Report 12.12 – Brimbank Liquor Accord

Directorate: Community Wellbeing  
Director: Neil Whiteside  
Attachment(s): 1. Brimbank Liquor Accord

Purpose

For Council to consider entering into a Brimbank Liquor Accord with Victoria Police and licensed venues in Brimbank.

Report

1. Background

The Brimbank Liquor Forum (the Forum) has recently been re-convened by Victoria Police.

At the Forum meeting held on 9 June 2015, the members of the Forum decided to pursue a Brimbank Liquor Accord. Currently, there is no Brimbank Liquor Accord (Accord) in place. A draft Accord was distributed at the Forum for feedback. It has been requested all participating members, including Council, sign off on the Accord (at Attachment 1 to this report). The launch of the Accord is planned to take place at the Sunshine Municipal Offices on 15 September 2015.

It is not compulsory for the Forum to have an Accord. However, it is encouraged as this formalises the objectives of the Forum and ensures all members are aware of, and agree to meet, the objectives. It is common for a forum of this type to develop a Liquor Accord: in Victoria, there are over 80 Liquor Forums and 53 approved Liquor Accords.

The Forum has also suggested that a banning policy be included as part of the Accord, which if approved, provides for parties to the Accord to ban patrons and share information about banned patrons.

Victoria Police is coordinating the Accord application to the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

2. Consultation

Liquor industry representatives and interested community members meet regularly to develop strategies to improve the operation of licensed premises and reduce alcohol-related harm in a local area. In Brimbank, the Forum is primarily a network group that is chaired by Victoria Police and includes representatives of licensed venues in Brimbank, Brimbank City Council and the VCGLR.

3. Analysis

A Liquor Accord is a document that sets out specific aims, actions, objectives and strategies that provide practical solutions to local alcohol-related problems, and implements a range of programs to promote harm-minimisation principles. It may also include responsible gambling initiatives.
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Liquor Accords are established under Part 8, Division 6 of the *Liquor Control Reform Act 1998* (*the Act*), and must be approved by the VCGLR. A Liquor Accord itself is not a legal document.

The Forum has indicated it will include a banning policy in the Accord. This policy would be consistent with the VCGLR’s Liquor Forum and Accord Guidelines.

It may take up to four (4) weeks for the VCGLR to process the application (from the time it is received), and further information or amendments may be required prior to approval.

4. Resource Implications

There are no resource implications.

5. Compliance Statement

This report has been prepared in accordance with the Community Plan 2009–2030 (updated 2013) and Council Plan 2013–2017 (updated 2015).

6. Officer Recommendation

That Council enters into the Brimbank Liquor Accord, as at Attachment 1 to this report, with Victoria Police and licensed venues in Brimbank.
Brimbank District Liquor Accord

A local partnership enhancing the health, safety and wellbeing of residents and visitors to the City of Brimbank.

Victorian Commission for Gambling and Liquor Regulation

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This Accord is made pursuant to the provisions of Division 6, Part 8 of the *Liquor Control Reform Act 1998*.

Document Author
Rowan Mifsud
Leading Senior Constable
Sunshine Police Station
20 April 2015

Brimbank District Liquor Accord

Aims

The aim of the Brimbank District Liquor Accord is to contribute to the health, safety and wellbeing of residents and visitors to the Brimbank local government area.

This can be achieved by promoting the responsible service, sale and consumption of alcohol, fostering a pleasant amenity within the Brimbank local government area and encouraging high standards of behaviour within the community.

Its inception is in response to community and police concerns regarding alcohol related harm, property damage, violence and loss of amenity.

OBJECTIVES

1. To promote the Brimbank local government area as a safe, innovative, inclusive and sustainable municipality.
2. To foster a collaborative partnership between the Liquor Licensees, Victoria Police, Victorian Commission for Gambling and Liquor Regulation (VCGLR), Brimbank City Council and other community stakeholders.
3. To work cooperatively to protect the residents, visitors and amenity of the municipality.
4. To monitor and discourage anti-social behaviour in and around licensed premises.
5. To encourage preferred behaviour by the community, in relation to the use of alcohol.
6. To encourage best practice management of packaged liquor outlets and licensed premises to ensure lawful and responsible service of alcohol.
**ACCORD BEST PRACTICE**

### Safety

1. Conduct regular safety audits of the venues and adhere to the VCGLR’s ‘Guidelines for Responsible Liquor Advertising and Promotions’.
2. Support alcohol harm minimisation through the implementation of these principles and discourage activities or advertisements that encourage drinking excessively.
3. Maintain records (in the form of a register) of incidents and have good communication with police. These records should note the time, date and nature of any incident in and around the premises and the response by staff and management.
4. Ensure that patron maximum capacity numbers are adhered to at all times.
5. Ensure premises are functioning as “good neighbours” and not disrupting the surrounding amenity.

### Security

1. A shared banned patron list for patrons who have displayed unacceptable anti-social behavior either inside the licensed premises or within the vicinity of the premises. (Kept in a secure place and not for public display).
2. Show staff how to use the incident register book.
3. Advise local police (and other relevant authorities) of any special events likely to significantly increase the number of people in the area - ideally well in advance of the event.
4. Actively monitor and discourage underage drinking, by checking approved proof of age ID at the door and prominently display liquor signage about restrictions on minors.

### Service

1. Educate patrons, including through signage, about the need to respect the local amenity and to arrive and depart the area in a quiet and orderly manner.
2. Maintain current list of emergency phone numbers and post close to all key phones.
3. Ensure all staff are aware of the existing emergency management plans and procedures and the process of how to record incidents.
Encourage Patron responsibility

1. Display signage that clearly explains licensee and patron responsibility regarding the responsible service of alcohol.
2. Display ‘Brimbank District Liquor Accord Member’ signage to show participation and commitment to Accord principles.
3. Display signage that clearly displays house rules and patron behaviour expectations.

Ensure all staff are trained

1. Ensure all staff who are employed to serve and supply alcohol, complete an accredited Responsible Service of Alcohol (RSA) course. These staff will complete the course within one (1) month of their start date. Also ensure they undertake an RSA Refresher Course every three (3) years.
2. Ensure staff are sufficiently confident and capable to advise patrons when they will no longer be served and/or will be asked to leave the premises.
3. Managers are to provide ongoing training and support in relation to the responsible service of alcohol.
4. Where applicable maintain a RSA register as per legislative requirements.
5. Adhere to the VCGLR’s “Intoxication” guidelines.

TERMS OF THE ACCORD

1. Adhere to the practices outlined in the Brimbank District Liquor Accord.
2. Facilitate and encourage open and regular communication with stakeholders in relation to alcohol harm issues within the accord catchment area.
3. Provide an ongoing commitment to the Brimbank District Liquor Accord and to the continued proper management and conduct of the licensed premises. This includes participation in bi-annual meetings and demonstrating a cooperative approach to developing solutions and achieving best practice in alcohol harm minimisation.
4. Work together to implement strategies to reduce harm, by promoting education and information, within the community to discourage the irresponsible service and consumption of alcohol.
5. Encourage other licensees in the Brimbank District area to become members of the accord.
The Brimbank District Liquor Accord

Terms of Reference

Liquor accords have demonstrated that successful partnerships between the liquor industry, local government, Victoria police and other community stakeholders, can be achieved and maintained.

Through these partnerships, we can reduce alcohol related social disorder, including violence and anti-social activities. They can also improve the environment around licensed premises, making patrons’ experience more pleasurable and contribute to harm minimisation.

The aim of the Brimbank District Liquor Accord is to contribute to the health, safety and wellbeing of the residents and visitors to Brimbank local government area. This will be achieved through: promoting the responsible service, sale and consumption of alcohol; fostering a pleasant amenity within the area; and by encouraging high standards of behaviour in the community.

The Brimbank District Liquor Accord Member Responsibilities

- Foster communication and maintain partnerships/commitment to the Accord
- Participate in the monitoring and evaluation of the Accord
- Identify emerging issues that need to be addressed in relation to alcohol harm minimisation
- Work cooperatively and contribute to initiatives & a commitment to implementing any agreed changes within your own agency/premises.
- Working group members will be responsible for attendance and participation at bi-annual meetings
- Develop a means of communicating achievements to the broader community.

Membership

- Membership will include representation from Victoria police.
- Membership is open to all liquor licensees within the Brimbank local government area. Licensed premises that agree to, and sign the Code of Practice certificate, will become a member.
- Representation on the Brimbank District Liquor Accord will include agencies that have an interest and/or expertise in the area of alcohol harm minimisation.
Victorian Commission for Gambling and Liquor Regulation (VCGLR)

- Provide on-going support and guidance for the Brimbank District Liquor Accord, licensees and their managers, on the requirements of the *Liquor Control Reform Act 1998*.
- Participate in the monitoring and evaluation of the Accord.
- Work in partnership with key stakeholders.

Sunshine and Keilor Downs Police

- Monitor compliance of licensed premises with the requirements of the *Liquor Control Reform Act 1998*.
- Provide appropriate data to the Accord relating to alcohol management and crime.
- Liaise with stakeholders and licensees on special policing arrangements for all events and festivals such as Easter, Christmas and New Year Period.
- Maintain membership of the Accord.
- Participate in the monitoring and evaluation of the Accord.
- Work in partnership with key stakeholders in related community projects.

Brimbank City Council

- Facilitate public places (Council owned) that are safe, enjoyable and attractive and promote community interaction and wellbeing.
- Assess liquor license planning applications within Brimbank.
- Provide advice as needed via Liquor Forum meetings or as arranged in consultation with the Liquor Forum Chair.
- Participate in the monitoring and evaluation of the Accord.
- Work in partnership with key stakeholders.
- Promote the Accord within the community to increase participation and awareness
The Liquor Control Reform Act 1998 states that liquor forum members who are party to a liquor accord may make provisions regarding the authorisation of licensees and permittees to ban patrons and share information about banned patrons.

To assist licensees and permittees who are members of liquor accords, these guidelines have been introduced to ensure that liquor accord bans are implemented for the purpose of minimising harm arising from the misuse and abuse of alcohol in relation to behaviour that has occurred in or around licensed premises.

Prior to implementing a liquor accord ban, the Brimbank District Liquor Accord agrees that they will be mindful of the principles of natural justice (also known as procedural fairness).

1. The principles of natural justice ensure the process by which a decision is made is fair and reasonable. In order to maintain natural justice each person which the liquor accord will consider banning will be offered the right to request a review of the banning decision and the opportunity to present one's case.

2. When formulating the banning policy all parties to the Accord must ensure that the banning provisions regarding the banning:

   - are non discriminatory and are open and transparent;
   - include accurate record keeping processes and have clear and appropriate decision-making guidelines;
   - do not breach the Charter of Human Rights and Responsibilities 2006 and privacy legislation;
   - provide an opportunity for the (potentially) banned person to request a review of the ban;
   - include fair and reasonable banning periods; and
   - include appropriate notification of a ban (i.e. a set of letters notifying the banned person of the ban, the process by which to request a review of the ban, the expiry of the ban and a warning letter (if applicable).
Release of information for the purpose of enforcing the Accord ban

Information will only be disclosed as provided in Section 146D of the Liquor Control Reform Act 1998 for the effective and efficient enforcement of the ban.

This information disclosed is subject to the following:

- The disclosure is for the purpose of enforcing a liquor accord ban.
- The licensee or permittee must undertake not to engage in any unauthorised distribution or public display of the information, and must ensure they comply with privacy obligations.
- All previous versions of banned lists must be discarded responsibly.

Licensed premises that are members of the Brimbank District

Liquor Accord

Kealba Hotel
Sunshine RSL
Derrimut Hotel
Westend Market Hotel
Glengala Hotel
Deer Park Hotel
Club Italia
Watergardens Hotel
St Albans Hotel
Taylors Lakes Family Hotel
Brimbank District Liquor Accord

A local partnership enhancing the health, safety and wellbeing of residents and visitors to the Brimbank local government area.

Certificate of Commitment -

The signatories of this document are members of the Brimbank Liquor Accord and support its code of practice.
Acknowledgements

Trentham Liquor Accord
V.C.G.L.R. Accord Kit

Contacts

Victoria Police

Sergeant Brett Butterworth
Sunshine Police Station
9313 3333
brett.butterworth@police.vic.gov.au

Sergeant Adam Beauliv
Keilor Downs Police Station
9365 3333
adam.beauliv@police.vic.gov.au

VCGLR
Anna Lygopoulos
(03) 9098 5654
accords@vcglr.vic.gov.au
www.vcglr.vic.gov.au