

Prescribed variation to licence conditions for a live music venue

Use this kit to apply for a prescribed **variation to licence conditions for a live music venue** in Victoria. **There is no fee for this application.**

Contents:

1. Pre-lodgement checklist – prescribed variation to licence conditions for a live music venue
2. Application form – prescribed variation to licence conditions for a live music venue
3. Public notice (this must be displayed as A3 size) and guidelines – **if required**
4. Statement of display – **if required**
5. 'Licence conditions for live music venues' fact sheet
6. 'Management plan' fact sheet

Important information

Consistent with the Live Music Agreement, Liquor Control Victoria (LCV) has a special process to review crowd controller liquor licence conditions at live music venues. In determining the application, LCV will consider:

- whether the licensed premises has a demonstrated history of poor compliance or incidents of alcohol-related harm or antisocial behaviour.
- whether licence conditions and/or a management plan appropriately address amenity, harm minimisation and the risks associated with the misuse and abuse of alcohol.

How to apply

This is an interactive PDF form which allows you to:

- complete the form using a computer or tablet
- save your progress and continue at a later time
- print the completed form to sign and return.

You are still able to print the form and complete it by hand if you prefer.

This form has been designed to be completed using the free Adobe Acrobat Reader software. To download this free software, [please visit the following link](#) or search for the free "Adobe Acrobat Reader" on your device's app store.

This form may not function as intended if you use any other software.

Send application to:

Liquor Control Victoria
PO Box 1019
Richmond VIC 3121

or via email to:

contact@liquor.vic.gov.au

Need help?

For more information on how to apply for a liquor or gambling licence or permit:

- visit Liquor Control Victoria (LCV) website at liquor.vic.gov.au
- telephone LCV on 1300 182 457
- email LCV at contact@liquor.vic.gov.au

Privacy

Liquor Control Victoria (LCV) is committed to protecting the privacy of your personal information. LCV endorses fair information handling practices and uses information in compliance with its obligations under the *Privacy and Data Protection Act 2014 (Vic)*. Personal information collected from you is only used for the purposes of the application for the licence or permit and/or legislation administered by LCV. Personal information is not disclosed to third parties unless required or authorised by law, or with your consent. As part of the application process, information provided may be forwarded to and retained by Victoria Police.

This form should only be used for licensed premises with licence conditions requiring crowd controllers and/or security cameras when live music is played.

Licence/permit details

Licence or permit number

Name of current licensee/permittee

ABN (if applicable)

ACN (if applicable)

Contact details

Business hours contact details for you/your representative

Contact name

Daytime telephone number

Fax number

Postal address

Email

Premises details

Trading name (ie registered business name)

Street address

Postal address (If different from Street address)

Premises email

Variation details

What changes to crowd controller conditions would you like us to consider.

The conditions of the licence

- ▶ This form may only be used to vary licence conditions that require crowd controllers, or security cameras when live music is played. Provide details of the variation to the condition(s) you are applying for.

Live music matrix – self assessment

The matrix below is to help applicants determine the level that their premises falls into based on the maximum patron capacity and the latest authorised trading hours endorsed on their licence. Please refer to the attached 'Licence conditions for live music venues' for further information.

Current maximum patron capacity:

Current latest authorised trading hours:

Matrix level:

Trading hours	Later than 1am	Level 2	Level 3	Level 3	Level 4
	1am	Level 1	Level 1	Level 2	Level 2
	11pm	Level 1	Level 1	Level 1	Level 1
		0-200	201-400	401-600	600+
		Maximum patron capacity			

Management plan

Are you submitting a management plan as part of this application?

Yes Please refer to the 'Management plan'.

No Submitting a management plan with your application will assist in the determination of your application. LCV may impose additional conditions on your licence as set out in the 'Licence conditions for live music venues' fact sheet if you do not provide a management plan with this application.

Variation details

Are you applying to reduce the maximum patron capacity of the premises?

Yes No

If yes, indicate reduced maximum patron capacity:

Are you applying to reduce the trading hours of the premises?

Yes No

If yes, indicate reduced trading hours:

The days and times when live music is played

Describe the days and times when live music, whether amplified or not, is usually played at the premises.

Monday:

Tuesday:

Wednesday:

Thursday:

Friday:

Saturday:

Sunday:

Is recorded amplified music, other than background music, played at the premises?

Yes No

If yes, describe the days and times this music is played at the premises.

Monday:

Tuesday:

Wednesday:

Thursday:

Friday:

Saturday:

Sunday:

Peak trading days and times

Provide details of the typical patronage levels at the premises.

Peak trading times

Patron numbers

Monday:

Tuesday:

Wednesday:

Thursday:

Friday:

Saturday:

Sunday:

Signature/s of licensee or permit holder(s)

Who must sign this request?

If the licensee/permit holder is:

An individual – the individual person must sign.

A company – one director of the company must sign.

A partnership – all partners must sign.

A club – one committee member must sign.

Certification

As the licensee, I/we apply to vary the licence as described in this application. I/we understand that additional conditions including a management plan may be imposed on the licence as a result of this application.

X

Date

/ /

Name

X

Date

/ /

Name

What happens next

You will be sent a letter that confirms we have received your request and outlines any further information or documents required.

Once we have received all the required information and documents, your request will be determined. You will be advised of the outcome in writing.

Other requirements/information

As part of your application, you may be required to provide:

1. Planning permit or permission

A copy of a planning permit from the local council (or responsible planning authority) that shows that you have planning permission to vary your licence conditions as proposed. If a planning permit has not been granted at the time of application, you are required to provide a copy of an application for a planning permit made to the local council (or responsible planning authority).

Alternatively, you can provide evidence that a planning permit is not required to supply liquor as outlined in your application. For example, a letter from the local council (or responsible planning authority) or a copy of the relevant planning scheme.

2. Management plan

LCV requires a management plan for all premises that trade later than 1am with a patron capacity of 601 or more and venues that have a poor compliance history. For all other premises a management plan is optional. Please refer to the guidelines for developing an effective management plan for your premises.

Note: LCV may ask you to provide additional information. If required to do so you will be notified in writing.

LCV will also consider the following information as part of determining your application:

3. Victoria Police comment

A copy of the application will be provided to Victoria Police for comment. LCV will consider Victoria Police's comments to determine your application.

4. Local Council comment

A copy of the application may be provided to your local council for comment. If the application is provided to your local council, LCV will consider the council's comments to determine your application.

5. Public comment on display of application if required

If LCV requires you to display a public notice of application, it will consider comments made by the public to determine your application.

Payment method

IMPORTANT INFORMATION

Applications must be accompanied by the relevant fee. Please note that once an application has been registered, the application fee is non-refundable. Visit vic.gov.au/liquor-licence-application-fees to confirm the licence application fee. The application fee can be paid by:

- cheque or money order, made payable to Liquor Control Victoria; or
- credit card (Visa or MasterCard)

If you wish to make payment by credit card, please lodge your completed application with LCV and we will contact you directly to arrange payment if your application is accepted.

Please select your payment method:

Money order

Cheque

Privacy – LCV is committed to responsible and fair handling of personal information consistent with the *Policy and Data Protection Act 2014 (Vic)* and its obligations under the *Liquor Control Reform Act 1998*. Your credit card details will not be retained once your payment has been processed.

This page intentionally left blank.

PUBLIC NOTICE

Liquor licence application

Details of liquor licence application lodged
with Liquor Control Victoria (LCV)

Liquor Control Reform Act 1998

Name of applicant: (person/partnership/company/club)		
Display period:	Start date (dd/mm/yyyy):	End date (dd/mm/yyyy):
Type of application:	Application no:	
Name and address of premises to which the application relates:		
Address of previous premises if relocating:		
The purpose of the application is to:		
The proposed days and hours of trade are:		
Will these hours apply to an external area?	YES	NO
The current days and hours of trade are: (if existing licensee)		
I/we have requested authority to supply liquor at the kerbside area	YES	NO

Objections

All objections will be treated as public documents. Full details of the objection, including the name and address of the objector will be provided to the applicant.

Grounds for objection

Any person may object to the grant of this application on the ground that it would detract from, or be detrimental to, the amenity of the area in which the premises are located.

Objection periods

All objections must state the grounds and the reasons for the objection and be made within 30 days of this notice being first displayed.

Additional grounds for objection to the grant relating to a packaged liquor licence

Any person may object to the grant of an application relating to a packaged liquor licence on the ground that the grant, variation or relocation would be conducive to encourage harm.

The following are not valid reasons for objection:

- the business would not be successful
- another licensed business would be adversely affected, or
- there is insufficient need or demand to justify the grant of the application.

LCV may refuse to accept an objection if:

- the person making the objection is not affected by the application,
- the objection is frivolous or vexatious, or
- the objection is not otherwise in accordance with the *Liquor Control Reform Act 1998*.

Objections must be made in writing to LCV:

- online at liquor.vic.gov.au
- via email at contact@liquor.vic.gov.au
- or via post to: Liquor Control Victoria, PO Box 1019, Richmond VIC 3121

Display requirements

This notice must be displayed as A3 size.

This notice must be continuously displayed as A3 size on the site or premises that are the subject of the application for the period advised in writing by LCV. If you are unable to print the public notices as A3 size, email contact@liquor.vic.gov.au or telephone 1300 182 457 to request a copy.

The notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.

Statement of Display requirements

Statement of Display forms cannot be lodged until the Public Notice display period has ended.

Liquor Control Victoria



Guidelines for displaying public notices

Liquor Control Reform Act 1998
Issued by Liquor Control Victoria

Insert the full name of the applicant(s) as written on the application form.

Once the application has been accepted, the applicant will be advised in writing of the start and end date that the public notice must be continuously displayed.

Describe the type of application (eg new packaged liquor licence, variation to an on-premises and restaurant and cafe licences, relocation of a general licence).

Insert the full name and address of the premises for which a licence is sought.

If relocating a licence, insert the address of the previous premises.

Provide details of your application. (Applications to vary the conditions of existing licences must clearly contrast your proposed conditions with your current conditions).

This section must be completed for all applications. Hours of trade for consumption off the premises must be shown separately. Insert "No change" if the hours on your existing licence are to remain unchanged.

Indicate "yes" or "no" if the proposed trading hours apply to an external area.

This section must be completed for all variation and relocation applications. Hours of trade for consumption on and off the premises must be shown separately.

On-premises licence holders may, with the consent of the local municipal authority, offer a kerbside area. Indicate "Yes" or "No" if you have requested an authority to supply liquor in such an area.

The public notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.

(If you are unable to print the public notices as A3 size, email contact@liquor.vic.gov.au or telephone 1300 182 457 to request a copy)

Example of Completed Notice

PUBLIC NOTICE Liquor licence application		Details of liquor licence application lodged with Liquor Control Victoria (LCV) <i>Liquor Control Reform Act 1998</i>	
Name of applicant: (person/partnership/company/club)	Smithies Pty Ltd	Start date (dd/mm/yyyy):	13 10 2022
Display period:		End date (dd/mm/yyyy):	11 11 2022
Type of application:	Variation of a General Licence	Application no:	
Name and address of premises to which the application relates:	Smithies Bar, 400 Smith Street, Smithville		
Address of previous premises if relocating:			
The purpose of the application is to:	Operate a restaurant, operate a bar, extend my licensed area, increase the patron numbers to 500. Extend trading hours on Friday and Saturday nights to 1am.		
The proposed days and hours of trade are:	Sunday 10am to 12 Midnight Good Friday and ANZAC Day 12 noon to 12 Midnight On any other day 7am to 1am		
Will these hours apply to an external area?	✓ YES	NO	
The current days and hours of trade are: (if existing licensee)	Sunday 10am to 11pm Good Friday and ANZAC Day 12 noon to 11pm On any other day 7am to 11pm		
I/we have requested authority to supply liquor at the kerbside area	✓ YES	NO	

Objections

All objections will be treated as public documents. Full details of the objection, including the name and address of the objector will be provided to the applicant.

Grounds for objection
Any person may object to the grant of this application on the ground that it would detract from, or be detrimental to, the amenity of the area in which the premises are located.

Objection periods
All objections must state the grounds and the reasons for the objection and be made within 30 days of this notice being first displayed.

Additional grounds for objection to the grant relating to a packaged liquor licence
Any person may object to the grant of an application relating to a packaged liquor licence on the ground that the grant, variation or relocation would be conducive to encourage harm.

The following are not valid reasons for objection:

- the business would not be successful
- another licensed business would be adversely affected, or
- there is insufficient need or demand to justify the grant of the application.

LCV may refuse to accept an objection if:

- the person making the objection is not affected by the application,
- the objection is frivolous or vexatious, or
- the objection is not otherwise in accordance with the *Liquor Control Reform Act 1998*.

Objections must be made in writing to LCV:

- online at [liquor.vic.gov.au](mailto:contact@liquor.vic.gov.au)
- via email at contact@liquor.vic.gov.au
- or via post to: Liquor Control Victoria, PO Box 1019, Richmond VIC 3121

Display requirements

This notice must be displayed as A3 size.

This notice must be continuously displayed as A3 size on the site or premises that are the subject of the application for the period advised in writing by LCV. If you are unable to print the public notices as A3 size, email contact@liquor.vic.gov.au or telephone 1300 182 457 to request a copy.

The notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.

Statement of Display requirements
Statement of Display forms cannot be lodged until the Public Notice display period has ended.

Liquor Control Victoria

PO Box 1019, Richmond 3121
P: 1300 182 457 E: contact@liquor.vic.gov.au
liquor.vic.gov.au

VICTORIA
State Government

July 2023 1 of 1

Statement of display

To be completed after the 28 day public notice period has passed

Liquor Control Reform Act 1998

Details of application lodged with Liquor Control Victoria (LCV)

Licence number: (if licence has already been granted)

File number: (this can be found on correspondence sent to you by the Commission)

Name of licence applicant: (person/partnership/company/club)

ACN: (if applicable)

Address of premises:

Display period required by the Victorian Liquor Commission (the Commission):

Start date (dd/mm/yyyy):

End date:(dd/mm/yyyy):

Signature and certification of public notice display

Certification

I being the applicant, or on behalf of the applicant certify that:

- during the period specified in this form, a public notice of the size and in the format required by the Commission and containing all relevant details of the application was displayed on the premises or site to which the application relates; and
- the public notice was continuously and conspicuously displayed during the period advised by the Commission in accordance with the guidelines for the display of liquor licensing applications.

I understand that it is an offence under Section 118 of the *Liquor Control Reform Act 1998* to make a false or misleading statement and that penalties apply.

Signature of person making this declaration:

Printed name:

Date (dd/mm/yyyy):

Address:

Daytime telephone number:

How to lodge this form

By post

Liquor Control Victoria
PO Box 1019, Richmond VIC 3121
Phone: 1300 182 457

By email

contact@liquor.vic.gov.au

Licence conditions for live music venues

Licensed premises with live music entertainment can apply to Liquor Control Victoria (LCV) to vary the crown controller licence conditions. LCV will consider a licensee's venue management plan when considering whether to vary, remove or not impose crowd controller conditions. There is no fee for this application.

Existing licensed live music venues—applying for variation

All venues with live music entertainment and licence conditions that require crowd controllers and/or security cameras can apply to have their licence conditions varied or removed.

There is no fee for this application.

Applicants are required to complete the [Prescribed variation to licence conditions for live music venues](#) application kit, which contains guidelines on what to include in a venue management plan.

New live music licence applications

New licensed premises that provides live music entertainment will need to apply for a licence which will be assessed against the 'Live Music Licence Conditions Matrix' on page 3. The normal application fee for obtaining a liquor licence will apply to this application.

A management plan

The [Management plan](#) fact sheet provides guidance on what to include in your plan.

The plan must demonstrate that the venue can be managed without crowd controllers. We may seek further information about the plan, if required.

It is the responsibility of the licensee to manage the risks of alcohol-related harm in their venue. Each licensed premises presents different risks and licensees are in a unique position to understand the particular issues and risks relevant to their licensed premises.

Requirement to complete the plan

Generally, applications for trading after 1am or large patron capacities will require a management plan.

Venues that fall within Level 4 or 5 of the 'Live music licence conditions matrix' must submit a management plan.

Applicants in Levels 1, 2 and 3 are encouraged to submit a management plan to support their application.

Variation decision

It may not be appropriate to vary the conditions of a licence, for example:

- where the licensed premises has a demonstrated history of poor compliance with liquor licensing laws, or a history of incidents of alcohol-related harm or antisocial behaviour **and**
- where the applicant has not adequately demonstrated that they can manage their premises without crowd controllers present.

Consultation on varying conditions or granting new applications

LCV provides all new licensed applications as well as those seeking to vary existing conditions to Victoria Police for comment.

Applications seeking to vary licence conditions may require council review or a public notice to be displayed. To determine if either of these steps are required, LCV will look at whether the licence conditions were imposed as a result of:

- compliance issues including any history of violence or antisocial behaviour associated with the premises
- mediated outcomes with local councils, residents, LCV or Victoria Police
- decisions of the Victorian Civil and Administrative Tribunal (where applicable) or the Victorian Liquor Commission.

Planning permit

Before LCV can make a decision on a live music application, the applicant must demonstrate that there is no conflict to varying their licence conditions because of a planning permit or planning scheme. This can be done by providing the most recent planning permit, or a letter from the local council.

Live music licence conditions matrix

The 'Live Music Licence Conditions Matrix' on page 3 sets out licence conditions for licensed premises that provide live music entertainment to address the requirements of the *Liquor Control Reform Act 1998*. As a guide, each level in the matrix sets out licence conditions differentiated by the trading hours and patron capacity endorsed on the licence.

Each level in the matrix has standard conditions. These standard conditions will be a minimum requirement for each licence that a licensee must comply with.

LCV will suggest additional conditions from the matrix for inclusion in the licence. The applicant can accept these additional conditions or have the option of demonstrating they can manage premises responsibly without the additional conditions. Applicants can do this by producing a management plan and proposing alternate conditions.

If LCV is satisfied that a management plan shows an applicant will manage their venue responsibly, then proposed conditions may form part of the licence conditions in place of some or all of the additional conditions from the matrix.

Live Music Licence Conditions Matrix					
	Level 1	Level 2	Level 3	Level 4	Level 5
Venues	All venues authorised to trade until 11pm or Venues authorised to trade between 11pm and 1am (and not after) with a maximum patron capacity of 400 or less or Restaurant and cafe licence or producer's licence#	Venues authorised to trade until 1am with a maximum patron capacity of 401 or more or Venues authorised to trade past 1am with a maximum patron capacity of 200 or less	Venues authorised to trade after 1am with a maximum patron capacity of between 201 and 600 patrons	Venues authorised to trade after 1am with a maximum patron capacity of 601 or more	Venues authorised to trade after 1am with a maximum patron capacity 601 or more + Poor compliance history or Venues that provide sexually explicit entertainment
	Licence conditions	Licence conditions	Licence conditions	Licence conditions	Licence conditions
Standard conditions	Basic conditions ^Δ	Basic conditions ^Δ	Basic conditions ^Δ	Basic conditions ^Δ + Security cameras Crowd controllers*	Basic conditions ^Δ Security cameras Crowd controllers* + Additional conditions determined by LCV
Additional conditions	N/A	Security cameras	Security cameras Crowd controllers*	N/A	N/A
Is a management plan required?	N/A	Optional	Optional	Yes	Yes

Δ Basic conditions include amenity, entertainment/music noise, patron capacity and/or trading hours. These conditions are currently imposed on most licences and would continue to be imposed as relevant and appropriate.

* Crowd controller licence conditions would be assessed on a case-by-case basis and would likely only require crowd controllers during specified times or when particular numbers of patrons are in attendance.

Restaurant and cafe licences or producer's licences will usually fall into Level 1. However, LCV has the discretion to change the suggested level of these licences for individual licensed premises, for example where the licence contains a large patron capacity.

Management plan

Applicants seeking to vary their licence conditions for a live music venue and applicants subject to the late night liquor licence guidelines in the municipalities of Melbourne (including the district known as Docklands), Stonnington, Yarra and Port Phillip, must provide a management plan to Liquor Control Victoria (LCV).

A management plan allows licensees or licence applicants to demonstrate they have a strategy for the management of their venue and its risks. LCV encourages all licensed premises to have a venue management plan in place. LCV may request a management plan for other types of applications if determined necessary during the assessment of the application.

Having a management plan in place identifies and develops a responsible approach to running the venue. Applicants should include the following in their management plan where relevant:

- details of the liquor licence sought/held
 - refer to definitions in the *Liquor Control Reform Act 1998*
- details of the hours of operation of the premises
- details of any proposed special events and specific management strategies for dealing with such special events
- security arrangements including the number of personnel and their hours of operation
- strategies for responding to drugs and weapons
- strategies for dealing with intoxicated, drunk and disorderly patrons
- approach to the Responsible Service of Alcohol (RSA)
- management of aggressive or unruly patrons
- the provision of free drinking water
- details of the maximum number of patrons to be permitted on the premises
- managing entry and exits and pass-out arrangements
- dealing with theft on the premises
- lighting within the boundaries of the premises
- security lighting outside the premises
- security camera locations, operation and management
- general rubbish storage and removal arrangements including hours of pick up
- bottle storage and removal arrangements including hours of pick up
- noise reduction measures (for example, doors, windows, curtains or soundproofing)
- processes in place for controlling noise such as music, emptying bins, generators and from patrons in and around the licensed venue
- processes for managing litter in and around the venue
- the training of staff in the management of the behaviour of patron/residents of the premises, RSA and first aid
- a complaint handling process to be put in place to effectively manage complaints received from neighbouring and nearby businesses and local residents. Include details of a complaints register to be kept at the premises. The register must include details of the complaint received (who, when, where, what), any action taken and the response provided to the complainant
- details of the management methods to be employed to minimise queuing outside the venue
- details of patron and resident management regarding outdoor areas to minimise impacts on the amenity of nearby properties
- details of the management of patrons/residents who are smoking in and around the venue
- details of public transport facilities which are available (including taxi services) to patrons and residents of the premises
- evacuation procedures
- requirement for staff to read the management plan
- any other management strategies relevant to your business.

Liquor Control Victoria PO Box 1019, Richmond 3121
 P: 1300 182 457 E: contact@liquor.vic.gov.au
liquor.vic.gov.au