based decisions will be made in 'the best interest of the community' and on a 'merits based, case-by-case basis'.²

Council Roles

Council is charged with various leadership and decision making roles in relation to the responsible service of alcohol. These are, in part, explained against the three integrated responsible service dimensions, which are explained more fully below, and align with the public health and wellbeing principles.



Figure 2. Policy Dimensions of the Policy Evidence Base

¹ VicHealth Alcohol Cultures Framework,

² See in particular, Recommendation 8, *The Australian Government Competition Policy Review, Final report March 2015*.

Evidence of responsible service of alcohol in the City of Melton is to be explained under the three integrated dimensions which are:

- i. **Design**
- ii. **Prevention**
- iii. **Harm minimisation**

Policy Dimensions

i) Design—Council assesses applications for planning permits under the *Planning and Environment Act 1987* and community amenity considerations under the *Liquor Control Reform Act 2003*.

Council also plans and manages public areas, parks and city assets in accordance with *Local Government Act 1989* and the relevant *Municipal Local Laws*.

Important roles in **ii) Prevention** and **iii) Harm Minimisation** are explained (in part) in reference to the *Public Health and Wellbeing Act 2008* and “*improv(ing) the overall quality of life*” as outlined by the local Government Charter under the *Local Government Act 1989*.

This Policy also aims to describe Council’s commitments in advancing responsible service of alcohol within the City of Melton to align with the six founding principles of the *Public Health and Wellbeing Act 2008*, shown below.

Table 1—The Six *Public Health and Wellbeing Act 2008* (VIC) Principles are:

Principle	Section of the Act
I. Principle of evidence based decision- making	Section 5
II. Precautionary principle	Section 6
III. Principle of primacy of prevention	Section 7
IV. Principle of accountability	Section 8
V. Principle of proportionality and	Section 9
VI. Principle of collaboration	Section 10

Scope

This Policy applies across all of Council.

The Policy applies to all **liquor licence** applications for planning permits and **referrals** from the *Victorian Commission for Liquor and Gambling Regulation* (VCGLR), and considerations associated with community events or associated activities on Council owned/operated land.

Definitions

Word/Term	Definition
Alcohol (Liquor)	The terms alcohol and liquor are used interchangeably. As defined by the <i>Liquor Control Reform Act 2003</i>
Supportive land use activities	Supportive land use activities include community places and spaces that involve family and children-focussed activities or other welfare, community health services, treatment, reporting or associated community support outreach or services.

Policy

It is Melton City Council policy to ensure that:

- relevant decisions in relation to the supply and availability of alcohol are based on an assessment against this Policy and supporting Guidelines
- liquor licence and planning permit matters, as well as the management of Council facilities, community events, programs and services and all other situations where alcohol is being considered to be made available, as far as practicable, meet the objectives of the three Policy Dimensions (Design, Prevention and Harm Minimisation)
- It is incumbent on the applicant/ proponent/ event planner to ensure that due consideration of the three policy dimensions can be demonstrated
- assessment of all applications pertaining to alcohol will require evidence that the proponent intending to supply or make alcohol available is aware of their respective obligations under this policy and related guidelines. Evidence of intended service standards and arrangements that achieve alignment with the three Policy Dimensions will be required.
- the intended sale or supply of alcohol is treated in accordance with the standards required of a regulated product. As a minimum, adequate staff and product supervision arrangements, clearly delineated and a separate points of sale must be provided.
- all new applications for retail alcohol outlets provide information about the location of other retail or packaged liquor outlets within a 5km radius and whether or not a transfer of licence is being proposed.

The three Policy dimensions

Dimension one - Design

Well planned built form and function outcomes will be assessed for their potential to achieve all three Policy Dimensions. The planning, design and layout of the proposed licensed premises or community event will be assessed for its overall 'fitness-for-purpose' on a case-by-case and individual merits approach.

Appropriate siting, high quality design and layout can all substantially enhance the operational efficiency of a proposed licensed premises. Conversely, evidence suggests that poorly planned venue design reduces patron experience, has a detrimental impact on the local amenity and may negatively affect perceptions of personal safety.

The design principles associated with a packaged liquor outlet (bottle shop), are different to an on-premises restaurant or bar. Likewise, the effective planning of a large scale community event requires consideration of different elements to a workable restaurant floor plan. For such reasons, the guidelines arising from this Policy will be updated in collaboration with industry partners. It is intended that the guidance notes will become a useful resource to support good design and best practice, support potential licensees to benefit from the experience of others, to maximise efficiencies and avoid costly planning permit amendments and venue redesign.

On premises, events and packaged liquor (including take-away and bottle shops)

While meeting the minimum requirements of the relevant Australian Standards, the Building Code, Planning Scheme and other regulations, it is expected that other good design principles such as Crime Prevention through Environmental Design (CPTED) and effective amenity management will continue to enhance design and practice outcomes.

It is reasonable to expect that a 'social and amenity assessment' will consider a full range of good design practices and applicants and proponents are encouraged to consider such elements early in their planning and design to avoid delays in decision making.

Social and amenity factors to be scrutinised include:

Seating layout and design, access and manoeuvrability, internal and external lighting, fire safety standards, footpath and pedestrian access arrangements, vehicular traffic management, transport accessibility, onsite deliveries, refuse and storage arrangements, as well as the location and design of toilets and amenity facilities can all impact on the performance of a licensed premises.

Clustering

Clustering of similar types of licensed venues can produce poor outcomes for community amenity and is required to be considered by Clause 52.27 Melton Planning Scheme.

Land use compatibility and supportive land uses

Any premises in close proximity or within plain view of 'sensitive land uses' should incorporate screening modifications which seek to restrict the line of sight between alcohol products or consumption from the sensitive land use.

Evidence of RSA must be demonstrated in the design of the venue. Minimum inclusions are set out in the design guidance notes and procedures accompanying this Policy.

Dimension two - Prevention

Alcohol is a closely regulated legal drug. Although alcohol has a prominent place in Australian culture, it should not be treated like other everyday consumer products such as food. A focus on promoting health and wellbeing requires that alcohol is treated independently, as an ancillary item or one that is in addition to the core activity or function. Clearly, alcohol should not be treated as 'just another every day' part of an activity, or

business function. It is not. The regulation of alcohol mandates opportunities to maximise population health by promoting health and wellbeing messaging.

Balanced choices should be both available and encouraged through socially and physically supportive environments, and a full range of appropriate product alternatives made available. Consumers should be invited to engage in a conscious choice where external pressures to consume alcohol are minimised, such as pressure from peers and advertising. The role and prominence that alcohol plays within each setting is to be considered against the question of the health promotion message it sends.

Primary Prevention

Primary prevention is inclusive of the facilitation of population-wide awareness raising and responsible attitudes towards alcohol consumption to reduce over-consumption and alcohol-related harms. Some examples of prevention which are encouraged or discouraged include:

- clear point of sale and service distinctions are essential (e.g. clearly separate bottle shops from main supermarket floor areas)
- the visibility and display of alcohol in fridges, shelves or counters within open view to the general public is discouraged (fast food, bistro and sports clubs for example), and
- signage and promotional materials which are in plain view to the general public are discouraged. Those include signs that are visible externally from buildings or outside designated licensed premises or licensed areas within a premises.

Where alcohol is to be available, served, sold or supplied, a full range of non-alcoholic alternatives should be offered. Free water should be available at licensed premises at all times.

The supply and availability of alcohol will not occur at or within the direct view of family and children settings. This includes Council buildings such as community centres, where principal activities involve participation of families and children, or other supportive community land use activities (treatment, counselling and justice reporting for example).

Any proposed licensed premises in close proximity or within plain view of 'supportive land uses' may anticipate the incorporation of design and layout or screening modifications which seek to restrict the view of alcohol products or alcohol being consumed.

Evidence of primary prevention must be demonstrated in the RSA materials associated with the application materials associated with the venue or event plan. Minimum inclusions are set out in the prevention guidance notes and procedures accompanying this Policy.

Dimension three - Harm Minimisation

Reducing harms from alcohol is a whole of community concern. Harm minimisation practices align most closely with the subcultures frame of the VicHealth *Alcohol Cultures Framework*, acknowledging that certain behaviours and attitudes towards alcohol are more harmful than others. While some borderline activities are also questionable, it is our collective community and individual responsibility to say 'no' and to hold ourselves and others to account with the aim of reinforcing our collective responsible alcohol service and consumption culture.

At no time will alcohol supply to minors be tolerated (this includes secondary supply, which is illegal).

Thefts from bottle shops and other licensed premises are to be reported to the Police.

Venue design, lighting, patron management, crowd control and congregation points all impact on the potential for increased harm. These considerations are expected to be appropriately identified, included in the responsible service evidence base and are to be planned for and addressed accordingly.

At no time will behaviours or practices that encourage binge drinking, pre-loading, cheap shots, bulk or overproof alcohol, or other forms of irresponsible or excessive alcohol consumption be tolerated.

The role of the community is important in creating supportive environments in which to reduce harm, and create the responsible subcultures for healthy relationships with alcohol that this Policy aims to achieve. Liquor Accords are an example of partnerships between sporting clubs, Victoria Police, the Victorian Government and community members to collaborate to reduce alcohol-related harm.

Other initiatives including Good Sports, Party Safe, Designated Driver, Feb-Fast, Dry-July and Oct-Sober are all examples of effective harm minimisation and responsible service practice, which are also highly encouraged by this Policy.

Alcohol free zones indicate community expectations of behaviour in public spaces. Within these zones, public drinking will not be tolerated due to the risk of this leading to disturbance or community harm.

Any form of limited liquor licence which seeks to authorise the sale or supply of alcohol to any other new or existing food or beverage retail, take-away or home delivery activity is not supported by this Policy.

Policy Dimensions - Evidence of Harm Minimisation culture and practice

Evidence of how Harm Minimisation has been incorporated to support the appropriate responsible service culture must be demonstrated in the RSA materials associated with the application materials with the venue or event plan. Minimum inclusions are set out in the Harm Minimisation guidance notes and procedures accompanying this Policy.

Licensed Premises

Melton City Council encourages

1. a balanced *mix of licensed premises* across the municipality
2. venue design that contributes to local character, enhances vitality, promotes social and economic benefits and increase consumer choice
3. suitably located venues within existing, or future activity areas designated as compatible in approved plans
4. the incorporation of good design to create safer environments for patrons and the community, and limit opportunities for anti-social behaviour. Incorporate lighting, sightlines and good access and egress arrangements that connect with car parking and public transportation
5. the establishment of maximum numbers of patrons, as appropriate to the licensed premises setting and surrounding land use and activities mix

6. establishment of appropriate delivery and storage arrangements, as well as traffic management, to deliver pedestrian safety and accessibility and adequate lighting to all publicly accessible areas
7. evidence that the premises is managed to minimise any unreasonable impacts on the amenity of the surrounding land uses and local area
8. evidence that noise emissions from existing and proposed licensed premises:
 - a) will not have an unreasonable impact on the amenity of adjoining properties and the surrounding area;
 - b) comply with relevant State Environment Planning Policies (SEPP) under the Environmental Protection Authority (EPA) noise guidelines;
 - c) incorporate noise attenuation measures where required and ensure that these measures are installed by a suitably qualified person;
 - d) minimise waste impacts through on site waste storage and limiting collection of waste before 7am and after 9pm or earlier when a licensed premises is closed; and
 - e) are not increased or intensified, over time due to subtle changes in venue operations.
9. the introduction of new licensing arrangements that do not unduly achieve clustering to the point of impacting negatively impact on the surrounding area, and
10. mechanisms that seek to reduce cumulative amenity impacts resulting from new and existing applications (location, concentration/clustering, accessibility, noise, patron capacity and hours, which may contribute to alcohol-related harms including anti-social behaviour, violence, abuse, property damage and injury).

Melton City Council discourages

11. Incompatible or unsuitable location selection where the proposed venue or locations –
 - a) is situated outside existing or future activity areas
 - b) is in close proximity (within 30 metres) of supportive land uses, residential zones or accommodation related land uses
 - c) fails to provide access to adequate patron amenities (toilets and associated facilities)
 - d) proposes to operate from buildings or land not designed to accommodate hospitality, or entertainment related activities, or otherwise designed or planned to effectively accommodate patron movement, deliveries, storage, noise from operations or associated car parking, for the event of land use (activities) being proposed
12. Any proposal that raises an untenable risks to community harm, is otherwise deemed to be contrary to principles established under the three policy domains, presents potential to compromise Harm Minimisation measures or responsible service practice, as outlined by this policy and supporting Guidance Notes.
13. Limited licences in relation to the (home) delivery of alcohol as an ancillary or predominant product line.

14. Trading beyond *ordinary trading hours* unless it can be demonstrated that a variation of hours will not unreasonably impact on the amenity of the surrounding area as per the requirements of clause 52.27 of the Melton Planning Scheme.
15. Subtle changes within the operations of a licensed venue that results in a change of service setting or the intensification or predominance of alcohol as a product line (cafe or restaurant being converted to a bar, footpath trading incorporated for use of a bar, take-away (off premises) used as a mechanism to extend hours of service)
16. Making of applications for limited licence in the absence of thorough event planning and risk management assessment, or in lieu of appropriate planning assessment and approval.

Community Facilities and Events

Council generally prohibits the use of alcohol at Council run community events.

Alcohol may be served at Council run private events (i.e. events that are ticketed or by invitation only) and events that are either Council sponsored or supported, subject to a thorough risk assessment and event plan being completed.

If alcohol is served, the organisers are required to demonstrate responsible serving and management of alcohol including completion of Council's Alcohol Management Checklist and must have registered with the Victoria Police 'Party Safe' program.

Melton City Council **encourages:**

- open and equitable access to quality community facilities, reserves, programs and events and require thorough planning and risk management approaches in all situations where alcohol is being considered to be served or supplied.
- the application of standard Council procedures for managing the provision and use of alcohol in Council owned and managed facilities, reserves and events.
- hirers and users of properties and facilities to be aware of their responsibilities regarding the use and consumption of alcohol.
- community safety and reduced harms by evaluating the settings where alcohol is to be supplied in or related to Council managed assets, community events and programs.

Sponsorship

In settings where sponsorship arrangements are being considered by way of offsetting the cost of running an event, consideration must be given to the following:

- the role, nature and value of the sponsorship package. The supply and service of alcohol as a main element of a sponsorship package is generally inconsistent with this policy. An assessment of the role and purpose for supply of alcohol will need to demonstrate alignment with the event setting, not compromise the equitable access intent of the event.

- the values of the sponsor must align with the values and policies of Council and demonstrate support for community health and wellbeing and environmental sustainability, and.
- the sponsorship packages must be approved by the Communications department and the relevant Department Manager prior to any agreement being finalised.

Application requirements and data

All applications for a liquor licence or planning permit that are associated with the service and supply of alcohol will be required to demonstrate thorough planning and considered policy application within the relevant setting.

Further information

For further information or assistance in applying this Policy, please contact the Social Planning Team on 9747 7200.

Responsibility /Accountability

10.1	Job title Coordinator, Statutory Planning
10.2	Job title Coordinator, Social Planning and Wellbeing

References and links to legislation and other documents

Name	Location
<i>Public Health and Wellbeing Act 2008</i> (VIC)	http://www.austlii.edu.au/au/legis/vic/consol_act/phawa2008222/
<i>Local Government Act 1989</i> (VIC)	http://www.austlii.edu.au/au/legis/vic/consol_act/lga1989182/
<i>Planning and Environment Act 1987</i> (VIC)	http://www.austlii.edu.au/au/legis/vic/consol_act/paea1987254/
Liquor Control Reform Act 1998 (VIC)	http://www.austlii.edu.au/au/legis/vic/consol_act/lcra1998266/
VicHealth <i>Alcohol Cultures Framework</i>	https://www.VicHealth.vic.gov.au/media-and-resources/publications/alcohol-cultures-framework

Events Policy	www.melton.vic.gov.au
Community Facility Access Policy	www.melton.vic.gov.au
Liquor Licence Assessment Guideline	www.melton.vic.gov.au (To Be Developed)
Alcohol and Council Assets, Programs Services and Public Places Guideline	www.melton.vic.gov.au (To Be Developed)