

On-premises licence



This fact sheet outlines the requirements when applying for an on-premises licence.

It also outlines the key trading entitlements associated with this type of liquor licence under the NSW liquor laws.

It should be used in conjunction with our other published material. For example, the Community Impact Statement information is relevant to an on-premises licence for a public entertainment venue (other than a cinema or theatre).

This and other material is available from our website at www.olgr.nsw.gov.au.

What is an on-premises licence?

An on-premises licence allows alcohol to be sold with, or ancillary to, another product or service that is sold, supplied or provided to people on the premises.

In most circumstances, an on-premises licence does not permit take-away alcohol sales. Alcohol sold under the licence must be consumed on the licensed premises.

Common types of activities that an on-premises licence can be used for include:

- a restaurant or café
- accommodation premises – such as a motel, and larger B&Bs and farmstay venues
- a public entertainment venue – such as a nightclub, theatre or cinema
- a public hall
- a sporting facility – such as a sporting club or stadium
- a racing facility
- a tour operator who wishes to provide alcohol with meals at tourist locations

- a catering service or function centre
- local product promotion by a non-profit organisation such as a local council
- a tertiary institution – such as university or college
- an airport
- a vessel

This list is not exhaustive. Application can be made for an on-premises licence for activities and kinds of premises that are not included in the list.

An on-premises licence cannot be used for premises that primarily provide entertainment by way of amusement machines (such as pinball machines or video games), poker games, pool tables or juke boxes.

An applicant for an on-premises licence must specify the business or activity proposed to be carried out on the premises, or the kind of licensed premises. More than one type of business or activity can be carried out on the same premises.

The licensee can apply to vary the kind of business or activity or the kind of premises specified in an on-premises licence. This may include adding a business or activity, or a particular type of premises.

An on-premises licence cannot be used if the kind of business or activity or the kind of premises changes from that specified in the licence without approval.

Primary purpose test

An on-premises licence cannot be granted and cannot be used if the primary purpose of the business or activity conducted on the premises is the sale or supply of alcohol. This

primary purpose requirement does not apply where an on-premises licence relates to an airport or tertiary institution.

For people interested in operating a bar, other licensing options are available, including a general bar hotel licence. Further information on this licensing option is available at www.olgr.nsw.gov.au.

Food and drinking water

Food of a nature and quantity consistent with the responsible sale, supply and service of alcohol must be available at all times in all on-premises licences. Free drinking water must also be available. Where the licence applies to a restaurant, meals must be served.

Other conditions

Conditions apply to a liquor licence under the liquor laws, and can also be imposed by the Director-General, NSW Trade & Investment or the Independent Liquor & Gaming Authority.

Conditions applying to an on-premises licence include:

- A sign must be displayed at the front of the premises that shows the name of the premises, the type

Important Information

Liquor licensing freeze applies to parts of City of Sydney

A freeze applies to the grant of certain types of liquor licences and trading authorisations for premises in prescribed freeze precincts in the City of Sydney local government area.

For more information about the freeze, visit www.olgr.nsw.gov.au

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of liquor licence held, the name of the licensee, and the business or activity carried out on the premises or the kind of licensed premises (as specified in the licence).

- An incident register* must be maintained if the premises regularly trades past midnight.
- Where the licence relates to a restaurant or public entertainment venue, the venue must be open to the public and cannot be run as a private club.

* Incident registers can be purchased from OLGR

Making an application

Where an on-premises licence relates to a public entertainment venue (other than a cinema or theatre), the applicant must prepare a community impact statement (CIS) as part of the application process. A CIS is generally not required for an on-premises licence for other types of venues, unless an application is also being made for extended trading hours or the applicant is directed to prepare one in a specific circumstance.

A CIS is prepared by the applicant, which allows impact to be assessed that granting an application will have on the local community.

Where a CIS is required, an application cannot be approved unless the overall social impact will not be detrimental

to the well-being of the local or broader community.

More information about the CIS process is available at www.olgr.nsw.gov.au

The application fee for an on-premises licence is \$700. The application form can be completed online through www.licence.nsw.gov.au or downloaded at www.olgr.nsw.gov.au/liquor_forms.asp

All submissions received in relation to a licence application from stakeholders are considered including police, the local council and local residents.

For more information about the application process, including notification requirements, please refer to the "Applying for a Liquor Licence" fact sheet" available at www.olgr.nsw.gov.au

Trading hours

Liquor can be sold for consumption on the licensed premises at any time during the standard trading period. Standard trading hours for all forms of on-premises licence (except those relating to vessels) are outlined in the table below.

Daily 6-hour closure period

A 6-hour closure period applies to all liquor licences granted from 30 October 2008 onwards, as well as existing licences that have an extended trading authorisation granted from that date.

The Independent Liquor & Gaming Authority is required to approve a 6-hour closure period for any particular licensed premises. It must approve a period that is appropriate to the particular premises and the circumstances, having regard to the objectives of the *Liquor Act 2007*.

Parliament has imposed a closure period for certain licences that commences at 4 am and concludes at 10 am each day. These are licences granted by the Local Court or licences granted between 30 October 2008 and 2 December 2008.

An application may be made to the Authority to change the 6-hour closure period (as previously determined by the Authority or as imposed by the liquor legislation) on either a temporary or permanent basis, or for different closure periods to operate on different days of the week. An application fee applies.

The Authority encourages applicants to provide reasons and relevant information in support of the closure period which is proposed. Applicants should provide an account of the current or proposed mode of operation of the licensed premises,

| Trading | Monday - Saturday | Sunday | Good Friday | Christmas Day | New Year's Eve |
|-----------------|-------------------|-------------|---|---|---|
| Standard hours* | 5am - midnight | 10am - 10pm | Noon-10pm served with or ancillary to a meal in a dining area (except for airports, catering services, tertiary institutions) | Noon-10pm served with or ancillary to a meal in a dining area (except for airports, catering services, tertiary institutions) | From the start of standard trading to 2am the next day (unless extended trading hours have been approved) |

Trading hours for an on-premises licence that relates to a vessel are from one hour before the vessel starts its voyage until 30 minutes after the voyage ends. The licensee can also apply to the Authority for permission to sell alcohol to vessel passengers at other times or in other circumstances.

* These hours are subject to the 6-hour closure period refer to additional information contained in this fact sheet.

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the demonstrated or likely needs of its patrons, the interests of the local community and the opinion (if any) of local Police towards the proposal.

Applicants should also address how the proposed closure period relates to those considerations that the Authority is required to consider under section 3(2) of the *Liquor Act 2007*, which are as follows:

- a) the need to minimise harm associated with misuse and abuse of alcohol (including harm arising from violence and other anti-social behaviour);
- b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of alcohol; and
- c) the need to ensure that the sale, supply and consumption of alcohol contributes to, and does not detract from, the amenity of community life.

Extended trading hours and minors on the premises

Extended trading hours can be sought as part of the on-premises licence application or after the licence is granted. A community impact statement is required for an extended trading authorisation. The CIS would need to capture issues relating to extended trading hours. More information about the CIS provisions is available at www.olgr.nsw.gov.au

Rules governing possible extended trading hours, the presence of a person under 18 on premises and other details vary depending on the type of on-premises licence issued.

For more detailed information about special licence conditions applying to an on-premises licences that relates to accommodation premises or public entertainment venue, please refer to the relevant fact sheet at www.olgr.nsw.gov.au

Primary service authorisation

A primary service authorisation can be obtained allowing an on-premises licensee to serve alcohol to patrons without them having to be provided with another product or service, such as a meal. The primary service authorisation can be obtained as part of an application for a new on-premises licence or as an additional trading entitlement for a venue with an existing on-premises licence.

An application fee applies to this authorisation.

A community impact statement is required to be prepared for a primary service authorisation.

The primary purpose of the business or activity carried out on the licensed premises cannot be the sale or supply of alcohol, whether or not a primary service authorisation is held. The product or service that is usually provided to patrons must still be available on the premises.

| Business activity or kind of premises | Extended hours | Under 18s allowed | Kind of business or activity or kind of premises |
|--|--|--|--|
| Restaurant | Midnight to 5am Monday - Saturday, 5am to 10am or 10pm to Midnight on a Sunday | Yes | Principal activity must be the preparation and serving of meals to the public |
| Public entertainment venue - nightclub | Midnight to 5am Monday - Saturday, 5am to 10am or 10pm to Midnight on a Sunday CIS required | Yes - must be with a responsible adult | Principal activity must be the provision of public entertainment |
| Public entertainment venue - theatre or cinema | Midnight to 5am Monday - Saturday, 5am to 10am or 10pm to Midnight on a Sunday | Yes | Principal activity must be the provision of public entertainment |
| Motel | N/A - alcohol can be sold to residents or employees at any time | Yes | Principal activity must be the provision of accommodation |
| Caterer | Midnight to 5am Monday - Saturday, 5am to 10am or 10pm to Midnight on a Sunday | Yes | Principal activity must be the provision of catering services |
| Vessel | N/A - alcohol can be sold from one hour before the vessel starts its voyage until 30 minutes after the voyage ends | Yes | Kind of premises must be a vessel that transports passengers, such as on a cruise |
| Tertiary institution | Midnight to 5am Monday - Saturday, 5am to 10am or 10pm to Midnight on a Sunday | Yes | Kind of premises must be a tertiary institution, and alcohol can be sold to any adult (subject to individual licence conditions) |

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For more detailed information please refer to the Primary Service Authorisation fact sheet at www.olgr.nsw.gov.au

Takeaway sales

Takeaway alcohol sales are not permitted under an on-premises licence - except for accommodation venues in certain circumstances, and non-profit venues promoting local tourism or industry.

Trading on premises other than licensed premises

Where an on-premises licence relates to a caterer or a commercial tour operator, the licensee can apply for a "sale on other premises authorisation". This will allow the licensee to sell alcohol for consumption on premises that are not the permanent licensed premises.

Special provisions for licensed accommodation venues

Special provisions apply to accommodation venues such as motels. For detailed information please refer to the On-Premises Licence Accommodation Premises fact sheet at www.olgr.nsw.gov.au

Special provisions for vessels

An on-premises licence that relates to a vessel permits the licensee to sell alcohol to passengers for consumption on the vessel only. Sale of alcohol must be provided as part of a voyage. The primary purpose of the vessel must not be the sale and supply of alcohol.

Under 18s

Under 18s can be present in a venue with an on-premises licence. However, under 18s must be in the company of a responsible adult while in a public entertainment venue that is not a cinema or theatre. Offences apply

where under 18s are sold/served or consume alcohol on the premises.

RSA training for staff

The licensee and all staff who serve alcohol, as well as any security officers, must have completed an approved responsible service of alcohol (RSA) course. The licensee must keep a copy of each RSA course completion certificate in a register on the premises.

Mandatory liquor signage

A venue with an on-premises licence must display the following sign:



The sign above must be displayed wherever alcohol is sold on licensed premises ie. at each bar and servery counter. Where there is no bar or counter, eg. a restaurant, the sign must be prominently displayed at each entrance to the premises.



The sign above must also be displayed wherever breath analysis machines are located.

PSA sign - Restaurants with a primary service authorisation



This sign must be displayed at or near every entrance to the restaurant to alert people entering that a primary service authorisation applies. A primary service authorisation allows liquor to be sold/supplied without another product or service, such as a meal.

PSA sign - Premises with a primary service authorisation (other than a restaurant)

A sign must be displayed at or near every entrance to the premises to alert people entering that a primary service authorisation applies. For details on the wording and approved format of the sign for these venues, call our Customer Service Team on 02 9995 0300 or email info@olgr.nsw.gov.au

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Signage is available at www.olgr.nsw.gov.au or www.shop.nsw.gov.au

FAQs

Is there a patron limit on an on-premises licence?

No, there are no minimum seating requirements under the liquor laws. Seating requirements are usually determined by local councils.

Can I provide entertainment?

Yes. If entertainment is only part of your venue's main business, then separate approval is not needed. However, if the entertainment will fundamentally change the principal use of your venue, development approval from your local council may be required.

To find out if you need development approval, contact your local council. Further information is also available on the Department of Planning & Environment's website www.planning.nsw.gov.au

What if I want to offer take-away alcohol sales to patrons at my premises some time in the future?

An on-premises licence generally does not allow take-away sales - although there are some exceptions for accommodation premises and non-profit venues that promote local products and services. It is usually necessary to obtain a hotel or a packaged liquor licence to sell take-away alcohol.

Need more information?

Our website is regularly updated with information about the new liquor laws. Go to www.olgr.nsw.gov.au to access this information. You can join our free e-news service available from this site.

Access to the liquor laws - the *Liquor Act 2007* and the *Liquor Regulation 2008* - is also available from www.olgr.nsw.gov.au

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Office of Liquor, Gaming & Racing