

Liquor Licensing at Council Recreation Reserves Policy

Version: 2.3

Date updated: 30 October 2017

Responsible Department: Active Communities

1. Purpose

The Casey Liquor Licensing at Council Recreation Reserves Policy is a means by which Council can proactively manage the sale and consumption of alcohol at Council recreation reserves.

The policy aims to:

- Minimise amenity impacts from the consumption of alcohol at Council recreation reserves on other users of the reserves and on those residents who live adjacent to or close to recreation reserves.
- Contribute to minimising the harm arising from the misuse and abuse of alcohol, including a reduction in the number of incidents being reported to Council by residents and/or the Victoria Police of anti-social behaviour occurring at Council recreation reserves during and after sporting events or associated club activities.
- Recognise and reduce risk to person(s) using Council recreation reserves where alcohol is being consumed.
- Establish a consistent approach for Council officers when considering liquor licence applications for the sale and consumption of alcohol on Council recreation reserves.
- Demonstrate to users of Council recreation reserves proactive and responsible land management in regard to the consumption of alcohol.
- Ensure the consumption of alcohol at Council reserves does not compromise the primary purpose of the reserves, which is for activities that promote community health and wellbeing.

Council policy documents change from time to time and it is recommended that you consult the electronic reference copy at www.casey.vic.gov.au/policiesstrategies to ensure that you have the current version. Alternatively you may contact Customer Service on 9705 5200.

2. Definitions

Council	means Casey City Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989
Councillors	means the individuals holding the office of a member of Casey City Council
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer
Policy	means the Casey Liquor Licensing at Council Recreation Reserves Policy
Liquor Control Reform Act 1998	means the primary piece of legislation regulating the supply and consumption of liquor in Victoria and any subsequent amendments
Council active recreation reserves	means all spaces and facilities within a recreation reserve either owned by Council or managed by Council on behalf of another organisation or group, and which are utilised for formal, organised sporting activities
Junior	means people under the age of 18 years
Special events	means sporting finals, inter-league matches, round-robin tournaments, lightning premierships and other events approved by Council
Club activity	refers to organised club events that contribute and complement the delivery of the sports program run by the club. This could include a variety of activities, including fund raising activities, presentation nights, social events, fetes and community days
Packaged liquor	refers to alcohol contained in a sealed container, bottle or can
Licensed areas	means the areas on a recreation reserved where the consumption of alcohol is permitted
Planning Scheme	means the Casey Planning Scheme, which sets out the policies requirements for the use, development and protection of land throughout the City of Casey, as approved under the <i>Planning and Environment Act 1987</i> , including provisions relating to the use of land to sell or consume liquor (Clause 52.27)

Seasonal Allocation	an agreement that provides seasonal use of an active recreation reserve or part thereof referred to as an Active Recreational Reserve Seasonal Tenancy Agreement
VCGLR	means the Victorian Commission for Gambling and Liquor Regulation, which are responsible for the issuing of liquor licences in the state of Victoria
RSA	means the Responsible Service of Alcohol, which is an accredited course endorsed by the VCGLR.

3. Scope

The Policy applies to liquor licence applications from community-based sporting clubs, operating under an Active Recreation Reserve Seasonal Tenancy Agreement or lease agreement, for the sale and consumption of alcohol on Council owned or managed recreation reserves.

The policy does not apply to the following:

- Applications received for liquor licences for purpose-built social and gaming facilities on recreation reserves, operating under a lease or licence agreement or under a specific planning permit.
- Temporary licences for events held in public parks or halls by members of the public or other community groups.

4. Context

Casey City Council currently manages in excess of 70 recreation reserves that are utilised by sporting clubs predominantly for the purpose of providing organised sporting activities for the benefit of the broader community.

Clubs should understand that the right to sell alcohol at a Council-owned or managed recreation reserve is a privilege and that Council supports the authorised sale by clubs who work in partnership with Council, the community and local authorities to ensure alcohol is consumed and sold responsibly.

Sporting clubs occupying a Council-owned or managed recreation reserve can apply for a renewable limited liquor licence for the sale and consumption of alcohol at the site where they hold a seasonal allocation. There are approximately 45 permanent liquor licences held by sporting clubs within the City of Casey at any one time. Council also processes approximately 100 temporary liquor licence applications per annum from sporting clubs.

The Victorian Commission for Gambling and Liquor Regulation (VCGLR) issues renewable limited liquor licences under the Liquor Control Reform Act 1998. All applications for liquor licences made by sporting clubs for the sale and consumption of alcohol at recreation reserves are referred to Council by the VCGLR for assessment and comment. While not all of the principles within this policy can be considered as a valid objection under the *Liquor Control Reform Act 1998*, it is within the scope of Council, as landowner, to ensure these are met.

Most classes of licence for recreation reserves only require approval from the VCGLR; however, there are several that require planning approval under the Planning Scheme, such as a Full Club Licence and a Restricted Club Licence. The applicant should apply directly to Council's Planning Department for a planning permit for a Full Club Licence or a Restricted Club Licence prior to seeking approval from the VCGLR.

5. Policy

5.1 Policy Principles

The following Principles underpin the Policy:

1. The primary purpose of active recreation reserves is for the conduct of organised sporting activities.
2. Council advocates that recreation reserves and associated facilities such as pavilions and clubrooms should provide a family-friendly environment for club members, spectators and other visitors.
3. Facilities on Council-owned or managed recreation reserves cannot be used for private social functions, events or activities (e.g. birthday parties, weddings, engagements etc.) at which alcohol is planned to be served and consumed.
4. Activities and uses of Council-owned or managed recreation reserves by clubs will be carried out in a lawful manner, and in accordance with the conditions of the approved seasonal allocation.
5. The authorised sale and consumption of alcohol on Council owned or managed recreation reserves will be in accordance with the requirements of the Liquor Control Reform Act 1998, and any subsequent amendments, and, where relevant, the Casey Planning Scheme.
6. Council supports the authorised sale and consumption by clubs who work in partnership with Council, the community and local authorities to ensure alcohol is consumed and sold responsibly.
7. The sale of alcohol is one of a number of methods of revenue raising available to sporting clubs; however, Council encourages clubs to consider and employ alternative methods of revenue raising to ensure long-term club financial viability
8. Sporting clubs using Council-owned or managed recreation reserves who wish to raise revenue through alcohol sales should actively promote a culture of safe, moderated and responsible drinking of alcohol. Council strongly encourages sporting clubs to join the Good Sports Program and maintain accreditation through the Australian Drug Foundation.
9. Violence and anti-social behaviour arising from the misuse and abuse of alcohol at Council-owned or managed recreation reserves will not be tolerated Council aims to work in partnership with sporting clubs, Victoria Police and the VCGLR to ensure that the negative impacts of alcohol abuse are minimised or do not occur at all. However, where violence or anti-social behaviour does occur due to the misuse or abuse of alcohol, the club responsible during the time of the event or function will risk having their ground allocation restricted or terminated altogether, or Council initiating enforcement action under the Liquor Control Reform Act 1998.

5.2 Conditions of Approval

The following conditions provide the framework by which liquor licence applications to the VCGLR for the sale and consumption of alcohol at Council recreation reserves will be considered by Council officers, upon their referral to Council by the VCGLR.

1. As specified in the Liquor Control Reform Act 1998, temporary licence applications will not be supported for the sale and consumption of alcohol at Council recreation reserves that are used primarily by junior sporting clubs.
2. Applications will not be supported for the sale and consumption of alcohol at times when junior sporting teams will be training or participating in matches and special events, except at those times when senior players will be training or playing concurrently with the junior aged players.
3. Applications for the sale and consumption of alcohol will only be supported on days and evenings when there are organised club activities, events and matches. Applications must be for no more than two weekday training events and necessary weekend matches. Hours we expect you to apply within are:
 - Monday - Wednesday: 7.00 pm - 9.30 pm
 - Thursday: 7.00 pm - 10.30 pm
 - Friday: 7.00 pm - 11.00 pm
 - Saturday: 12 midday - 11.00 pm
 - Sunday: 12 midday - 9.30 pm

Clubs will not be approved to operate seven days a week, and Council officers will consider applications based on their correlation to the Policy and on-field activities.

4. Applications for the sale and consumption of alcohol will only be considered on public holidays for organised club activities, events and matches where the predominant activity doesn't focus on persons under the age of 18 years, and occasions will be restricted within the following times only:
 - Monday - Sunday: 12 noon to 10.00 pm
5. Only alcohol purchased through the club operating on the Council active recreation reserve can be consumed by members both home and visiting, or their associates. The home club shall be responsible for enforcing this either directly by club members, or indirectly by externally appointed personnel.
6. Applications for the sale of alcohol at recreation reserves will be confined to pavilions and clubrooms and to designated point-of-sale booths within pre-determined licensed areas. Where the opportunity permits in pavilions or clubrooms, the sale of alcohol will be separated from the canteen. The specific location, and conditions for the operation of licensed areas will be determined by Council officers in consultation with the club and Victoria Police, where appropriate, having regard to the following factors:

- (a) The proximity to a playground
 - (b) The proximity to a designated barbecue/picnic facility
 - (c) The proximity to Australian Rules football behind posts and soccer goals
 - (d) The proximity to a public toilet
 - (e) The proximity to a residential dwelling
 - (f) The proximity to a defined recreation reserve car park or non-specified car parking areas.
7. If a club wishes to sell or consume alcohol outside of the confines of a pavilion or clubroom, a Temporary Limited (Booth) Licence will be required from the VCGLR, and will be subject to the following conditions in addition to those associated with the Temporary Limited (Booth) Licence conditions under the Liquor Control Reform Act 1998:
- (a) All alcohol will be sold and consumed in opened pre-packaged form.
 - (b) No alcohol will be sold and consumed in glass bottles, glass containers or glasses.
 - (c) Sale and consumption of alcohol will be restricted to authorised point of sales location(s).
 - (d) Appropriate staff trained in the Responsible Serving of Alcohol will be present to monitor the sale, supply and consumption of alcohol in licensed areas.
 - (e) Signage will be displayed clearly indicating the entry and exit points for licensed and unlicensed areas.
 - (f) Effective delineation methods, including the use of barriers, will be utilised to ensure a licensed area can be effectively supervised.
8. If a club wishes to sell or consume alcohol outside of the permitted days and hours of an approved liquor licence, a Temporary Limited Licence will be required from the VCGLR; however, Council will only grant approval for hours applied for within the spread of hours outlined in section 5.2 Conditions of Approval, numbers 3 and 4.
9. Compliance and Breaches

There are three statutory bodies responsible for building a culture of compliance and reducing alcohol-related harms in the liquor licensing industry:

- Victorian Commission for Gambling and Liquor Regulation (VCGLR)
- Victoria Police
- City of Casey.

The Compliance and Audit area of the VCGLR works in partnership with the industry, Victoria Police, the Commission and other Government agencies to build a culture of compliance in the liquor licensing industry.

The Victoria Police have a responsibility for the ongoing enforcement of liquor laws and play a significant role in addressing issues of concern in the ongoing operation of licensed premises.

As a local government authority, the City of Casey may initiate disciplinary proceedings against a licensee on a number of grounds including that the licensee has conducted the business under a licence in a manner that is detrimental to the amenity of the area or that the licensee has contravened a condition of the licence.

Examples of non-compliance may include the following:

- Unlicensed selling of alcohol
- Selling or consuming alcohol outside of the permitted hours
- Public drunkenness
- Anti-social behaviour in and around Council active recreation reserves that can be attributed to the consumption of alcohol during a club function or activity
- The disturbance of the neighbourhood amenity
- The supply of alcohol to an intoxicated person
- Permitting a drunken or disorderly person on licensed premises
- The supply of liquor to an underage person
- Allowing an underage person on a licensed premises other than as permitted
- Selling or consuming alcohol outside of the permitted licensed areas.

Consequences of non-compliance may include (but not be limited to):

- Recommendations being made by Council to the Director of Liquor Licensing for the suspension or cancellation of a licence under section 90 or 95 of the *Liquor Control Reform Act 1998*
- Reporting any misuse and abuse of alcohol, anti-social behaviour or criminal activity to:
 - the Victoria Police and the VCGLR
 - Under the City of Casey's Community Local Law 2/2010 infringements may be issued in certain circumstances
 - Termination of Active Recreation Reserve Seasonal Tenancy Agreement or lease agreement.

6. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

7. Review

The next review of this document is scheduled for completion by 30 June 2021.