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This fact sheet outlines the fundamental requirements when applying for a liquor licence for a restaurant. It also outlines the key trading entitlements of a licensed restaurant under the NSW liquor laws.

Where it is proposed to sell liquor in a restaurant, the most appropriate liquor licence is an on-premises licence. This enables liquor to be sold with or ancillary to another product or service that is sold, supplied or provided to people on the premises.

For a restaurant or cafe, it allows the sale of liquor with meals. In this case, the on-premises licence relates to a restaurant.

An on-premises licence can be used for a variety of purposes including accommodation, catering services or as a public entertainment venue.

It can also be tailored to suit a multi purpose business eg. where a restaurant is part of a motel complex, the licence can also allow liquor to be sold to guests in accommodation and conference facilities.

It is possible for liquor to be served to patrons without a meal in a restaurant. This requires a "primary service authorisation" to be approved for the licence. Further information about obtaining this authorisation is outlined below.

All licensed restaurants, including those with a primary service authorisation, must operate as a restaurant preparing and serving meals to the public. If the business or activity carried out on the premises, or the kind of licensed premises changes from being a restaurant without the approval of the Casino, Liquor & Gaming Control Authority, the liquor licence no longer has effect.

Similarly, if the primary purpose becomes the sale or supply of liquor (ie. operating primarily as a bar), the liquor licence no longer has effect.

For those interested in operating a bar, other licensing options are available including a hotel (general bar) licence.

An on-premises licence for a restaurant is subject to a number of requirements under the liquor laws, including:

- it must operate as a restaurant preparing and serving meals to the public at all times
- it must be open to the public (and not run as a private club)
- free drinking water must be available to patrons whenever liquor is served
- a sign must be displayed at the front of the premises that shows the name of the premises the type of liquor licence held, either the business or activity carried out on the premises or the kind of premises, and the name of the licensee
- where a primary service authorisation is held allowing liquor to be served without meals, a sign must be displayed at the entrance, alerting patrons that the premises serves liquor without meals
- an incident register must be maintained where the premises regularly trades past midnight
- conditions can be imposed on the licence, either under the liquor laws, or by the Casino, Liquor & Gaming Control Authority or the Director of Liquor & Gaming.



NSW Office of
Liquor, Gaming & Racing



Department of the Arts, Sport and Recreation

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Important things to know

Trading	Monday - Saturday	Sunday	Good Friday	Christmas Day	New Year's Eve
Standard hours	5am - midnight	10am - 10pm	12 noon – 10pm (liquor can only be served with or ancillary to a meal in a dining area)	12 noon – 10pm (liquor can only be served with or ancillary to a meal in a dining area)	Normal opening time until 2am on New Year's Day
Extended hours (if allowed)	Up to 24 hour trading	Up to 24 hour trading	Not permitted	Not permitted	Up to 24 hour trading

Applying for an on-premises licence for a restaurant

Applicants for an on-premises licence for a restaurant must prepare a community impact statement (CIS). The applicant must then lodge the CIS with the application for an on-premises licence. A CIS helps the Authority to consider the likely impact on the community of the proposed venue and gauge the level of community support for the proposal.

More information about the community impact statement requirements is contained in the Community Impact Statement Toolkit for NSW Liquor Laws available at www.olgr.nsw.gov.au/liquor_CIS_home

The application fee for an on-premises licence is \$500. The application form can be downloaded at www.olgr.nsw.gov.au/liquor_forms

The Casino, Liquor & Gaming Control Authority will consider any submissions received in relation to a licence application from stakeholders including police, the local council and local residents.

People who were consulted as part of the community impact statement process can also make submissions directly to the Authority on the same licensing proposal.

As part of this process, the Office of Liquor, Gaming & Racing will provide a report to the Authority based on the social profile data it maintains for the local government area where the proposed premises are located. This data will be compiled in the second half of 2008.

The application is also referred to the Director of Liquor and Gaming who is required to report on any matters requested by the Authority including the compliance history, if any, of those associated with the application.

More information about the application process, including notification requirements, is available at www.olgr.nsw.gov.au/liquor_forms

Trading hours for a restaurant

Liquor can be sold for consumption on the licensed premises at any time during the standard trading period between 5am – midnight (Monday – Saturday) and 10am – 10pm (Sundays).

Approval can be sought for extended trading hours. If sought as part of an on-premises licence application, the CIS will also need to address issues relating to extended trading hours.

The table above outlines standard and extended trading hours for an on-premises licence that relates to a restaurant.

Primary service authorisation

A primary service authorisation can be obtained from the Authority to allow liquor to be sold without meals in a restaurant. This can be obtained as part of a licence application for a new restaurant or as an additional trading entitlement for an existing restaurant.

A \$50 application fee applies to this authorisation.

A CIS is required to be prepared for this application. Where the authorisation is sought as part of an application for the on-premises licence, only one CIS is needed for both the primary service authorisation and the liquor licence.

More information about a primary service authorisation is available at www.olgr.nsw.gov.au/liquor_home

Food

An on-premises licence for a restaurant only allows liquor to be sold or supplied with or ancillary to the service of meals to the public. Where a primary service authorisation allows liquor to be sold without meals, meals must still be available at all times.

Important things to know

Under 18s

Under 18s can be present in a licensed restaurant - with or without adult supervision. Offences apply where minors are sold/served liquor or consume liquor in a restaurant.

Signage

An on-premises licence relating to a restaurant must display the following sign:



This sign must be displayed wherever liquor is sold on licensed premises i.e. at each bar and servery counter. Where there is no bar or counter, the sign must be displayed at each entrance to the premises.

If a primary service authorisation allows liquor to be sold to patrons without a meal, a notice must also be displayed at each entry to the restaurant alerting patrons to that. The notice must be in the form approved by the Casino, Liquor & Gaming Control Authority.

Signage is available from the Office of Liquor, Gaming & Racing at www.olgr.nsw.gov.au/signs_order_form.asp

RSA training for staff

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

Need more information?

Our website is constantly updated with information about the new liquor laws. Go to www.olgr.nsw.gov.au to access this information. Subscriptions to our e-news service are also available from this site.

Access to the liquor laws – the *Liquor Act 2007* and the *Liquor Regulation 2008* – is available from www.olgr.nsw.gov.au/legislation_liquor_reform.asp

For more information, call us on 02 9995 0894 or email us at info@olgr.nsw.gov.au

FAQs

Do we need approval to operate a cocktail bar within our restaurant?

No, provided you hold an on-premises licence relating to a restaurant. Liquor can be sold in a cocktail bar and elsewhere in a restaurant if it is supplied with or ancillary to a meal, unless a primary service authorisation applies. The primary purpose of the restaurant cannot be the sale or supply of liquor.

Do we need a minimum number of seats in our restaurant in order to obtain a liquor licence?

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

Do people coming into my restaurant need to have a meal before they can be served a drink?

Where a restaurant does not have a primary service authorisation, any customer who is served alcohol must at some time be provided with a meal. The meal can be provided after the customer is served alcohol.

If the restaurant has a primary service authorisation, customers can be served alcohol without having a meal. However, the primary purpose of the business cannot be the sale and supply of alcohol, and the premises must at all times operate as a restaurant serving meals.

Between the lunch and dinner periods, we want to be able to serve drinks to patrons without them having a meal. Can this be done?

Yes, provided a primary service authorisation is obtained and the restaurant continues to operate as a restaurant where meals are served. Food must continue to be available at all times when liquor is sold.

Our restaurant is part of a motel complex. Can our licence be used to serve liquor to the guests' rooms?

An on-premises licence can relate to one or more business activities. This means a licence can relate to a restaurant and an accommodation premises, allowing liquor to be served in guests' rooms and other parts of the motel.

The licence must be specifically endorsed with each kind of business or activity before liquor can be sold as part of that business. For liquor to be sold in a motel, the licence must specify that it applies to an accommodation premises. An application may need to be made to the Casino, Liquor & Gaming Control Authority to have the licence specified with extra kinds of business or activity.

More information about an on-premises licence for accommodation premises is available at www.olgr.nsw.gov.au/liquor_home

Where can we lodge our liquor licence application?

All licence applications are lodged with the Casino, Liquor & Gaming Control Authority:

- by post at GPO Box 7060 Sydney 2001
- by email to liquorapplications@olgr.nsw.gov.au
- by facsimile to 02 9995 0819
- or in person at level 6, 323 Castlereagh Street, Haymarket.

Can I provide entertainment in the restaurant?

Yes, if you hold a place of public entertainment (POPE) approval from the local council.