



City of Melton

Council and Community Alcohol (Liquor) Policy Framework 2017

Background Paper



Preface

This background paper to the *City of Melton's Council and Community Alcohol (Liquor) Policy Framework* aims to canvass the diverse range of influences impacting on Council's alcohol policy and planning considerations. It explores Council's various planning and decision-making roles in relation to alcohol, in the context of other roles and responsibilities in the community.

This paper has drawn on VicHealth's *Alcohol Cultures Framework* to help embed prevention approaches and recommends ways to achieve better planning and design outcomes. The aim is to reduce alcohol-related harm, improve community health, safety and amenity and promote the responsible service of alcohol, while supporting the success of local businesses and events.

The *Victorian Liquor Control Reform Act 1998* establishes the definition for liquor as follows: '*liquor means a beverage, or other prescribed substance, intended for human consumption with an alcoholic content greater than 0.5% by volume at a temperature of 20° Celsius (s 3)*'. In all documents forming part of this Framework, the terms *alcohol* and *liquor* are referred to interchangeably, while other frequently used terms are explained within their relevant context.

This discussion is written with the reader in mind and we appreciate your valuable feedback and assistance in delivering a valuable resource for the City of Melton community.

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Table of Contents

1. Executive Summary	1
2. Introduction	2
Purpose	2
What's different in this new Framework?	2
The Policy	3
The Guidance Notes	3
3. Key Influences	4
VicHealth's <i>Alcohol Cultures Framework</i>	4
Land use planning - <i>Melton Planning Scheme</i>	4
Liquor licensing	5
Liquor licences in the City of Melton	6
4. Alcohol	8
A legal, but regulated substance	8
What is alcohol and what does it do?	8
Risks of alcohol related injury on a single occasion	10
Lifetime risk of alcohol-related harm, cumulative and over time	11
Does where and how we live make a difference?	11
The particular risks of under-age drinking	11
How will the balance of public health approaches and regulation be achieved?	12
5. National Policy Perspectives	13
The VicHealth <i>Alcohol Strategy 2016-19</i>	14
VicHealth <i>Alcohol Cultures Framework</i>	15
The four frames of the <i>Alcohol Cultures Framework</i>	16
The <i>National Competition Policy Review</i>	17
6. Council's Roles with Respect to Alcohol	19
Council Policy background	19
The Liquor Licence Assessment Policy	20
Alcohol Risk Management Policy	21
Externally Managed Events Policy	22
Internally Managed Events Policy	22
Council's role in the regulation of alcohol	23
Protecting Amenity	24
<i>Liquor Control Reform Act 1998</i>	24

October 2017

The General Local Law 2015	26
Creation of an evidence based policy	27
Shifting cultures	28
7. The Policy	29
Striking the right balance	29
Community settings and product placement	30
Shared accountability	31
<i>Figure 6: Accountabilities, selected service settings</i>	31
Reducing the prominence of alcohol	31
VicHealth's <i>Alcohol Cultures Framework</i> (ACF) application	32
New Policy at the heart of VicHealth's ACF	32
Density, clustering and venue saturation	32
Alcohol-related harms and associated terminology	33
About the <i>Alcohol Policy Coalition</i>	34
Liquor licensing terms and concepts	35
Standard operating hours – licensed premises	36
8. Policy Recommendations	37
Dimension 1 - Design	38
Dimension 2 - Prevention (Health Promotion)	40
Dimension 3 - Harm Minimisation	40
Responsible service of alcohol approaches	41
Bringing it all together	41
9. Council and Community Alcohol (Liquor) Policy	42
9. References	52
Case law	52
Legislation	52
Secondary sources	52



Quick facts about alcohol in Victoria⁵

- 115,000 people are employed in the hospitality industry in Victoria
- 19,000 liquor licences are issued each year
- Alcohol is cited as a significant contributor to public disorder, self-harm and assaults
- 70% of contacts in emergency departments are alcohol-related
- there are 8,000 alcohol-related admissions to hospital per year
- 700 alcohol-related deaths per year, more than 50 of which are traffic-related;
- 15,000 arrests made for public drunkenness each year
- young people who drink before the age of 16 can permanently damage brain development and are particularly at risk of violence, with 2,000 alcohol-related assaults

The Victorian Government is committed to preventative measures that minimise the misuse of alcohol, address harmful alcohol cultures and build a responsible licensing system that contributes to a vibrant and safe Victoria. This is supported by the recently-released *VicHealth Alcohol Cultures Framework (ACF)* which underpins the *City of Melton's Council and Community Alcohol (Liquor) Policy Framework*.

⁵ Victorian Commission for Gaming and Liquor Regulation (VCGLR), Alcohol in Victoria Video
<http://www.vcglr.vic.gov.au/home/liquor/>
<http://www.vcglr.vic.gov.au/utility/connect+with+vcglr/media/alcohol+in+vic+video+video+%28video%29>

1. EXECUTIVE SUMMARY

This *Council and Community Alcohol Policy Framework* supports the stewardship of a healthy, whole of community relationship with alcohol. As such, it presents an honest evaluation of previous policy, the challenges going forward and recommendations on how we balance Council's responsibilities and obligations within the City of Melton's thriving entertainment and tourism economy.

This policy is the result of extensive and careful exploration of this important issue, and the bringing together of the experiences and existing regulations of community, business, Council, government and health agencies. It considers the harm that irresponsible alcohol use causes in our state, such as the 700 related deaths and 15,000 arrests for public drunkenness made each year.

While our aim is to promote the responsible service of alcohol, the health and wellbeing of our community and to reduce the impact of excessive alcohol consumption, these clear objectives can be complex to draft into policy.

To obtain a cohesive Policy strategy, a Framework of three integrated dimensions policy, (Design, Prevention and Harm Minimisation), has been created as a lens through which all future responsible alcohol-related decisions will be viewed.

Design relates to the appropriate siting and layout of proposed licensed premises. Considerations around the inclusion of a bottle shop, social and amenity factors, the cluster of similar businesses in one area and proximity to schools or other sensitive land must be evidenced in design prior to approval.

Prevention relates to promoting responsible attitudes to alcohol consumption and awareness of the potential of alcohol related harm. This includes reducing the visibility of alcohol, both on shelves and in marketing materials, on premises frequented by families and young people, as well as providing water or non-alcoholic drinks in balance with alcohol. Evidence of prevention practices must be shown in application materials.

Harm minimisation relates to a whole of community responsibility to act appropriately when consuming alcohol, acknowledging that some behaviours towards consumption are harmful and that supportive environments and partnerships can minimise the risk of alcohol induced harms. The incorporation of harm minimisation strategies must be evidenced.

Using this Framework, Melton City Council invites a collective commitment to preventative measures that minimise alcohol misuse and builds a responsible licensing system that contributes to a vibrant and safe City of Melton.

2. INTRODUCTION

This background paper explains the approach taken in the development of Melton City Council's new ***Council and Community Alcohol (Liquor) Policy Framework***.

Council has various roles and interests in relation to alcohol regulation and until now, policy has been developed according to Council's functional responsibilities through separate policy documents.

This new approach aims to draw Council's various alcohol-related interests together by establishing:

- the Framework
- a Policy, and
- detailed Guidance Notes

which will work together to enhance understanding and role clarity for all.

Purpose

The purpose of this background paper is to outline how the *Council and Community Alcohol (Liquor) Management Policy Framework* comes together.

The evidence-based responsible service of alcohol model that is embedded within the VicHealth *Alcohol Cultures Framework* (ACF) is invaluable to the development of a local government alcohol management policy. The ACF examines the relationships between planning schemes, liquor licensing requirements, regulations and harm minimisation strategies, all of which are relevant to this paper.

The *Council and Community Alcohol (Liquor) Management Policy Framework* is to be implemented primarily by the *Council and Community Alcohol Management Policy* along with related Guidance Notes as part of the *Alcohol (Liquor) Management Toolkit*.

What's different in this new Framework?

The broad aims of this Framework are to:

- establish an evidence-based *Council and Community Alcohol Management Policy*
- embed Council Policy within the VicHealth *Alcohol Cultures Framework* (ACF)
- establish a merits-based, case-by-case settings approach to assessment (as per recommendations of the Productivity Commission's *National Competition Policy Review*)
- unpack complex concepts and clearly define roles and expectations of all parties involved in the service supply and consumption of alcohol
- shift current alcohol cultures through an integrated harm minimisation lens, and
- establish a pragmatic, inclusive and easily navigable Management Framework for the City of Melton

The Policy

The principles outlined in the new **City of Melton Council and Community Alcohol Policy** underpin the Framework and will be implemented using the relevant Guidance Notes within the Toolkit. Therefore, all three documents should be read in conjunction.

The Guidance Notes

Detailed Guidance Notes, relevant to each alcohol service and supply setting, will act as an aid for all parties involved in an alcohol related application or decision making process.

These Notes will be reviewed and enhanced over time in collaboration with parties directly affected by their application, as their currency is key to reducing potential alcohol-related harms.

For illustrative purposes, a diagram of the relationship between the Framework, Policy and Guidance Notes is provided in Figure 1:



Figure 1. City of Melton Alcohol (Liquor) Management Policy Framework

Within this context, an important starting point is to view alcohol for the closely regulated product it is, while seeking to understand the complex roles and relationships our communities have with it.

Firstly, however, we need to look at the key influences in the development of this Framework.

3. KEY INFLUENCES

VicHealth's Alcohol Cultures Framework

The development of Melton City Councils' new Framework embeds four alcohol cultures frames discussed in the *VicHealth Alcohol Cultures Framework* (launched on 9 August 2016). These are:

- Societal
- Settings
- Subculture, and
- Family & Individual

The *Settings* and *Subcultures* frames are considered particularly relevant to Council operations in events planning, facilities, leisure, recreation and tourism. As such, they are foundational in the Framework and form an integral part of the Policy.

The application of the VicHealth ACF is explained more fully under Section 6.

The National Competition Policy

The Australian Government's *Competition Policy Review, Final Report (released March 2015)* encouraged all levels of Australian government to assess and ensure there were no unnecessary regulatory restrictions on competition, including the regulation of the retail supply of packaged liquor.

Further, it recommended that statutes should be subject to a 'public interest test' and 'should not restrict competition'. It also explained that local jurisdictions were entitled to introduce regulation that implemented harm minimisation agendas, and that factors considered in assessing the public interest should be determined on a case-by-case basis and not narrowed to a specific set of indicators.

The *Council and Community Alcohol (Liquor) Policy* supports the implementation of Council's public health and harm minimisation commitments. It applies case-by-case and public interest test recommendations in accordance with this report.

The implications of this report are explained more fully in Section 5.

Land use planning - Melton Planning Scheme

The Victorian Planning Provisions (Clause 52.27 of all Victorian Planning Schemes) provide that a Planning permit is required to use land to sell or consume liquor if any of the following apply:

- a licence is required under the *Liquor Control Reform Act 1998*
- a different licence or category of licence is required from that which is in force
- the hours of trading allowed under a licence are to be extended

- the number of patrons allowed under a licence is to be increased, and if
- the area that liquor is allowed to be consumed or supplied under a licence is to be increased.

A permit is not required for a limited liquor licence; to manufacture liquor or in relation to the reduction of hours or areas covered by a current licence.

The purpose of this provision is to ensure that:

- licensed premises are situated in appropriate locations, and
- the impact of the licensed premises on the amenity of the surrounding area is considered.

The decision guidelines require planning consideration on the impacts on amenity of the:

- sale or consumption of liquor permitted by the liquor licence hours of operation on the amenity of the surrounding area
- number of patrons, and
- cumulative impact of any existing licensed premises and the proposed licensed premises.

Other ancillary considerations including vehicle access, parking, lighting, waste management and receipt of deliveries. In fact, a general 'fit for proposed purpose' test that fully assesses and mitigates impacts must be demonstrated. Once issued, permit conditions may limit hours of operation or levels of noise, with the onus on the applicant to demonstrate cognisance of how any impact of proposed business operations will be appropriately addressed.

Accordingly, when assessing whether the appropriate siting and operations of a proposed licensed premises will negatively impact on the surrounding area, the merits of each individual proposal must be considered on a case by case basis.

The three Policy dimensions - Design, Prevention and Harm Minimisation - will be considered in the assessment of planning permit applications in accordance with Clause 52.27.

Liquor licensing

The *Victorian Commission for Gambling and Liquor Regulation (VCGLR)*, an independent statutory authority established in 2012, regulates Victorian businesses focused on the people, premises, products and promotions that supply gambling and liquor services. Its role is to ensure the integrity of the gambling and liquor industry, to minimise harm and to achieve positive outcomes for Victorians.

It is also responsible for ensuring compliance with liquor licences and permits issued pursuant to the *Liquor Control Reform Act 1998*. Nineteen thousand liquor licences are issued in Victoria each year and the type of licence required is dependent on the nature of sale or supply. Section 7 of the *Liquor Control Reform Act 1998* sets out the categories of licences and permits that may be issued.

Table 1—Types of Liquor licences available under the *Liquor Control Reform Act 1998*

The following licences and permits may be issued under this Act—

- | | |
|---------------------------------|--------------------------------------|
| (a) General licence | (g) Pre-retail licence |
| (b) On-premises licence | (h) Wine and beer producer's licence |
| (c) Restaurant and cafe licence | (i) Limited licence |
| (d) Club licence | (j) Major event licence, and |
| (e) Packaged liquor licence | (k) BYO permit |
| (f) Late night licence | |

Where a planning permit is required, the VCGLR will not approve a liquor licence without sighting a copy of the relevant Planning permit and endorsed 'red line' plan. Where a Planning permit is not required, the VCGLR will generally refer the liquor licence application to Council and the relevant Licensing Inspector of Victoria Police for comment.

Liquor licences in the City of Melton

As of 1 December 2016, there were a total of 143 liquor licences operating in the City of Melton. Of these, restaurants and cafes (43) were the most prominent licence type, followed by limited licences (36) and packaged (bottle shop) licences (26). There were currently only six late night liquor licences operating within the City, and of these five are gaming venues. Figure 2 below illustrates the breakdown for the City of Melton.

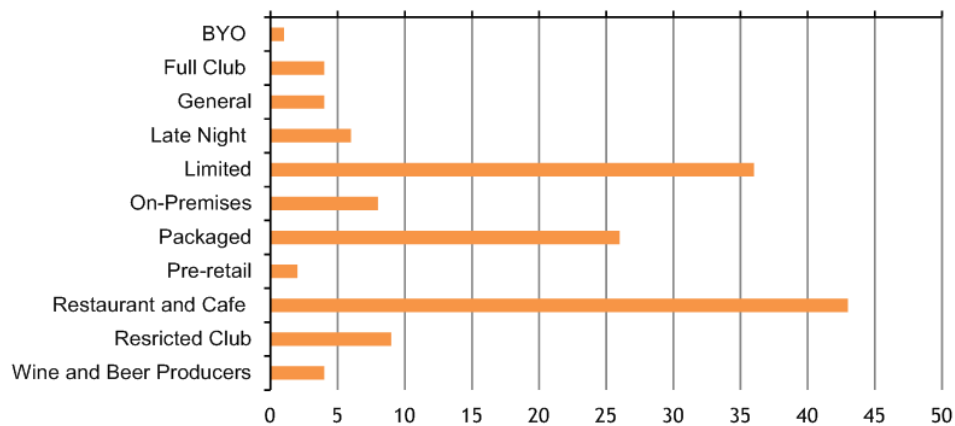


Figure 2. Liquor licences in the City of Melton.

As at January 2017, the total Estimated Residential Population (ERP) of the Melton Local Government Area (LGA) was 142,422 people (110,700 over the age of 18). The total number of liquor licenses (143) within the City, divided by Melton's current ERP equates to a fairly low raw density rate (~0.0012).

As the City of Melton continues to grow (more than doubling over the next 20 years to over 400,000 people), so too will the diversity of the entertainment and hospitality services on offer. The new Framework, (including the evidence-based Policy), has been designed to adapt to each individual service setting. This will support the stewardship of a healthy whole of community relationship with alcohol, within a thriving entertainment and tourism economy, both now and into the future.

In February 2017, the Victorian Auditor General's Office released a report on the effectiveness of Victoria's regulation of gambling and liquor. The report found that despite the 2012 State Governments' aspirations in creating a modern world-class regulator that would apply an integrated and risk-based approach to regulation, it had failed to do so.

Rather than delivering efficient and effective regulation, compliance monitoring and enforcement, focused on minimising harm, the report was scathing about the then failures of the regulator in terms of both liquor licence application processing and follow up compliance inspections, as well as its gambling regulation functions.²

² Victorian Auditor General's Office (VAGO), (Feb 2017), Regulating Gambling and Liquor, (accessed on 8 May 2017, http://www.audit.vic.gov.au/reports_and_publications/latest_reports/2016-17/20170208-gambling-liquor.aspx)

4. ALCOHOL

A legal, but regulated substance

Unlike any other commodity, alcohol stands alone as the single most socially acceptable legal drug in Australia. While most people drink within responsible levels, those who consume alcohol to excess place themselves at risk of immediate and long term harm as a direct consequence of their drinking behaviours.

Potential harms that can come from episodes of heavy drinking often extend beyond the individual drinker and can have serious consequences for others; family, friends, and victims of alcohol fuelled violence, bystanders, employers and road users.³

Policy approaches that seek to limit the availability of alcohol are found to be most effective in reducing associated harm. Contemporary debate around the restriction of access to alcohol, such as 'lock out' laws, are examples of intervention approaches being explored by the Victorian State Government.

Likewise, local government harm minimisation approaches consider product accessibility, supply and availability when seeking to strike the right balance in the interest of community, through:

- land use and development planning tools
- the application of the municipal local law
- community event planning, and;
- the use and hire arrangements associated with recreation, leisure and all other Council operated community facilities.

Prevention and health promotion approaches are integral to the advancement of Council's community health and wellbeing objectives. As such, the evidence-based Framework will provide clear direction to guide decision-making in all matters relating to alcohol. By doing so, it reflects Council's determination to exercise leadership, on behalf of its community, promote health by preventing alcohol-related harm.

A brief exploration on what alcohol is and how it affects the human body follows.

What is alcohol and what does it do?

The terms alcohol and liquor are used interchangeably in this paper.

Alcohol is a depressant drug, which means it slows down the messages travelling between the brain and the body. As the effects of alcohol vary from person to person and intensify as more is consumed, the standard drink is used as the universal measure for alcohol (liquor) content.

³ See for example, Health Direct, *How Alcohol Affects Your Health*, at <https://www.healthdirect.gov.au/how-alcohol-affects-your-health>

Table 2—Effects of Alcohol	
Available health information on alcohol provides that, as with all drugs, drinking alcohol carries risk. Care should be taken when drinking as alcohol affects everyone differently, based on:	
<ul style="list-style-type: none"> The persons size, weight and overall health Whether the person is used to consuming it Whether other drugs are taken around the same time 	<ul style="list-style-type: none"> The amount drunk and pace of consumption and The percentage of alcohol in the drinks consumed.
Drinking alcohol may cause the following effects:	
<ul style="list-style-type: none"> Feeling relaxed Trouble concentrating Slower reflexes 	<ul style="list-style-type: none"> Increased confidence Feeling happier or sadder, depending on the person's mood at the time.

Drinking alcohol to excess may cause confusion, blurred vision, clumsiness, memory loss, nausea, vomiting, passing out, coma or even death.

As everyone is different, there are no known safe levels of alcohol consumption. And, given most people cannot accurately estimate a standard drink, it is difficult for them to keep track of how much alcohol they are really consuming on any one occasion.⁴

Both primary health prevention and road safety approaches aimed at reducing alcohol-related harms reference the number of standard drinks consumed. But, health promotion messaging is more effective when people are able to identify a standard drink and the time it takes for the alcohol content to be expelled from their body.

The significance of this is explained in the following section. Responsible service relies on accurate information about the number of standard drinks within various products on offer. Hence promotions of cheap, over-proof and oversupply of liquor like 'cheap shots', happy hours and two-for-one promotions, are all examples of risky supply behaviour and considered contrary to the objectives of this *Council and Community Alcohol (Liquor) Policy Framework*.



Figure 3: How to recognise a standard drink

⁴ Note: Most people cannot recognise a standard drink. Visit cheers.org.nz/standard-drinks/ to test your own ability to recognise a Standard Drink visit. Cheers.Org.NZ (accessed 15 August 2016). See also: The Guardian, *No such thing as a safe amount*, <https://www.theguardian.com/science/2011/mar/07/safe-level-alcohol-consumption> and The Guardian, *Which Countries Have The Worst Drinking Cultures?* <https://www.theguardian.com/society/2016/apr/15/which-countries-worst-alcohol-binge-drinking-cultures> (accessed 15 August 2016).

Why alcohol carries risks

The *Victorian Population Health Survey 2014* (released in August 2016), reports the risks associated with alcohol consumption against guidelines 1 and 2 of the 2009 *National Health and Medical Research Council* (NHMRC) recommendations.⁵

Australian Alcohol Guidelines

The National Health and Medical Research Council (NHMRC) Guidelines to reduce health risks from drinking alcohol are shown in Table 3:⁶

Table 3 – NHMRC (2009) guidelines

Guideline 1: reducing the risk of alcohol-related harm over a lifetime	For healthy men and women, drinking no more than TWO standard drinks on any day reduces the lifetime risk of harm from alcohol-related disease and injury.
Guideline 2: reducing the risk of injury on a single occasion of drinking alcohol	For healthy men and women, drinking no more than FOUR standard drinks on any one occasion reduces the risk of harm from alcohol-related injury arising from that occasion.

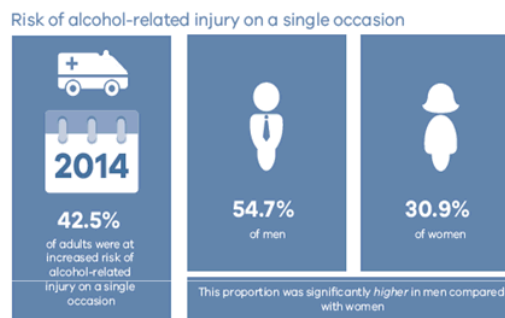
The NHMRC guidelines recognise that both individual episodes of heavy drinking, as well as excessive consumption of alcohol over time, places people at increased risk of injury or premature death.

Risks of alcohol related injury on a single occasion

The risk of alcohol-related injury on a single occasion refers to the acute effects of excessive alcohol consumption that can result in death or injury due to road traffic accidents, falls, drowning, assault, suicide and acute alcohol toxicity.

The risk of alcohol-related injury increases with the amount of alcohol consumed on a single occasion.⁷

Women, people in rural areas and those with higher annual household salaries are indicated as having an increased lifetime risk.



⁵ Department of Health and Human Services 2016, *Victorian Population Health Survey 2014: Modifiable risk factors contributing to chronic disease*, State Government of Victoria, Melbourne.

⁶ National Health and Medical Research Council (NHMRC) Guidelines, cited in the *Victorian Population Health Survey 2014*, reproduced from Table 6.1 (pg 379)

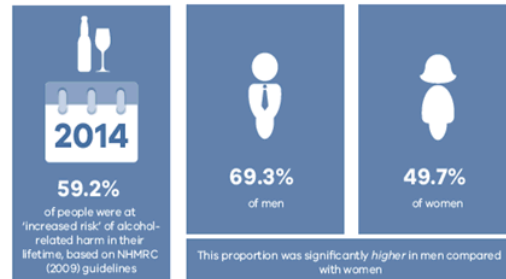
⁷ *Victorian Population Health Survey 2014*, Above n 3. (Pg 408)

Lifetime risk of alcohol-related harm, cumulative and over time

In 2014, over half the Victorian adult population were at 'increased risk' of alcohol-related harm in their lifetime (59.2%). At 69.3 per cent, a significantly higher proportion of men (69.3%) were at 'increased risk' than women (49.7%).

The consequences of heavy, regular use of alcohol may include cirrhosis of the liver, cognitive impairment, heart and blood disorders, ulcers, cancers and damage to the pancreas.

Lifetime risk of alcohol-related harm



Does where and how we live make a difference?

The *Victorian Population Health Survey 2014* found a significantly higher proportion of women and people who lived in rural areas, outside metropolitan Melbourne, were at 'increased' risk of alcohol-related harms. The prevalence of lifetime risks of alcohol-related harm also significantly increased with the total annual household income, for both men and women.⁸

The particular risks of under-age drinking

Even in small amounts, alcohol is known to be most harmful to developing brains, which is why it's important to stop alcohol being provided to those under 18 years of age. Reducing opportunities to cause harm to young people is of particular policy importance, as reflected in the strict laws around prohibiting both **primary** and **secondary** supply to minors.

Unfortunately, adults may not fully comprehend the level of harm that drinking alcohol can have on adolescent brains in later life. A lack of awareness of this potential for harm to young people can increase vulnerability to irreversible harm.

More detailed information about how alcohol affects the body and the young brain will be made available in the relevant *Alcohol and Your Health Guide* (also in development as part of the Toolkit series).

What we now know about increased risk and related harms to young people means that:

- licensees and community members alike need to be more aware of their duty of care when supplying alcohol
- it is a responsibility as important for sporting clubs as it is for commercial retail outlets.
- placement, marketing and access to alcohol by young people needs to be considered within the setting in which it's being supplied
- the sale of regulated products such as alcohol or tobacco, as opposed to as-of-right consumer retail items, require supervision at all times, and
- the degree to which any proposed change of land use, event or activity will result in increased exposure to alcohol by young people is significant and should be seriously deliberated by all parties involved

⁸ Victorian Population Health Survey 2014, Above n 3. (Pg 408)

In fact, resisting the normalisation of alcohol through marketing and the prevention of easy access to alcoholic products are the key subcultural outcomes this Framework aims to achieve.

Policy Implications

Normalising the availability of alcohol must not be encouraged. In all settings, the placement of alcohol-related product lines should be done in a considered manner, and as appropriate to the service setting.

Evidence of clear delineation between regulated product lines and non-regulated items are a minimum performance standard of the *Council and Community Alcohol (Liquor) Policy*.

How will the balance of public health approaches and regulation be achieved?

The timely release of the VicHealth *Alcohol Cultures Framework* (ACF) has provided the ideal backdrop for exploring how culture influences the levels of alcohol consumed. Both the *Fair Foundations: VicHealth Framework for Health Equity* and the ACF recognise the importance of early childhood intervention and highlight that it is both a personal and community responsibility to be aware of the role alcohol plays within a setting.

Acknowledging that we each have a role to play in influencing how we approach the way we manage alcohol - as a versatile commodity, yet potentially harmful product - within our community, is a key challenge for local policy, as well as the Australian policy environment more broadly.

Recognising that there is no one easy fix, getting this complex policy and action balance right, it remains a key challenge for this current *Council and Community Alcohol (Liquor) Policy Framework*.

5. NATIONAL POLICY PERSPECTIVES

As a closely regulated legal drug within Australia, there are various layers of policy influences impacting on Council's decision making processes regarding alcohol within the City of Melton.

All levels of government - Commonwealth, state and local governments - have a responsibility for policy development on alcohol.

The *National Drug Strategy* provides the overarching drug policy framework in Australia.⁹



Victoria

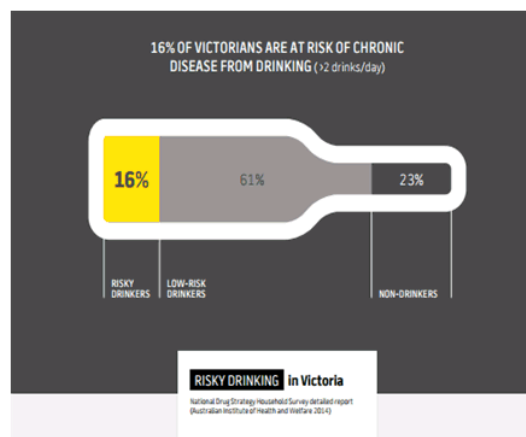
In Victoria, the sale and supply of alcohol is regulated via the *Liquor Control Reform Act 1998* under the auspices of the Minister for Consumer Affairs, Gaming and Liquor Regulation.

The *Act* requires the operation of a Liquor Control Advisory Council to advise the minister on problems associated with alcohol abuse and any other matters referred to it.

The Victorian Commission for Gambling and Liquor Regulation (VCGLR) is the independent statutory authority that regulates Victoria's gambling and liquor industries. Further comment about the relationship between this *Act* and Councils role in the legislative landscape in Victoria is discussed below.¹⁰

The *Victorian Public Health and Wellbeing Plan 2015–2019* lists the reduction of harmful alcohol use as a priority issue. Prevention, early intervention, treatment and harm minimisation are primarily the responsibility of the Department of Health and Human Services under the auspices of the Minister for Mental Health.

Alcohol and other drug education in schools is the responsibility of the Department of Education and Training, under the auspices of the Minister for Education.



**Excerpt with thanks to National Drug Strategy*

⁹ National Drug Strategy, Australian Government (2011) <http://www.nationaldrugstrategy.gov.au>

¹⁰ See also Victorian Auditor General's Office (VAGO), *Regulating Gambling and Liquor Report*

The VicHealth Alcohol Strategy 2016-19

The new VicHealth *Alcohol Strategy 2016–2019*¹¹ is part of VicHealth’s aim to have one million more Victorians with better health and wellbeing, including 200,000 more Victorians drinking less alcohol by 2023. This strategy aims to prevent harm from alcohol by:

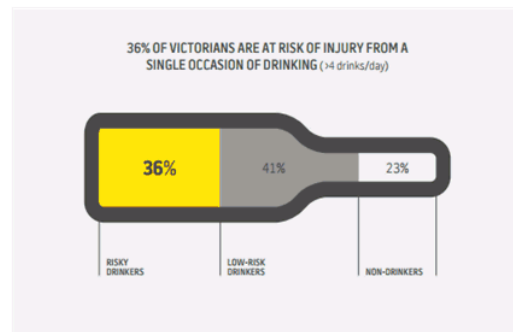
- de-normalising risky drinking in high-risk groups, **settings and subcultures**
- better understanding how harm from alcohol can be reduced among **vulnerable groups, and**
- increasing public, government and industry support for evidence-based alcohol control policies and practices.

Focusing on changing Australia’s alcohol culture is seen as critical to preventing harm from alcohol.

Importantly the Strategy identified that, while alcohol consumption overall declined in 2016, this was masking heavy drinking among particular groups. It was noted that only ‘20 per cent of all Australians account for 74.2 per cent of alcohol consumed nationally each year’.

A key priority focus for the next three years is to have more people and environments that support effective reduction in harmful alcohol consumption through both targeted and whole of population approaches.

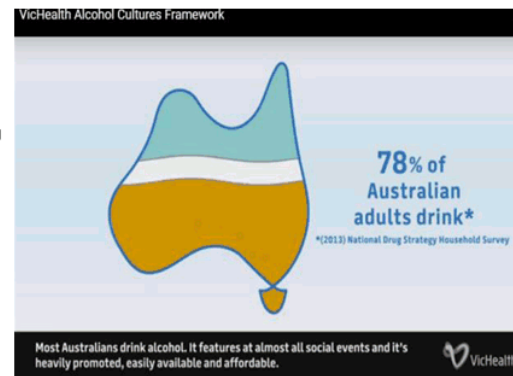
This has resulted in research and development into VicHealth’s *Alcohol Cultures Framework*.



**Excerpt with thanks to National Drug Strategy*



**Excerpt with thanks to VIC Health Alcohol Cultures Framework*



**Excerpt with thanks to VIC Health Alcohol Cultures Framework*

¹¹ VicHealth, *Alcohol Cultures Framework* at <https://www.vichealth.vic.gov.au/media-and-resources/publications/alcohol-cultures-framework> (accessed 21 August 2016).

VicHealth Alcohol Cultures Framework

The VicHealth *Alcohol Cultures Framework* (ACF), launched on 9 August 2016, explores Australian drinking habits and developed a working definition for alcohol cultures; but not necessarily approaches to managing or impacting them. The relevant elements of the ACF are summarised in Table 4 below:¹²

Table 4 – Summaries from VicHealth *Alcohol Cultures Framework*

Definition of Alcohol Culture (pg 6)

'We define alcohol culture as: the way people drink, including the social norms, attitudes and beliefs around what is and what is not socially acceptable for a group of people before, during and after drinking. Alcohol Cultures are understood against the following backdrop.'

- There is no single drinking culture in Australia, but a mix of drinking cultures across different subpopulations.
- A complex concept, cultures vary and adapt over time and generations. The interaction with a range of factors - structural, environmental, social, economic and individual, all influence the way people drink. Not possible to form one definition of 'drinking culture' or 'alcohol culture'.
- Individuals belong to many drinking cultures.
- Perception of others' consumption and drinking behaviour shapes the way people drink.
- Alcohol culture includes attitudes towards both drinking and non-drinking.
- Drinking cultures are shaped by rules and the enforcement of rules-both formal (legislation) and Informal - social norms. Peer disapproval or expectations of behaviours.

Purpose of the Framework

The Framework is a conceptual tool for those interested in shifting drinking cultures to reduce alcohol-related harm. Aimed to develop a shared understanding of alcohol cultures that could guide future efforts to build evidence-based strategies for alcohol harm reduction.

The features of a culture that prevents harm from alcohol might include:

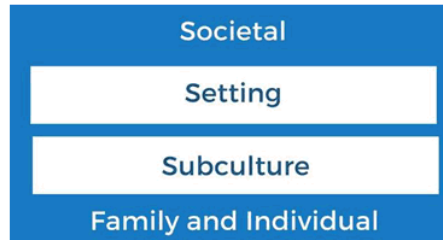
- A supportive environment where people don't feel pressured to drink
- Alcohol is consumed at levels of low risk
- Social pressures support low-risk drinking and discourage high-risk drinking
- Occurrences of drinking are reduced
- Intoxication is socially rejected
- People feel good about choosing not to drink or to drink less and make less harmful choices around alcohol.

¹² VicHealth, Alcohol Cultures Framework, <https://www.vichealth.vic.gov.au/media-and-resources/publications/alcohol-cultures-framework> (accessed 21 August 2016).

The four frames of the Alcohol Cultures Framework

The ACF identifies four frames for intervention;

- Societal
- Settings
- Subcultures, and
- Family - Individual.



with each frame representing a possible way to change alcohol cultures.¹³

A deeper understanding of the frames for intervention can be discovered by:

- considering social position, differential exposure and vulnerability
- investigating the factors that influence the way people drink, and
- engaging the target group and asking critical questions in planning, delivering and evaluating alcohol culture change strategies¹⁴

The term social position in this list refers to the socioeconomic, political and cultural preference of a person, including income, employment, rurality, race/ethnicity, gender, Aboriginality, disability and sexuality¹⁵. This process of social ranking can result in the unequal distribution of power, economic resources and prestige.

Frames for intervention	Examples of groups within the frames for intervention
<p>Societal</p> <p>Whole-of-population drivers at a state, national or global level around alcohol.</p>	<ul style="list-style-type: none"> • National or statewide groups of people e.g. men, women, young people, rural residents
<p>Setting*</p> <p>The physical and social environment where alcohol is consumed and the context of the occasion.</p>	<ul style="list-style-type: none"> • Licensed venues e.g. bars, clubs, pubs • Private residences e.g. home, friend's house • Public places e.g. parks, beach, entertainment precincts, public transport • Events e.g. weddings, birthdays, BBQs, sport, celebrations • Festivals e.g. schoolies, music, comedy, arts, cultural • Education institutions e.g. primary, secondary, TAFE, tertiary • Workplaces e.g. during work or after hours • Sports events e.g. game days, racing, parades • Technology e.g. social media, internet, online gamers
<p>Subculture*</p> <p>Social groups with established boundaries and commitment from members who share identity, values, beliefs and social norms. Identifying as a member of a subculture can extend beyond face-to-face interactions. They can sometimes be recognisable to those inside and outside of the group.</p> <p><small>* These two frames are the focus of this Framework.</small></p>	<ul style="list-style-type: none"> • Self-expression groups e.g. hipsters, goths, bikers • Occupations with a strong identity e.g. newspaper reporters, police, army • Music fan groups or musicians e.g. country, punk, ravers, hip-hop, garage bands • Ethno-religious groups with strong identity e.g. Italian-Australians • Sports groups and fans with strong commitment e.g. diehard football fans, skaters, golfers, cyclists • Groups of commonality e.g. mothers group, class group, faculty students at university • Technology-based groups e.g. gamers, blog followers, social media fans • Groups with specific drink interests e.g. beer, cider, wine, spirits, non-drinkers
<p>Family and individual</p> <p>Individuals have a unique combination of genetic and personal characteristics which interact with the configuration of structural, cultural, contextual and interpersonal factors in play in any given situation.</p>	<ul style="list-style-type: none"> • Family members, siblings, parents/guardian, spouse • Friend/s, neighbours, acquaintances, co-workers • An individual person in a specific scenario e.g. a high school senior contemplating what is next, a single working mother, a happily married man who has just been laid off work

This framework does not attempt to portray or prioritise which frames for intervention may be more impactful than others.

**Excerpt with thanks to VicHealth Alcohol Cultures Framework*

¹³ VIC Health, Alcohol Cultures Framework, Above n 13, (pg 7)

¹⁴ Ibid

¹⁵ Ibid

Research from the *Victorian Population Health Survey* revealed that health outcomes differ among individuals across various social positions. For example, lower socioeconomic groups generally experience higher levels of alcohol-related harm than wealthier groups with the same level of alcohol consumption. This is interesting, as the most recent Survey in 2014 indicated that the prevalence for lifetime risk of alcohol harm significantly grew with increasing total household income, among both men and women.¹⁶

In addition to Victorian Population Health and VicHealth policy influences, there are a number of national reviews that need to be considered when developing a new policy on alcohol. Notably, the *National Competition Policy* review spoke to unequal regulation of alcohol across Australia and gave a series of recommendations that, in turn, provided further justification for an evidence-based Policy.

The National Competition Policy Review

The *National Competition Policy Review* recognised alcohol as the single most socially acceptable legal drug in Australia and arguably the western world.

The absence of standardised alcohol regulation across Australian states and territories received a lot of attention in the Australian Government's Competition Policy Review, Final Report March 2015. Some regulation arrangements in Queensland and the Northern Territory were viewed as anti-competitive, so recommendations to release planning controls and allow a diversity of supermarkets were put forward. At the same time, the Review recognised the need for close regulation of liquor outlets.

The Review added that as long as alcohol was being regulated in a manner that meets 'the public interest test', the imposition of limited trading hours and other forms of restriction to access were reasonable, as specifically addressed under in Section 10.4 of the report. It also stated that, 'although, as a general policy, competition should be taken into account as an important part of the planning and zoning process, this should not be interpreted as removing any ability for governments to take full account of harm minimisation as an objective.'¹⁷

Further, Recommendation 8 Regulation review, of the National Competition Policy Review, encouraged all Australian governments, including local government, to review related regulations to ensure the removal of any unnecessary restrictions on competition. This recommendation stated that legislation should be subject to a public interest test and should not restrict competition unless it can be demonstrated that:

- the benefits of the restriction to the community as a whole outweigh the costs, and
- the objectives of the legislation can only be achieved by restricting competition

Factors to consider in assessing the public interest should be determined on a case-by-case basis and not narrowed to a specific set of indicators¹⁸.

The new City of Melton *Council and Community Alcohol (Liquor) Policy* pays careful attention to incorporating these recommendations, as well as the *Victorian Health and Wellbeing* evidence-based policy outcomes directives.

¹⁶ Victorian Population Health Survey 2014, Above n 3. (Pg 378)

¹⁷ Australian Government's Competition Policy Review, Final Report March 2015 (pg 169)

¹⁸ Ibid.

The Policy will clearly establish how the Council will navigate all its various roles and dealings in relation to alcohol and this will be achieved by explaining the:

- manner and purpose of any relevant restriction
- rationale and purpose of any condition proposed
- service setting and objectives sought to be achieved by the particular application of elements of the Framework, and the
- need to share roles and objectives of a responsible service agenda and harm minimisation agenda.

6. COUNCIL'S ROLES WITH RESPECT TO ALCOHOL

Identifying what to include within a new policy framework begins with an understanding of what Council's roles are with respect to alcohol. These roles are summarised in Table 5.

Table 5 – Various Council roles and obligations in relation to Alcohol	
Role	Accountabilities
Council as a: <ul style="list-style-type: none"> • Statutory Authority under Local Government and Public Health and Wellbeing Acts. • Responsible Authority for assessment and issue of planning permits • A Referral Authority for liquor licences and BYO permits • Author and enforcer of Local laws • Investigator and prosecutor of alleged breaches of Planning Scheme, Planning Permits Conditions, Liquor Licences and Local Laws • Health Promotion and Prevention. Municipal Health Planning and Coordination • Community Events Planner, Facilitator or Administrator • Land Owner or Manager of Venues, Recreation and Open Space • Leadership in Variety of other roles – Local Policy agenda, Managing Community Amenity, Responsible Service Advocacy and Leading by Example. 	Peace, order and good government of their municipal districts.

Council Policy background

Melton City Council delivered a new *Responsible Gambling Policy* late in 2014. In 2017, a new *Alcohol and Liquor Licensing Policy* is being delivered.

The commitment for Council to develop clear positions in relation to minimising harms from gambling, alcohol, tobacco and other drugs is a key objective of the Council Plan (Objective 4.4).

The *Alcohol Policy Framework* will deliver against all four related strategies under Objective 4.4, which are:

Strategy 4.4.1 Research current and future trends in social harms related to gambling, tobacco, alcohol and other drugs to inform the development of policy, plans, local laws and services

Strategy 4.4.2 Undertake Social Impact Assessments on venue-based liquor licence and gaming applications to minimise impact on high risk areas ¹⁹

Strategy 4.4.3 Collaborate with service agencies, venues and local community groups to explore proactive approaches in preventing and reducing the harms associated with gambling, alcohol, tobacco and other drugs

Strategy 4.4.4 Work with the industry, venues and retailers to support awareness and lawful compliance concerning the sale and use of gaming, alcohol, tobacco and other drugs.

In addition to these important strategies, the following four established policies refer to alcohol and have informed the development of the New Alcohol (Liquor) Management Plan and related policy.

The Liquor Licence Assessment Policy

Lead Department: Statutory Planning

This policy relates to Council's assessment and decisions on planning applications and liquor licence referrals. It:

- is primarily applied in the assessment of applications for planning permits in relation to a liquor licence (Clause 52.27 Planning Scheme) and when applications for liquor licences are referred to Council by the VCGLR
- provides a framework for the Council's consideration of liquor licence applications (planning permit or referral from the VCGLR), and
- identifies and assesses potential for social harm resulting from the concentration of licensed premises in an area and other factors including patron capacity, trading hours, access to transport, car parking and venue design.

Policy Implications

The Policy statements and general liquor licence and planning application requirements outlined with the current liquor licence Policy remain relevant. These will be incorporated within the new Policy on Alcohol and recast in the new evidence based Policy, against its adapted Alcohol Cultures lens. More procedural aspects will be included in the guidance notes.

¹⁹ Note: Social and Economic Impact Assessments (SEIA) support evidence based practice and play an important role in formal application and referral arrangements.

Alcohol Risk Management Policy

Lead Department: Community Planning

This policy relates to Council's assets and programs and aims to support the community by reducing the impact of alcohol-related harm associated with the management of Council assets and programs.

Council seeks to manage the use of alcohol to encourage the widest participation in safe recreational activities, promote responsible event management and the use of Council's community facilities, and protect the wellbeing of the community and general amenity.

The objectives of this policy are to:

- reduce the risks of alcohol-related harm within the municipality, associated with the use of alcohol
- provide safe and equitable access to quality facilities, reserves, programs and events
- standardise Council procedures for managing the provision and use of alcohol in Council owned and managed facilities, reserves and events
- ensure facility users are aware of their responsibilities regarding the use and consumption of alcohol, and
- facilitate community safety and improve wellbeing by reducing harm

Policy Implications

As this policy is primarily aimed at raising awareness and minimising alcohol-related harms, many of these policy statements remain relevant. They provide the basis for the three evidence-based responsible service dimensions underpinning the *Council and Community Alcohol (Liquor) Policy*. As the new Policy is embedded in the ACF, Council's role of influencing alcohol subcultures in various settings is now even more clearly articulated.

Planning, design and the relevant outcome of decisions related to alcohol service and supply will begin with the assessment of the alcohol service setting and against the requisite service culture and outcomes desired to be achieved within it.

More procedural aspects of the policy will be further articulated by the guidance notes.

Externally Managed Events Policy

Lead Department: Customer Engagement

This Policy seeks to inform event organisers about Council's compliance requirements and supports events managed and delivered by external sources, community groups, commercial entities and individuals.

Policy Implications

This policy establishes procedural guidance for aspects of event planning, rather than providing a policy basis from which to measure the efficacy of community event coordination. Policy aspects such as equity, access and inclusion, as well as branding, marketing, risk management and crowd control all remain relevant to the new policy arrangements. These will all be collated into the new Responsible Service of Alcohol Policy, with the procedural elements articulated more fully within the supporting guidance notes.

Internally Managed Events Policy

Lead Department: Customer Engagement

This Policy applies to events managed by Council staff and advises Council Officers of the requirements for planning and managing events.

It aims to provide clarity and to outline roles and responsibilities, in order to support Officers in delivering a consistently professional standard of events across Council.

Policy Implications

Like the Externally Managed Events Policy above, the subject matter of this policy establishes procedural guidance associated with aspects of event planning, rather than providing a policy basis against which to assess the efficacy of community event coordination. Policy aspects such as equity, access and inclusion, as well as branding, marketing, risk management and crowd control all remain relevant to the new policy arrangements. These will all be collated into the new Responsible Service of Alcohol Policy, with the more procedural elements articulated more fully within the supporting guidance notes.

In addition to the four related policy areas introduced above, as indicated in Table 5, Council performs various other roles in relation to alcohol. The following section aims to unpack them and to explain how they impact on the new policy agenda.

Note: Since completing this background paper, the Events Policies mentioned above have been combined, and are now titled Melton City Council Events Policy.

Council's role in the regulation of alcohol

The Victorian State Government (VCGLR) is responsible for the regulation of alcohol, and this principally occurs through liquor licensing and the *Liquor Control Reform Act*. The Council, in its role of statutory planning authority under the *Planning and Environment Act 1987* is responsible for the assessment and issue of applications for planning permits.

A planning permit is required to use land for the purpose of selling or supplying alcohol (Clause 52.27). The Council is also forwarded applications for liquor licences made to the VCGLR and may object to the issue of a liquor licence within or adjoining the Local Government Area. More often than not, the grounds for objection will be based on concerns about amenity protection.

A key difference between the two regulatory functions is that land use planning assesses the type of land use against the relevant provisions of the Planning Scheme. This is achieved by defining the 'predominant land use' where a liquor licence may be applied, whereas certain zoning provisions may mean a planning approval cannot be issued.

Planning approval attaches to the land, so in situations where a title changes, any previously issued planning approvals and associated conditions continue. There are also many types of liquor licences, for one-off events, to general club and restaurant or bottle shops (packaged liquor) and it is for the applicant to ensure they apply for the correct license type when making an application to the VCGLR for approval.

For a premises to legally incorporate the sale and/or supply, or distribution of alcohol, both planning and liquor legalisation must be complied with. In some cases, municipal local laws and ancillary considerations associated with land tenure arrangements (lease and licence conditions and even insurance arrangements) may also need to be considered and appropriately addressed by potential applicants.

Policy Implications

As outlined in legislation, determining whether a site can reasonably accommodate the sale, service or other form of alcohol supply will largely depend of the individual setting, whether responsible service can be demonstrated and whether any anticipated local amenity impacts can be negated. Underpinned by an evidence-based decision making framework, the new Responsible Service of Alcohol Policy will ensure the establishment of clear decision making guidance notes against the three Policy dimensions, Design, Prevention and Harm Minimisation.

Protecting Amenity

Liquor Control Reform Act 1998

The definition of 'amenity' is provided under Section 3A *Liquor Control Reform Act 1998*. This applies for the purpose of liquor licensing arrangements in Victoria. No equivalent definition is provided for, however, under the *Planning and Environment Act 1987*.

Table 6 – What is Amenity?

Sub Section 3A *Liquor Control Reform Act 1998*

- (1) *For the purposes of this Act, the amenity of an area is the quality that the area has of being pleasant and agreeable.*
- (2) *Factors that may be taken into account in determining whether the grant, variation or relocation of a licence would detract from or be detrimental to the amenity of an area include—*
- (a) the presence or absence of parking facilities;*
 - (b) traffic movement and density;*
 - (c) noise levels;*
 - (d) the possibility of nuisance or vandalism;*
 - (e) the harmony and coherence of the environment;*
 - (f) any other prescribed matters.*
- (3) *Nothing in subsection (2) is intended to limit the definition of amenity.*

Sub Section 3AA *LIQUOR CONTROL REFORM ACT 1998*

Provides further detail on 'Evidence constituting detraction from or detriment to amenity of area' and includes:

- (a) violent behaviour;*
- (b) drunkenness;*
- (c) vandalism;*
- (d) using profane, indecent or obscene language;*
- (e) using threatening, abusive or insulting language;*
- (f) behaving in a riotous, indecent, offensive or insulting manner;*
- (g) disorderly behaviour;*
- (h) causing nuisance;*
- (i) noise disturbance to occupiers of other premises;*
- (j) obstructing a footpath, street or road;*
- (k) littering.*

Planning and Environment Act 1987

Considering the effects of land use and development upon people has been a longstanding feature of land use planning. Although similar definitions of amenity are not as clearly elucidated in the *Planning and Environment Act 1987*, as they are in the *Liquor Control Reform Act* (above), amenity does feature in the following ways.

Under the Victorian planning arrangements, Council as the Responsible Authority (RA) must consider 'as appropriate[t]he effect on the amenity of the area' in deciding a permit application or approving a plan (Victoria Planning Provisions cl 65.01.6). It must also consider the objectives of planning (S 60), one of which is securing 'a pleasant working and living environment' [S 4(1)(c)]. A pleasant environment equates with amenity.

The social and economic effects of proposed use or development of land are relevant to the concept of amenity (see *Kentucky Fried Chicken Pty Ltd v Gantidis* (1979))²⁰. Section 60(1) of the *Planning and Environment Act 1987* expressly allows these matters to be considered. This is consistent with provisions of the *Planning and Environment Act 1987* that, in deciding an application, a RA must consider any significant effects a proposal may have on the environment, or the environment may have on the proposal, and may consider any significant social effects of the proposal [S 60(1)(e); S 60(1A)(a)].²¹

Arguably, one of the most contentious underlying aspirations of land use planning is to achieve land use compatibility, and to avoid conflict or detriment to the amenity of the surrounding environment.²²

A Social and Economic Impact Assessment (SEIA) is a systematic process which aims to quantify the social and economic impacts associated with a particular proposal. Although modelled on the scientific approach of an Environmental Impact Assessment (EIA), the results and methodology employed often vary.

Improving policy clarity and accessibility also helps to aid the role and function of a SEIA in application and decision processes.

Policy Implications

SEIA's are set to remain a relatively standard mechanism for a proponent to evidence assertions that the proposal will not cause unreasonable detriment to the local amenity of the surrounding area.

In relation to liquor licensing and other alcohol management related matters, with a subtle shift of focus from 'form' to 'substance', SEIA's may continue to provide the vehicle by which a proponent can demonstrate not only net community detriment, but also evidence of how the proposed operations achieve Responsible Service of Alcohol Policy objectives.

²⁰ 140 CLR 675

²¹ In *Macedon Ranges Shire Council v Romsey Hotel Pty Ltd*. (2008) 29 VPR 271 at [62], the Court referred to the NSW LEC's decision in *Perry Properties v Ashfield Council* (No 2) (2001) 113 LGERA 301, 318, [64] (Perry). In Perry, the Court adopted a wide view of amenity, although social impacts (not amenity) are directly invoked under NSW planning law.

²² Adapted from the *Victorian Government Solicitors Office, Amenity* at <http://vgso.vic.gov.au/content/amenity>

The General Local Law 2015

In *Part 3 - Behaviour on and use of roads, public places and council land including reserves* of the General Local Law, a general prohibition on the consumption of alcohol on '*any Road, in any Public Place or on any Council Land*' is applied. Under local law 32, it is an offence to:

- a) consume any liquor; or
- b) be in possession or control of any liquor other than in a sealed container or receptacle.

Subject to subsections i-vi, the general prohibition does not apply to situations where a liquor licence or permit under the *Liquor Control Reform Act 1998* applies (i-iii), or where Council has issued a permit, approval or has passed a Council Resolution to override the general prohibition (iv-vi). Five (5) penalty units apply to each offence under this local law.²³

Policy Implications

This Local Law demonstrates the degree to which Council as the Local Government Authority - responsible for the good order and health and wellbeing of the community, takes seriously its roles and responsibilities toward the consumption of alcohol.

The blanket prohibition against alcohol consumption in public areas sends a clear message that drinking alcohol is not to be freely encouraged, particularly without some degree of conscious oversight, coordination, appropriate checks, balances and approvals set in place.

This key message is supportive and illustrative in setting the scene for all related policy statements from which an alcohol management framework is to be based.

Although not opting to be overly 'prohibitionist', the continued incorporation of the cautionary elements - wanting to ensure that decisions are made consciously and on a merits-based, case-by-case basis - are all elements that have made their way into the new Alcohol Management Policy and Framework.

²³ Melton City Council. *General Local Law*, www.melton.vic.gov.au/Regulations/Local-laws, (accessed 25 January 2017).

Creation of an evidence based policy

As highlighted, the *Council and Community Alcohol (Liquor) Policy Framework* is influenced by national and state government agendas. These underpin our local planning policy considerations.

All four existing Council policies have been reviewed, and relevant policy statements incorporated, to inform the *Council and Community Alcohol (Liquor) Policy Framework*. The various policy elements are reflected under three dimensions associated with Responsible Service of Alcohol Policy, shown introduced by Figure 4 below.



Figure 4: The evidence based Responsible Service of Alcohol Policy Dimensions

This new *Council and Community Alcohol (Liquor) Policy* seeks to establish a clear and pragmatic policy agenda, partnered with useful information and guidance notes. As a new and innovative suite of local government policy, the new Framework is anticipated to support performance innovations, through the development of supporting guidance notes in the toolkit on:

- packaged liquor, retail premises and restaurant design guides
- a Noise and Amenity Management Toolkit
- a Footpath Furniture and Trading Code
- mechanisms to support Responsible Service of Alcohol (RSA) information, Liquor Accords, Good Sports and Healthy Food and Drink affiliations (and others as they evolve)
- other universal design, DDA compliance and food safety information and resources
- tools to assist an appreciation of the role and interrelationship of Liquor Accords, Good Sports, Party Safe and effective event planning, Party Safe Guides, Designated Driver and Looking after Your Mates programs
- alcohol and its effects – an information series

DRAFT | FINAL-October 2017 27

- a Place Making and Crime Prevention through Environmental Design (CPTED) Toolkit, and
- an understanding the role of alcohol in your business, community event and community booklet.

Shifting cultures

It is envisaged that, once Council's expectations have been clearly communicated, licensees will have a greater appreciation of practical factors, such as:

- lighting and natural surveillance
- behavioural approaches to patron management and crowd control
- appropriate customer amenity facilities
- a new appreciation for critical business success will emerge.

In going beyond the minimum compliance requirements relating to the responsible service of alcohol - establishing standards of conduct, planning and practice in consultation with sector partners - we can expect to maximise positive community outcomes.

To lead health promotion and prevention initiatives that align the aspirations of community and licensees alike, we will provide guidance notes with the additional support and detail that the Policy, as a standalone document, may not.

7. THE POLICY

Melton City Council recognises that most Australians enjoy a healthy relationship with alcohol.

The new ***Council and Community Alcohol (Liquor) Policy*** aims to achieve a balance between a healthy relationship with alcohol and a potentially harmful one, by providing, amongst other things, good retail and liquor outlet design and effective public and licensee health promotion information and practice.

This will be achieved by the introduction of an evidenced-based Policy, which is embedded within the VicHealth *Alcohol Culture Framework (ACF)*.

Although the various responsible service and harm minimisation messages apply equally to all settings where alcohol is to be served - including community events and public settings - the key focus remains on licensed premises, commercial sales and service environments.

As indicated by the VicHealth's ACF, applying a practical lens across the *Settings and Subcultures frames* will aid transparency in decision making. Through this lens, Council will be able to work with potential applicants, licensees and event planners who are seeking to apply for, or amend a liquor licence, permit or approval.

Ensuring that all parties understand the important role they play and the significance of leading and supporting health promotion and reducing potential harms - especially among young people - is at the heart of the Council's new Alcohol Management approach.

Striking the right balance

The Victorian Government is committed to preventative measures that minimise the misuse of alcohol and build a responsible licensing system that contributes to a vibrant and safe Victoria. State and local governments recognise that striking the right balance is a whole of community responsibility and that we all have a role to play in reducing the opportunities for the misuse of alcohol.

This approach is reflected locally through this new and deliberate alcohol policy response, which includes a major focus on health promotion. Within VicHealth's ACF, Council's health promotion intent occurs within the *Settings and Subcultures* frames. This policy approach is distinguished from early intervention or treatment approaches, which would occur within the *family and individual* frames.

As shown in Figure 8 below, the new ***Council and Community Alcohol (Liquor) Policy*** embeds best practice service and design principles to focus on the dual aims of reducing harms from alcohol while encouraging a thriving entertainment, tourism and hospitality industry,

While Melton City Council's intention is to reduce harms from alcohol, the need for leadership, guidance and informed decision making in relation to the role alcohol plays in our community is at also situated at the policy forefront.

The new evidence based Policy and supporting guidance notes, clearly define the expectations of proponents and consumers alike, outlining the minimum standards of a responsible service culture, as well as establishing example evidence indicators.

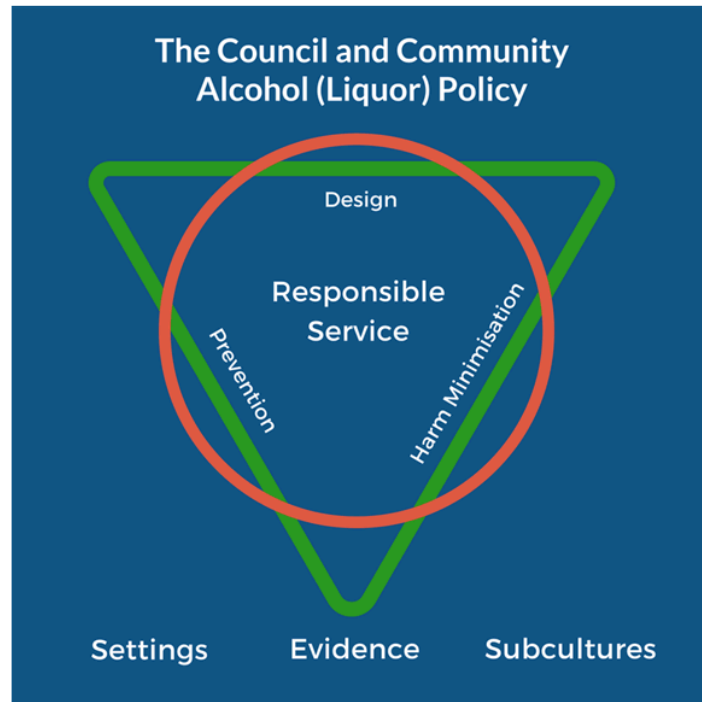


Figure 5. Responsible Service of Alcohol in Context

Community settings and product placement

The Victorian liquor industry employs 115,000 Victorians and 19,000 liquor licences are issued annually, resulting in a lot of alcoholic products being available in community settings.

As discussed previously, the VicHealth ACF Settings Framework recommends targeted action in understanding the role that alcohol plays so harms and excessive consumption can be reduced. It is within this Framework that *Council and Community Alcohol (Liquor) Policy* seeks to leverage the greatest impact in terms of positive health outcomes.

Adoption of the 'settings' frame also enables Council to reposition shared understandings of roles and responsibilities associated with our relationships with alcohol.

Traditionally, much responsibility has rested with licensees and the purveyors of alcohol, however recent policy discussion has highlighted a shared responsibility. Highlighting the need for individual accountability to themselves, their family and as a community member and a rights-based consumer, has also come to the fore.

In all four frames of the VicHealth ACF, the individual roles and responsibilities we embrace will have a significant impact on our ability to reduce alcohol-related harms and improve the health and wellbeing of our community, together.

DRAFT | FINAL-October 2017 30

Shared accountability

The concept of shared responsibilities, within the context of selected alcohol service and supply, is introduced in Figure 6 below. It illustrates a basic premise that the role that alcohol plays within the service setting impacts directly not only roles and responsibilities, but also the potential for harm. In some cases, wholesale change of the nature and predominance of the activity itself is required.

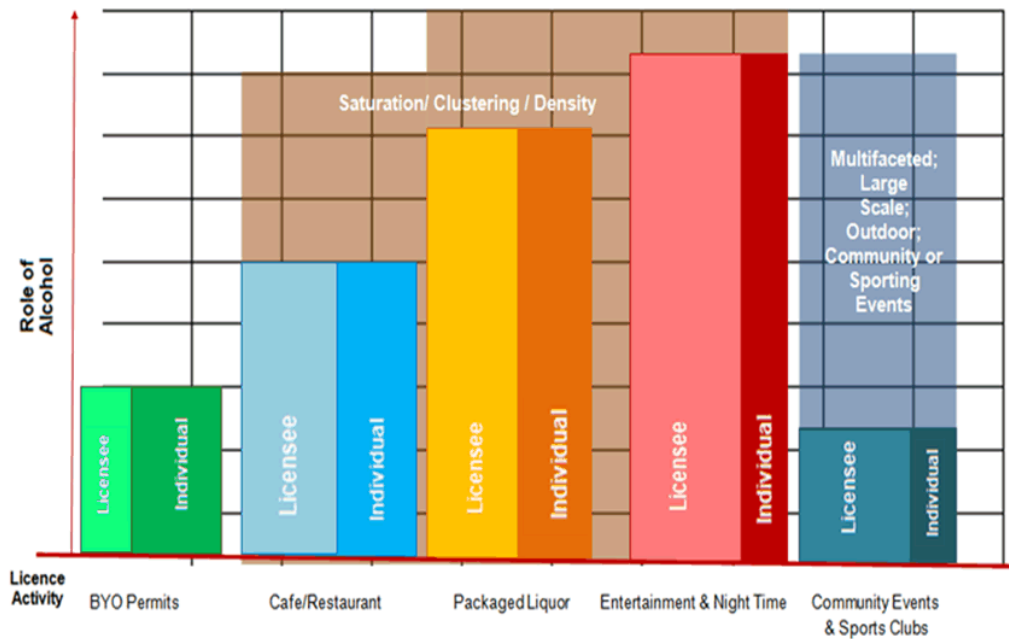


Figure 6: Accountabilities, selected service settings

Reducing the prominence of alcohol

In the absence of clarity about what defines each setting and what sets them apart, alcohol can easily become more prominent within that setting than originally intended (or permitted).

A challenge for Council is to ensure that the celebrated open and equitable access of community events is maintained and does not run a risk of being 'high-jacked' by incremental acceptance and/or the intrusion and prominence of alcohol sales or supply.

Likewise, cosy local cafes that might otherwise seek to expand business operations may be at risk of maturing too quickly - for example, into a noisy standing-room only bar. Business owners should be encouraged to exercise caution when planning business growth, seeking appropriate land use planning advice and approvals prior to making any changes to their operations.

Overall, it's important to increase awareness and understanding amongst community members, patrons and licensees about the settings in which alcohol will be served and to make clear the responsible service obligations that come with such service.

VicHealth's Alcohol Cultures Framework (ACF) application

In recent years, liquor licence regulation and land use planning attention has shifted toward a focus on reducing harms, within both the existing and newly created service settings.²⁴

The settings in which alcohol is proposed to be served, particularly where opportunities for harm, violence and amenity disturbance are at risk of being increased, remains at the heart of concern for liquor licensing regulation.

This section explores some of the terms not already defined and focuses on alcohol service settings. In particular, it sets out how the VicHealth ACF is to be embedded within the *Council and Community Alcohol (Liquor) Policy*.

New Policy at the heart of VicHealth's ACF

Just as a licensee has responsible service of alcohol obligations, a consumer's responsibility is not diminished by their choice to consume alcohol to the point of intoxication. For example, the driver of a vehicle is held responsible if they drink and drive.

In this setting, the *Subcultures* frame is where our personal influence can have the most positive impact on improving health outcomes amongst peer groups.

As a local government, we have the ability to positively influence alcohol related outcomes by making the right decisions about events that we organise for, and with, the community.

This approach to exploring alcohol service responsibilities is part of VicHealth's ACF. As shown throughout this background paper, achieving responsible service of alcohol is not a one-way street; both serving and consuming alcohol is a legally binding responsibility under the *Liquor Control Reform Act 1998*, and the accountability for consuming alcohol responsibly is a shared one, no matter the setting.

Density, clustering and venue saturation

What is also illustrated by Figure 9 is the impact that clustering - or increased density - has.

Density

When applied to electronic gaming machines (EGMs) density refers to the number of EGMs per 1,000 resident population. While the same kind of standard may be useful when it comes to alcohol outlets, no such rating currently exists.

Research reveals that some academics use a similar ratio system - the number of outlets per 1,000 population. Other methods refer to a selected geographical area, travel time by car, or walking distance between outlets. In any event, establishing a locally relevant classification for 'density' for the City of Melton may result from a mix of these various inputs. Further consideration of this background will be required to develop analytic decision making tools.

²⁴ See. Review of the *Liquor Control Reform Act 1998*, <https://myviews.justice.vic.gov.au/liquor-control-reform-act-review>, particularly the Submission by *Alcohol Policy Coalition* (23, December 2016), (accessed 2 February 2017)

Clustering and saturation

The terms clustering and venue saturation usually refer to the number of similar venues or retail outlets within a designated area, as well as their proximity.

While the degree of shared responsibility for service and consumption remains the same, densification can amplify the role and risks of alcohol. It's easy to see how a number of venues clustered within an area can lead to a greater risk of behavioural issues, violence and other disturbances due to an over-supply of alcohol or poor crowd control on the part of Licensees, together with over-consumption or deliberate misuse of alcohol by an individual or group.

In fact, the clustering of licensed venues can be dangerous, for members of the public walking through the area and police dealing with public disorder. This is exactly what State Government policy against 'clustering' of late night venues seeks to avoid.

The VCGLR will generally not grant applications for new licences to trade past 1am in the City Melbourne (including Docklands), Stonnington, Yarra and Port Phillip, unless certain conditions are met. In addition applicants are required to seek the prior support of the relevant local council in which they wish to serve liquor post 1am.²⁵

Factors relating to clustering and saturation are yet to be identified as a concern for the City of Melton, however they, along with density, remain important principles to effective future planning for the City.

Alcohol-related harms and associated terminology

The interrelationship between alcohol and family violence was observed by the Royal Commission into Family Violence 2016, with the Commission recommending a review into the *Liquor Control Reform Act 1998* (LCRA).

In late 2016, the Victorian State Government released the terms of reference and consultation paper for this review, which posed 13 questions. Many of these relate to the harm minimisation aims of the *Act*. Of the many submissions made to the Review, the Submission by the *Alcohol Policy Coalition* is particularly relevant to the current discussion and worth commenting on here.

²⁵ Victorian Commission For Gambling and Liquor Regulation - Late Night Licences
http://www.vcglr.vic.gov.au/home/liquor/new+applicants/apply/late_night_licences

About the Alcohol Policy Coalition

The *Alcohol Policy Coalition* develops and promotes evidence-based policy responses with proven effectiveness in preventing and reducing alcohol related harms. Members include:

Australasian College of Emergency Medicine	Royal Australasian College of Surgeons
Alcohol and Drug Foundation	Salvation Army
Cancer Council Victoria	Turning Point
Centre for Alcohol Policy Research (CAPR), School of Psychology & Public Health, La Trobe University	Victorian Alcohol and Drug Association
Foundation for Alcohol Research and Education	Violence Prevention Group, School of Psychology, Deakin University
Jewish Community Council of Victoria	Uniting Church in Australia, Synod of Victoria and Tasmania
Public Health Association of Australia (Victoria)	



In summary, the APC submission confirms that the impact of long trading hours of alcohol outlets, together with density, clustering and saturation of on-premises and packaged liquor outlets all contribute to alcohol-related harms.²⁶ A snap shot of APC's observations is shared below.

Health

*'Alcohol use in Victoria causes a range of devastating harms, including short-term and long-term harms to the drinker and others. Alcohol is a risk factor for long-term health problems, including cancer, and a major contributor to Australia's burden of disease.'*²⁷

Family violence

*'Alcohol increases the frequency and severity of family violence, and is at least partially implicated in up to 53 per cent of family violence incidents in Victoria. The number of family violence incidents involving alcohol increased by 85 per cent between 2003-04 and 2012-13.'*²⁸

Proliferation of liquor licences in Victoria and link to harms

'...(I)ncreases in the availability of alcohol, through increases in on-premises and packaged liquor outlet density and trading hours, contribute to increases in alcohol-related harms, including violence, family violence, child maltreatment and health problems.'

²⁶ Ibid.

²⁷ Above n23 *Alcohol Policy Coalition*, (Submission 063), Review of *Liquor Control Reform Act 1998* (3:)

²⁸ Above n23 *Alcohol Policy Coalition*, (Submission 063), Review of *Liquor Control Reform Act 1998* (3:4)

Research shows that increases in liquor outlet density are associated with increases in violence, family violence and alcohol-related chronic disease. Victorian research has found that the density of liquor licenses, particularly packaged liquor licences, is associated with rates of police-reported domestic violence over time, plus that packaged liquor licenses are disproportionately located in areas of socio-economic disadvantage, with likely impacts on health inequalities. In addition, there is a large body of Australian and international research clearly establishing the relationship between liquor outlet trading hours and levels of alcohol harm.

The number of liquor licenses in Victoria has increased dramatically over the past three decades – from fewer than 4000 in 1986 to more than 21,000 in 2016. The number of packaged liquor licenses has increased by 49.3 per cent over the past 15 years, and the number of ‘big box’ chain packaged liquor stores has increased from 3 to 68’.

The observations and recommendations made by the APC (and others) to the *Review of the Liquor Control Reform Act 1998* provide support to the City of Melton’s *Council and Community Alcohol (Liquor) Policy Framework*. In addition, our Framework seeks to improve on many of the areas currently identified as being deficient in addressing harm minimisation aspects of licensing legislation.

Liquor licensing terms and concepts

The standard obligations of Licensees and ordinary trading hours as currently provided for under the *Liquor Control Reform Act 1998*, establish the minimum regulatory requirements of the Act. Both these are summarised in the following tables.

Table 7 – Standard Obligations of Licensees²⁹	
The <i>Liquor Control Reform Act 1998</i> provides that all liquor licenses granted in Victoria have a set of standard obligations that a licence holder must meet in order to comply with the requirements of the licence. The standard obligations of Licensees include:	
<p>Serving intoxicated patrons Licensees need to be aware of their obligations in relation to serving intoxicated patrons.</p> <p>Record keeping requirements Licensees have an obligation to keep certain records on the premises at all times and/or display certain records or posters on the premises.</p> <p>Responsible Service of Alcohol There is a mandatory requirement for certain licences to have staff trained in the Responsible Service of Alcohol program.</p> <p>Underage patrons on licensed premises There are strict rules around allowing underage patrons on licensed premises.</p>	<p>Responsible alcohol advertising and promotions Principles that licensees need to follow when promoting alcohol.</p> <p>Required signage in licensed premises There are notices that must be displayed in a licensed premises.</p> <p>Free drinking water for patrons Free drinking water needs to be made available to patrons in licensed premises where the alcohol is consumed onsite.</p> <p>ANZAC Day trading restrictions See the restrictions on trading on ANZAC Day.</p> <p>Barring problem customers Learn about the various ways in which licensees can bar problem customers from their premises.</p>

Standard operating hours – licensed premises

Standard operating hours for licensed premises are defined as 'ordinary trading hours' under Section 2 of the *Liquor Control Reform Act 1998*.

Table 8 – Standard Hours for Licensed Premises			
Type of Licence	<i>"Ordinary trading hours" means—</i>		
	On any day other than Sunday, Good Friday or ANZAC Day, (Christmas Day*)	<i>Sunday</i>	<i>Good Friday and Anzac Day</i>
a) General Licence On-premises Restaurant or Cafe	7 a.m. to 11 p.m (i)	10 a.m. to 11 p.m (ii)	12 noon to 11 p.m (iii)
b) Club Licence	Any time (i)	10 a.m. to 11 p.m (ii)	12 noon to 11 p.m. (iii)
c) Packaged liquor	9 a.m. to 11 p.m *	10 a.m. to 11 p.m.	12 noon to 11 p.m
d) Wine and beer producer	7 a.m. to 11 p.m.	10 a.m. to 11 p.m	10 a.m. to 11 p.m
(e) New year's Eve arrangements			
In addition to the <u>ordinary trading hours</u> referred to (a – d) above —			
(i) on-premises licence, and <u>BYO permit</u> 11 p.m. on 31 December and 1 a.m. on 1 January;			
(ii) in relation to a restaurant and cafe licence, on-premises licence subject to restaurant conditions or late night (on-premises) licence subject to restaurant conditions—the hours between 11 p.m. on 31 December and 3 a.m. on 1 January			

8. POLICY RECOMMENDATIONS

When reflecting on the policy implications outlined in this report, it becomes apparent that the responsible service of alcohol can be achieved through three interrelated policy dimensions; Design, Prevention and Harm Minimisation.

Accordingly, the new Responsible Service of Alcohol Policy for the City of Melton begins within service 'Setting', continues to the 'Subcultures' frame and illustrates that 'Evidence' of responsible service is the keystone upon which everything is built.

As introduced in Figure 5, which has been reproduced below, the evidence of the responsible service of alcohol that will need to be demonstrated will include our three policy dimensions, which will now be explained further.

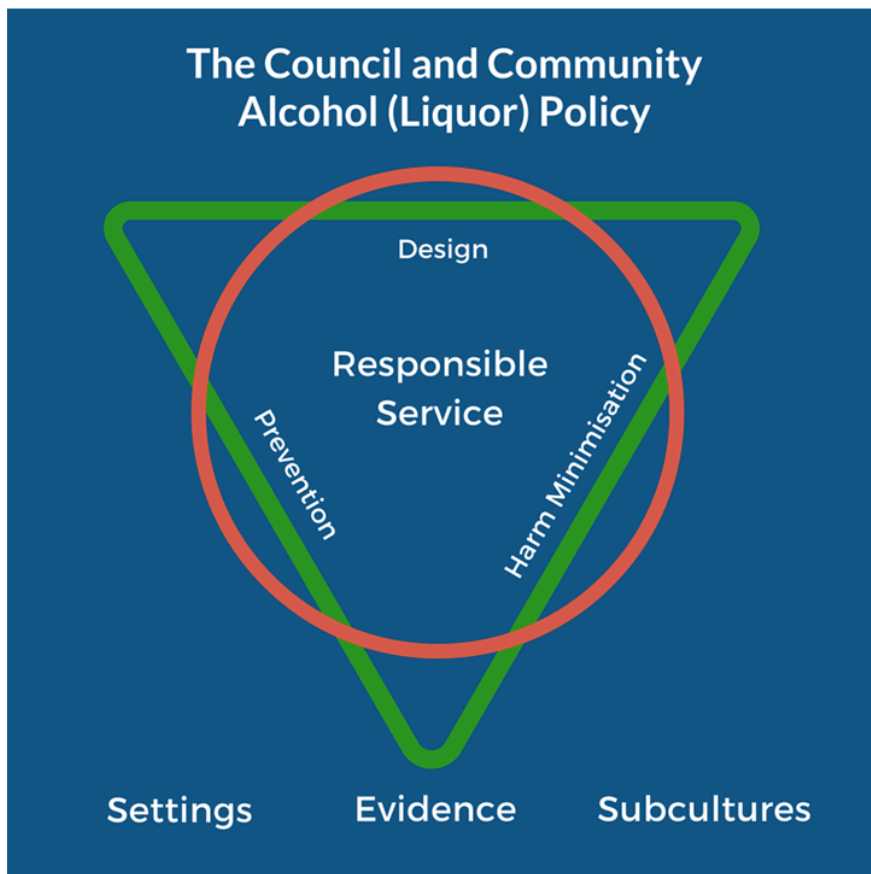


Figure 5 (reproduced): Responsible Service of Alcohol Policy in context

Dimension 1 - Design

Good planning and design are fundamental to the success of a retail enterprise, hospitality business or community event within the City of Melton.

When it comes to licensed premises, experience suggests that poorly planned venue design leads to:

- reduced patron experience
- a detrimental impact on local amenity
- the potential to negatively impact on perceptions of personal safety, which is often directly attributed to venue operations, and
- a reduced likelihood of business success, sometimes even before the business has had a chance to flourish.

There are a number of social and amenity considerations when assessing whether responsible service of alcohol outcomes are likely to be achieved by a proposed licensed premises or event.

- the location and proximity to other licensed premises
- the quality of the building design
- floor plan layout
- availability of car parking spaces
- sufficient lighting
- approach to crowd control, and
- the provision of quality toilet facilities.

Given the breadth of considerations, each proposed licensed premises or event application to the City of Melton should be assessed whether it is fit for purpose on its individual merits.

In addition, applicants need to consider the operational impacts of their proposal in a more holistic manner than in the past. They will be expected to demonstrate an understanding of how their new venture will not only achieve responsible service outcomes, but also what success looks like for their business and how that will contribute to the City of Melton alcohol policy agenda.

These expectations accord with the openness and transparency recommendations of the Competition Policy Review, and adopt a shared responsibility for reducing alcohol related harm appropriate to the service setting.

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

Business owners who are applying for a licensed premises or event (while meeting the minimum requirements of the relevant Australian Standards, the Building Code, Planning Scheme and other regulations) are expected to use other good design principles (such as crime prevention through environmental design or CPTED) and effective amenity management, in order to responsibly serve and sell alcohol.

It is reasonable to expect that all social and amenity assessments conducted by the City of Melton will consider a full range of good planning and design practices in any proposed

DRAFT | FINAL-October 2017 38

licensed premises. Therefore, applicants are encouraged to consider such elements early in their planning and design to avoid delays in decision making.

Product placement, displays and advertising, the nature of staff supervision and crowd control arrangements are also important elements of the planning and design stage. These should all be considered relevant to the service setting being proposed.

Social and amenity factors

As shown, there are a number of design factors that play an important role in achieving responsible service outcomes. In addition to those listed above, the table below details several that potential licensees should be able to elaborate on in relation to their proposed setting.

Table 9 – Selection of Design Factors that impact Success

- | | |
|------------------------------------------------|----------------------------------------------------------------|
| • Seating layout and design, | • transport accessibility, |
| • Personal space, access and manoeuvrability, | • onsite deliveries, |
| • internal and external lighting, | • refuse and storage arrangements, |
| • fire safety standards, | • location and design of toilets and amenity facilities, |
| • footpath and pedestrian access arrangements, | • The choice of furnishing, surfaces and acoustic furnishings, |
| • vehicular traffic management\ | |

These factors can all impact on the performance of a licensed premises or area and should all be assessed against the context of the proposed alcohol service setting.

How do we apply the Design dimension to our Policy?

This dimension recognises that the design principles associated with a bottle shop will differ to those of a licensed café. Likewise, the effective organisation of a large-scale community event considers different elements to that of a business dinner.

Therefore, because design principles vary across settings, a complete set of Guidance Notes will be drafted in collaboration with industry partners, creating and delivering a tool that supports industry best practice and is a useful resource for potential licensees.

Most importantly, the Guidance Notes will assist potential licensees to avoid costly and unnecessary planning permit amendments, expensive venue redesigns or even business failure.

Dimension 2 - Prevention (Health Promotion)

By working in the prevention space, health promotion seeks to improve the health and overall quality of life for our community.

Sometimes referred to as 'up-stream' intervention, prevention aims to understand the needs of individuals and communities so their health and wellbeing can be supported prior to health issues arising. The flow on effect is prolonged lifespans, healthier people and less incidence of disease and illness arising.

Health promotion activities form a large part of Melton City Council's' health, social and wellbeing program (however, the treatment of illness, rehabilitation and medical care is beyond the health promotion continuum and therefore not part of Council's core role).

Accessible information about the effects of alcohol, the sponsorship and participation in coordinated health promotion strategies like Feb-Fast, Dry-July and OctSober are just some examples of Council's active participation in community health promotion coordination.

Harm minimisation is another term referred to in health promotion setting and is particularly relevant to this Policy.

Dimension 3 - Harm Minimisation

Typically, harm minimisation approaches operate across one or more tiers of intervention, which aim to reduce harms from known risk factors.

These are known as supply, demand and harm reduction. In relation to alcohol, these approaches are explored in more detail as follows:

Supply reduction strategies: Most government regulation aims to reduce the supply of alcohol and this approach forms a key aspect of this Policy Framework.

For example, by questioning whether or not alcohol supply is appropriate in a particular setting, limitations are placed on the availability of alcohol. Further, encouraging licensees and event managers to stop and think about the role of alcohol in a setting will result in a case-by-case assessment to question whether the supply of alcohol is actually necessary. Is alcohol a feature of the premises or event or ancillary to the main purpose?

The interruption to liquor license hours of operation is another example of a supply reduction response.

Relevant VicHealth *Alcohol Cultures Frames*: **Societal** and **Settings**

Demand reduction strategies: By aiming to reduce or reduce the exposure and availability of drinking behaviours in everyday life, the development of harmful behaviours is limited.

While it's difficult to change the Australian culture and normalisation of drinking, working closely with supply reductions strategies will assist in reducing the demand for alcohol. Again, by questioning it's role and the value alcohol is assumed to add to a business operation or event we challenge and improve upon seemingly routine or accepted practice.

Sometimes, it may be up to decision makers within Melton City Council to advice that alcohol is not acceptable in some circumstances, however may be accommodated if certain changes to the Design and Prevention dimensions are met.

Relevant Vic Health Alcohol Cultures Frames: **Settings** and **Subcultures**

DRAFT | FINAL-October 2017 40

Reduction of harm: Reducing harms from drinking episodes underpins minimum standards of the responsible service of alcohol.

Approaches that have been successful include limiting access to shots, cheap drinks, pre-loading and beverages containing high concentrations of alcohol. It must also be appreciated that different types of licensed venues and community settings where alcohol is consumed all bring their own risks and potential of harm.

Harm reduction strategies recognise that while licensees have a responsibility to exercise care and accountability as to the manner and culture of alcohol service, consumers and the broader community also play a role in reducing alcohol related harms as well. For this reason, the role of individual responsibility and collective community responsibility are also integral elements of the harm minimisation agenda which underpins this Policy Framework.

Relevant Vic Health Alcohol Cultures Frames: **Subcultures** and **Individuals and Families**

Responsible service of alcohol approaches

History tells us that many of the most successful strategies in alcohol related health promotion take place at a regulatory level.

Bans on advertising and limitations on how and where products can be sold are all examples of effective supply, demand and harm reduction strategies. Council plays a substantial role in this space, through the assessment of land use planning applications and responding to referrals from the VCGLR.

The City of Melton, through its stated commitment to reduce harm, recognises that more can be done at a local level, over and above the State Government's current regulation and enforcement regime. Research indicates that local and tailored initiatives in reducing alcohol related harm with some at-risk groups and populations are particularly effective.

Relevant Vic Health Alcohol Cultures Frames: **Subcultures** and **Individual and Families**

Bringing it all together

As seen from the Competition Policy Review, the best interests of the community must be considered when assessing the role of alcohol within a given individual context or setting.

The City of Melton also needs to demonstrate a merit based approach in determining whether the service of alcohol is appropriate and must transparently apply an appropriate degree of regulation to proposed licensed premises or an event.

While such recommendations may seem to be common sense, drafting them into policy may not be so straight forward.

The new *Council and Community Alcohol (Liquor) Policy* must adopt a structured approach that discharges Council's roles and responsibilities, ensures the responsible service of alcohol within our City, embeds our three Policy dimensions and upholds Council's commitment to improve health and reduce alcohol related harms in our community.

With this in mind, the City of Melton Responsible Service of Alcohol Policy is commended to you, and with the support of the guidance notes and toolkit (to be developed), we look forward to implementing a new culture of responsible service together.

	<p>9. 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>
<p>Expiry date</p>	<p>1 August 2021</p>
<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

DRAFT | FINAL-October 2017 42

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' frames²⁹, highlighting that evidence-based decisions will be made in 'the best interest of the community' and on a 'merits based, case-by-case basis'.³⁰

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.

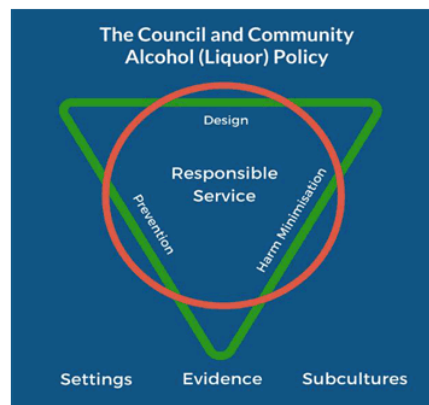


Figure 2. Policy Dimensions of the Policy Evidence Base

²⁹ VicHealth Alcohol Cultures Framework,

³⁰ 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

DRAFT | FINAL-October 2017 49

(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

DRAFT | FINAL-October 2017 50

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)

9. REFERENCES

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Kentucky Fried Chicken Pty Ltd v Gantidis (1979) 140 CLR 675

Macedon Ranges Shire Council v Romsey Hotel Pty Ltd. (2008) 29 VPR 271

Perry Properties v Ashfield Council (No 2) (2001) 113 LGERA 301

Swancom Pty Ltd T/as Corner Hotel v Yarra City Council (2009), VCAT

Legislation

Liquor Control Reform Act 1998

Local Government Act 1989

Planning and Environment Act 1987

Public Health and Wellbeing Act 2008

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City of Melton Liquor Accord, <http://www.justice.vic.gov.au>

City of Melton City Safe Plan. <http://www.melton.vic.gov.au>

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http://www.dpcd.vic.gov.au/_data/assets/pdf_file/0003/140448/PN61-Licensed-premises_Assessing-cumulative-impact.pdf

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www.yarracity.vic.gov.au/DownloadDocument.ashx?DocumentID=1570

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DRAFT | FINAL-October 2017 52

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