

# **SELF-PACED GUIDE ON-PREMISES AND LATE NIGHT (ON-PREMISES) LICENCE**



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**Please note:** Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation.

# TOPIC 1

# INTRODUCTION

## **Introduction**

Complete this self-paced guide to understand:

- what holding an on-premises or late night (on-premises) licence means for you
- the standard conditions on an on-premises or late night (on-premises) licence
- the special conditions on some on-premises or late night (on-premises) licences.

## **Who should use this guide?**

Anyone who needs to know about on-premises or late night (on-premises) licences and its conditions.

This may include:

- new licensees, nominees or managers
- existing licensees or company directors who want to refresh their knowledge of their licence
- staff who work at licensed premises with an on-premises or late night (on-premises) licence.

## **Learning outcomes**

Once you have completed this guide, you should be able to identify:

- when and where you are permitted to supply alcohol to customers
- any special conditions that apply to your licence type
- possible breaches to an on-premises or late night (on-premises) licence.

## Topics

The following topics are included in this guide:

- Introduction
- About on-premises and late night (on-premises) licences
- On-premises and late night (on-premises) licence conditions
  - standard conditions
  - amplified music conditions.

## Before you begin

- Confirm the type of licence you have or have applied for.
- Locate and read the licence or a copy of the application form you submitted to the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

## How to use this guide

This guide is self-paced so you can work through it in your own time and at your own pace.

## Icons you will see in this guide

The following icons have been used throughout this guide:



This is a **tip** – something you may find useful.



Each topic has a **Check your understanding**. It includes questions on the content covered and in some instances, uses a scenario.



Once you've completed the **Check your understanding**, this icon directs you to the **answers** at the back of the guide.

## TOPIC 2

# ABOUT ON-PREMISES AND LATE NIGHT (ON-PREMISES) LICENCES

### **What this topic covers**

This topic looks at the types of premises that hold an on-premises or late night (on-premises) licence and where alcohol can be served and consumed.

### **Introduction**

An on-premises licence may permit the supply of alcohol to customers for consumption on the premises until 1am (check your specific licence for actual approved trading hours).

A late night (on-premises) licence permits the supply of alcohol to customers for consumption on the premises past 1am.

### **Where can alcohol be supplied, and consumed?**

An on-premises and late night (on-premises) licence authorises the supply of alcohol for consumption on your premises only.

Minors are not allowed to be supplied or drink liquor on licensed premises under any circumstances.

The supply of liquor to customers must be carried out within the red-line area unless your licence states otherwise.

Under the Liquor Control Reform Act 1998 (the Act), the VCGLR has the authority to grant the supply of liquor on any other premises. If this applies, it will be clearly stated on your licence.

For example, the additional approval may be for footpath trading (tables and chairs on the footpath outside your premises) or off-site catering (providing catering for offsite functions).

### **Footpath trading**

Many licensed venues have tables and chairs set up on the footpath outside their venue. This area needs to be included within the red-line area of your venue.

You need council approval to use the footpath before the VCGLR can grant approval for footpath trading.

**Special events** From time-to-time you may hold special events on your premises such as functions or be part of a local festival or community event.

If the special event requires you to trade outside your:

- on-premises or late night (on-premises) licence trading hours
- licence conditions
- red-line area;

you need to apply for a temporary limited licence or if it is a large event (5,000 or more people), a major event licence.

A temporary limited licence or major event licence is granted in addition to your on-premises or late night (on-premises) licence and is only in force for the times, dates and locations specified on the additional licence.

### **You and your guest/s at home**

As a licensee, you can entertain personal guests and supply alcohol to them at any time, provided that you:

- live on the licensed premises
- serve and drink the alcohol in that part of the licensed premises that is set aside as your private residence.

The licensee residence is not part of the red-line area.

### **Residents' register**

If you have accommodation, you must keep records of residents staying at your premises as proof, should you be inspected by Victoria Police or a VCGLR inspector.

If you have accommodation, you must keep records of residents staying at your premises as proof, should you be inspected by Victoria Police or a VCGLR inspector.

For information see [residents' register](#)

### **Sub-letting**

A licensee must not let or sublet any part of the licensed premises or assign the right to supply liquor without the consent of the VCGLR.

## **Control of the business of the supply of liquor**

A licensee must not permit any person who is not employed by the licensee to carry on a business of supplying liquor on the licensed premises.

## **Display of liquor licence and posters**

The licensee is required to display:

- a copy of the most recent liquor licence in an obvious place where the public can read the conditions
- the required posters (signage) in the size, format and manner specified by the VCGLR.

## **What is your red-line plan?**

The red-line plan is the plan that was submitted with the application for the liquor licence and approved by the VCGLR. If you are the transferee for an existing licensed premises, it is the plan submitted by the previous licensee that was approved by the VCGLR.

This plan is important as it shows where liquor can be supplied and consumed on the licensed premises.

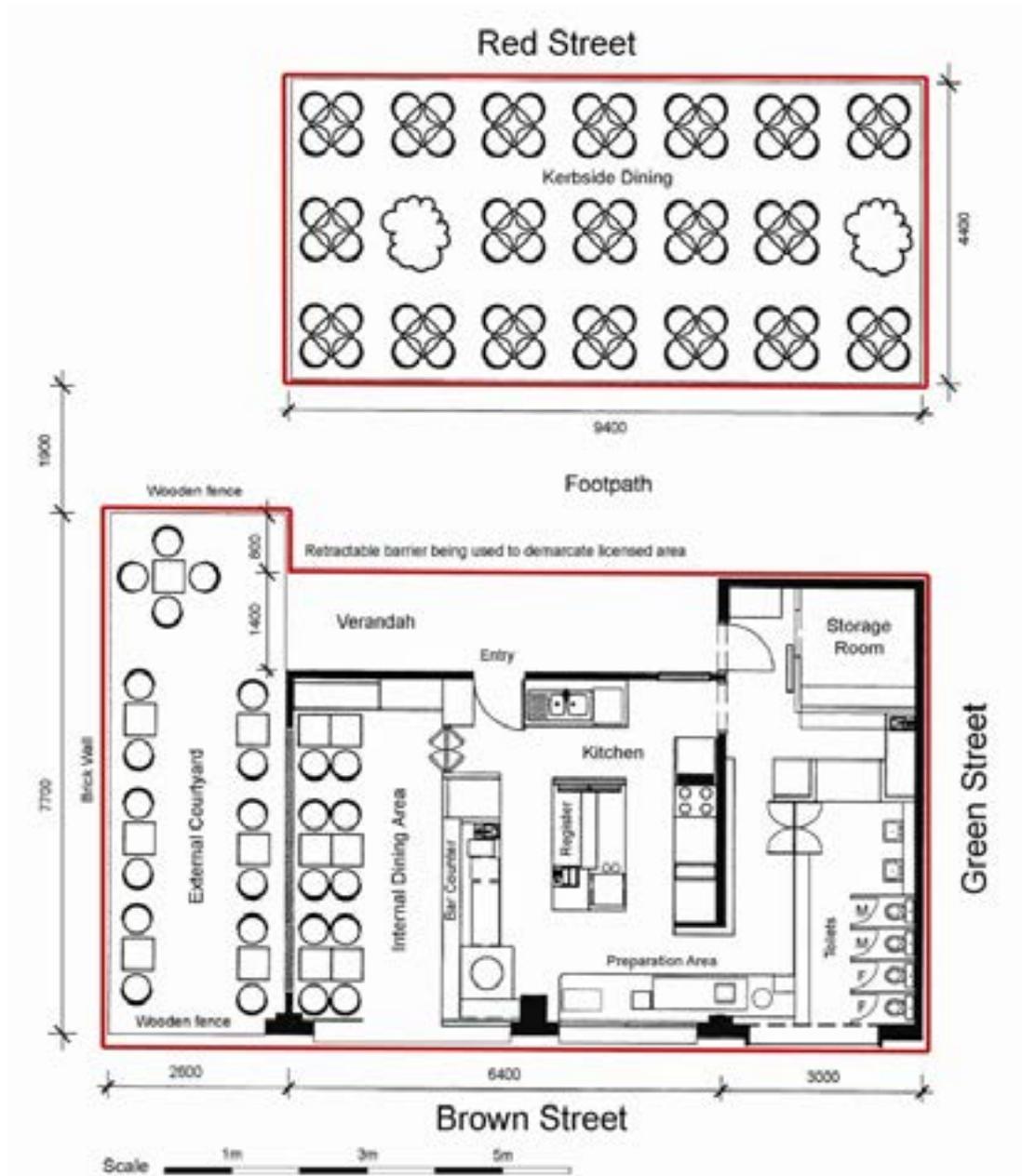
If you intend to do renovations to your licensed premises, you may need to submit a new plan to the VCGLR for approval prior to making the proposed changes.

If you are visited by Victoria Police or a VCGLR inspector, they will most likely request that you provide a copy of your plan and they may check that you are operating within the red-line area.

It is an obligation under the Act that you:

- keep a copy of your red-line plan on your premises and
- produce it if requested by Victoria Police or a VCGLR inspector.

# SAMPLE RED LINE PLAN – THE DIAMOND BAR



# CHECK YOUR UNDERSTANDING ABOUT ON-PREMISES OR LATE NIGHT (ON-PREMISES) LICENCES



It's time to check your understanding of what has been covered so far.

Please complete the questions below and check your responses against the answers provided at the back of this guide.

**Q.1 Two customers drink half a bottle of wine and have to leave after receiving an urgent phone call. Can they take the bottle of wine home with them?**

Yes      No

Explain your answer:

**Q.2. It is a busy, warm evening in a small suburban bar. All the tables and chairs are occupied on the footpath outside. As there are no vacant tables, a group of women take their drinks and sit on a low wall a few metres down the street opposite neighbouring shops.**

**Is this breaching the liquor licence?**

Yes      No

Explain your answer

**Q.3 What measures could you put in place to deter patrons from taking drinks they have purchased away from your premises?**

**Q.4 The local community are holding a food and wine festival over a summer weekend.**

**Your weekend trading hours finish at 11pm and you would like to stay open until 1am on the weekend of the festival.**

**What do you need to do to be able to trade until 1am on this one weekend?**

**Q.5 Can smokers go outside the licensed premises with their drink if it is outside the red-line area?**

Yes      No

Explain your answer:

**Q.6 If business demand grows for outside trading, you can add tables and chairs anywhere adjacent to the outside footpath area at your discretion so long as the neighbouring shops agree.**

Yes      No

Explain your answer:

**Q.7 Your best friend is an excellent chef and won many awards.**

**Your food sales are not doing well, so you have agreed to sublet the kitchen to her to control on a six-month trial.**

**Are you in breach of your liquor licence?**

Yes      No

Explain your answer:

Now check your answers on [page 22](#) of this guide.



## TOPIC 3

# ON-PREMISES AND LATE NIGHT (ON-PREMISES) LICENCE CONDITIONS

### What this topic covers

This topic looks at the conditions that may be applied to an on-premises or late night (on-premises) licence.

### Introduction

Licence conditions outline what you can and cannot do to operate your licensed premises legally. Licence conditions are monitored and enforceable by Victoria Police and the VCGLR.

### How to complete this topic

Check the type of licence you have or have applied for.

Is it an on-premises licence or late night (on-premises) licence?

Complete:

**Section 1 – What your licence conditions cover**

**Section 2 – Standard licence conditions**

If applicable, complete the following section:

**Section 3 – Late night and amplified music conditions**

## SECTION 1 WHAT YOUR LICENCE CONDITIONS COVER

### What do licence conditions specify?

There are standard conditions that all on-premises and late night (on-premises) licence holders have, and there are also special conditions for venues that have amplified music with late night trading.

Licence conditions specify:

- your authorised trading hours
- the amenity condition
- maximum patrons you may have in your venue
- other conditions that are relevant to the type of licensed premises you have.

### Ordinary trading hours

Unless requested or you hold a late night (on-premises) licence, your licence will have ordinary trading hours applied to it. Ordinary trading hours finish at 11pm on any day.

Ordinary trading hours allow you to sell alcohol for consumption on the licensed premises at the following times:

- **Sunday:** 10am to 11pm
- Good Friday and ANZAC Day: 12noon to 11pm
- On any other day: 7am to 11pm
- New Year's Eve: extended ordinary trading hours from 11pm on 31 December to 1am on 1 January for consumption on the licensed premises.

The VCGLR has the power to restrict the above extended hours trading if there are concerns about alcohol-related harm. Local council planning requirements still need to be met.

**Note:** you have a 30-minute grace period after closing time for customers to finish the drinks they have already purchased. However, no further liquor sales can occur.

### Late night trading hours

If your premises is **open past 1am**, you are classified as a late night trader and you will have a **late night (on-premises)** licence.

## SECTION 2 STANDARD LICENCE CONDITIONS

**Introduction** This section applies to all on-premises and late night (on-premises) licences.

**Amenity** Amenity describes the impact that your venue and its customers may have on the surrounding area.

The Act defines amenity as:

“The quality that the area has of being pleasant and agreeable”.

Amenity includes:

- **Parking facilities**  
Do you have a car park? Do patrons park in nearby residential streets?
- **Traffic movement and density**  
Is there a lot of traffic in the surrounding area from patrons coming and going to your venue?
- **Noise levels**  
What measures do you have in place to minimise noise from your venue if you have amplified music, or from patrons leaving your venue?
- **Possibility of nuisance or vandalism**  
Are you patrons likely to cause a nuisance to nearby residents? Is there a potential that they may cause noise, nuisance or damage to property or cars?
- **Harmony and coherence of the environment**  
What general effect does your venue have on the local community and neighbouring businesses/residents?

## Amenity condition

The amenity condition on your licence and what it means is outlined below:

Condition	What this means
<p>The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of, or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised by this licence.</p> <p>The licensee shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.</p>	<p>You are responsible for what happens in and around your venue. This includes the time that you are open for business and when customers are leaving your venue.</p> <p>This condition relates to the Environment Protection Authority (EPA).</p> <p>For further information, go to <a href="http://www.epa.vic.gov.au/for-community/environmental-information/noise">www.epa.vic.gov.au/for-community/environmental-information/noise</a></p>

## Maximum patron capacity

The maximum patron capacity is the maximum number of patrons allowed on a licensed premises at any one time. This is to prevent overcrowding inside the venue and to minimise the impact on local amenity.

At no time, should you allow entry to more than the maximum number of patrons stated on your licence as you will be committing an offence and it could pose amenity risks as well as a risk to the health and safety of your patrons and staff.

1. In instances where patron numbers are not stated on the licence, the following will be considered by the VCGLR to determine the maximum patron capacity.
2. The maximum patron capacity allowed under the planning permit for the premises.
3. The patron capacity prescribed on an occupancy permit of the premises or a report from a building surveyor on the same basis as per an occupancy permit.
4. A report from a registered building surveyor that states the number of patrons that may be accommodated on the premises calculated at 0.75 square meters per person.

For more information you can read the [maximum patron capacity factsheet](#)

## **Responsible Service of Alcohol (RSA)**

Licensees and staff selling, offering or serving liquor for an on-premises or late night (on-premises) licence, will need to undertake Responsible Service of Alcohol (RSA) training.

Licensees will need to complete the training before the liquor licence is granted. Staff will need to undertake training no more than one month after they begin selling, offering or serving alcohol on the licensed premises.

## **RSA Refresher**

It is also mandatory for licensees and their staff to undertake RSA refresher training every three years. The RSA refresher course is delivered online and is free.

For more details see [RSA Refresher](#)

## **RSA training evidence**

Licensees are required to retain a copy of the most up-to-date RSA certificate for any staff member involved in the sale and supply of liquor.

A licensee must provide relevant RSA training information to Victoria Police and VCGLR inspectors upon request. Information that may be requested includes:

- the name of the responsible person at the licensed premises
- the name of each person who is engaged in the sale and service of liquor and the date on which each person first sold or served liquor on the premises
- evidence of completion of the RSA training (the licensee is only required to hold a copy of the most recent certificate issued to staff members involved in the sale and supply of liquor - hardcopy or electronic is ok).

## **Advanced RSA**

Anyone applying for a new late night (on-premises) licence that authorises the supply of liquor after 1am for on-premises consumption must complete the Advanced RSA training course.

For new applicants, the Advanced RSA training program must be completed within six months of the licence being granted.

For more details see [Advanced RSA Training](#)

# CHECK YOUR UNDERSTANDING STANDARD LICENCE CONDITIONS



It's time to check your understanding of what has been covered so far.

Please complete the questions below and check your responses against the answers provided at the back of this guide.

**Q1. Your licence has ordinary trading hours.**

Some friends come into your bar at around 11pm for a drink on their way home from the airport. You look at the clock and it is 11.20pm.

Can you serve them without being in breach of your licence?

Yes      No

Why?

**Q2. Saturday nights are always busy in your bar.**

What are some of the amenity issues that you need to consider?

**Q3. What is the definition of amenity in the Liquor Control Reform Act 1998?**

**Q4. What are the RSA training requirements for staff of on-premises and late night (on-premises) licences?**

Now check your answers on [page 24](#) of this guide.



## SECTION 3 LATE NIGHT AND AMPLIFIED MUSIC CONDITIONS

**Does this apply to you?** This section applies to you if you have a venue that operates past 1am and/or has amplified music.

### **What is amplified music?**

**Background** music is defined under the Act as “two people can hold a conversation without raising their voices when they are sitting 60cms apart when music is playing”.

Amplified music will normally mean that the volume of the music prevents two people holding a conversation without having to raise their voices. The amplified music does not need to be live, it can be recorded via a stereo system or jukebox.

If you intend to have amplified music or you are authorised to trade after 1am then your licence may have the following conditions relating to:

- surveillance recording system
- required signage
- required number of crowd controllers.

## Surveillance recording system

The surveillance recording system is also known as security cameras or as video recording.

There are three parts to this condition as shown below:

Condition	What this means
The licensee shall install and maintain a surveillance recording system able to clearly identify individuals, which shows time and date and provides continuous images of all entrances and exits, bars and entertainment/dance floor areas.	<p>Security cameras must be installed to capture all entrances, exits, bars and entertainment/dance floor areas.</p> <p>They must be able to clearly identify individuals.</p> <p>They must record the time and date.</p>
The surveillance recording system must operate from 30 minutes before the start of the entertainment being provided until 30 minutes after closure.	Security cameras must be on 30 minutes before entertainment begins and 30 minutes after closing.
A copy of the recorded images must be available upon request for immediate viewing or removal by Victoria Police, or a person authorised in writing by the VCGLR, or otherwise retained for at least one month. The positioning of cameras is to be to the satisfaction of the VCGLR inspector.	<p>You must keep your security cameras' footage for at least one month.</p> <p>You must be able to produce the security cameras' footage if requested to Victoria Police or a person authorised by the VCGLR.</p>

## Required signage

Condition	What this means
<p>Signs, as described below, are to be displayed in all areas subject to camera surveillance.</p> <p>Such signs shall read:</p> <p>"For the safety and security of patrons and staff this area is under electronic surveillance".</p>	<p>Where camera surveillance is installed, the following sign must be displayed:</p> <p>"For the safety and security of patrons and staff this area is under electronic surveillance".</p>

## Crowd controllers

Condition	What this means
<p>Crowd controllers, licensed under the Private Security Act 2004, are to be employed at a ratio of two (2) crowd controllers for the first 100 patrons and one (1) crowd controller for each additional 100 patrons or part thereof. One crowd controller is to be present outside the premises to monitor patrons arriving and departing the premises. Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure.</p>	<p>You are required to have:</p> <ul style="list-style-type: none"> <li>• two (2) crowd controllers for your first 100 patrons</li> <li>• one (1) crowd controller for each additional 100 patrons or part thereof.</li> </ul> <p>For example, if you have a maximum capacity for 308 patrons, you are required to have five crowd controllers at full capacity.</p> <p>You must have one crowd controller outside your venue to monitor everyone arriving and leaving.</p> <p>Crowd controllers must be present 30 minutes before the entertainment starts until 30 minutes after closing the venue.</p>

# CHECK YOUR UNDERSTANDING LATE NIGHT AND AMPLIFIED MUSIC CONDITIONS



It's time to check your understanding of what has been covered so far.

Please complete the questions below and check your responses against the answers provided at the back of this guide.

**It is a busy night at a bar/nightclub with a late-night (on-premises) licence that has amplified music conditions.**

**There is a well-known local band playing and the crowd controllers are not letting any more patrons in; there is a long disorderly queue of people out the front of the venue.**

**The maximum capacity is 451 patrons, but the venue has close to 500 patrons on this night with four crowd controllers on duty.**

**Q1. How many crowd controllers is the venue required to have at its maximum capacity?**

**Q.2 Which condition of the licence may be breached with people queuing out the front?**

**Q.3 The surveillance recording system must operate at least:**

60 minutes before the start of the entertainment and 60 minutes after closing

30 minutes before the start of the entertainment and 30 minutes after closing

30 minutes after the entertainment starts and as soon as the entertainment finishes

**Q.4 Most of the bar staff have been working at the venue for over six months and have completed their RSA course.**

**Two of the bar staff called in sick and the licensee has asked their 18-year-old son to help.**

**Can the licensee's son serve alcohol behind the bar?**

Yes      No

If yes, are there any requirements that have to be met?

Explain your answer

Now check your answers on [page 25](#) of this guide.



# CONCLUSION

## Congratulations!

You have completed the on-premises and late night (on-premises) licence self-paced guide.

## Late night freeze guidelines

There is currently a freeze on granting new liquor licence applications to trade after 1am in four (4) local governments areas of Melbourne (including Docklands), Stonnington, Yarra and Port Phillip.

If this applies to you, please read [Late night freeze](#)

## Breaches and fines

Holding a liquor licence comes with legal obligations.

The way you run your business has a direct impact on the safety of your customers and the community. You have a responsibility to ensure that liquor is promoted and sold in a way that encourages responsible and appropriate drinking.

The Act provides for the issue of fines for specified [breaches](#).

## General information

A liquor licence does not override local laws, planning schemes and conditions on planning permits. It is the licensee's responsibility to ensure they comply with these.

## Helpful links:

- [Maximum Patron Capacity](#)
- [Intoxication guidelines](#)
- [Licensees' Action Plan](#)
- [Advertising and Promotion Guidelines](#)
- [Required signage](#)
- [Advanced RSA course](#)
- Subscribe to [VCGLR News](#) – free monthly newsletter
- [Late night freeze guidelines](#)



## CHECK YOUR UNDERSTANDING ABOUT ON-PREMISES AND LATE NIGHT (ON-PREMISES) LICENCES

- Q.1 Two customers drink half a bottle of wine in your bar and have to leave after receiving an urgent phone call. Can they take the bottle of wine home with them?
- A. **No, they are not permitted to take the wine with them. An on-premises and a late night (on-premises) licence only allows the supply and consumption of alcohol on the licensed premises.**
- Q.2 It is a busy, warm evening in a small suburban bar. All the tables and chairs are occupied on the footpath outside. As there are no vacant tables, a group of women take their drinks and sit on a low wall a few metres down the street opposite neighbouring shops.  
Is this breaching the liquor licence?
- A. **Yes, it is most unlikely that your red-line area would extend past neighbouring shops. If an area where your customer is consuming alcohol, is not within your red line area, then that would be a breach.**
- Q.3 What measures could you put in place to deter patrons from taking drinks they have purchased away from your premises?
- A. **Answers may include any of the following:**
- Display signs near the doors asking patrons not to remove glasses or bottles from the premises.**
- Display signs advising patrons that drinking in a public place may be an offence under council by-law (if applicable).**
- When the venue is busy, ensure that you have sufficient staff and/or crowd controllers who can monitor this.**

Q.4 The local community is holding a food and wine festival over a summer weekend. Your weekend trading hours finish at 11pm and you would like to stay open until 1am on the weekend of the festival.

What do you need to do to be able to trade until 1am on this one weekend?

**A. You need to apply for a temporary limited licence or if it is a large event, a major event licence**

Q.5 Can smokers go outside the licensed premises with their drink if it is outside the red-line area?

**A. No, they are not permitted to take their drinks outside the red-line area.**

Q.6 If business demand grows for outside trading, you can add tables and chairs anywhere adjacent to the outside footpath area at your discretion so long as the neighbouring shops agree.

**A. No. You can only trade within the red-line area.**

**You can apply to the VCGLR for approval to trade on the footpath, but you have to have local council approval first.**

Q.7 Your best friend is an excellent chef and won many awards.

Your food sales are not doing well, so you have agreed to sublet the kitchen to her to control on a six-month trial.

Are you in breach of your liquor licence?

**A. Yes, a licensee must not let or sublet any part of the licensed premises or assign the right to supply liquor without the consent of the VCGLR.**

## CHECK YOUR UNDERSTANDING STANDARD LICENCE CONDITIONS

- Q.1 Your licence has ordinary trading hours.  
Some friends come into your bar at around 11pm for a drink on their way home from the airport. You look at the clock and it is 11.20pm.  
Can you serve them without being in breach of your licence?
- A. No, because your licence is until 11pm. You have a grace period until 11.30pm, but this is for customers to consume any drinks purchased prior to 11pm. You are not permitted to sell liquor during the grace period.**
- Q.2 Saturday nights are always busy in your bar.  
What are some of the amenity issues that you need to consider?
- A. Answers may include any of the following:**  
**Noise from patrons when they are leaving your premises**  
**Parking outside residences in nearby streets**  
**Traffic noise**  
**Damage to cars or property.**
- Q.3 What is the definition of amenity in the Liquor Control Reform Act 1998?
- A. "The quality that the area has of being pleasant and agreeable".**
- Q.4 What are the RSA training requirements for staff of on-premises and late night (on-premises) licences?
- A. Staff selling, offering or serving liquor for an on-premises or late night (on-premises) licences, will need to undertake RSA training no more than one month after they begin selling, offering or serving alcohol on the licensed premises.**  
**Staff must also undertake RSA refresher training every three years.**

## CHECK YOUR UNDERSTANDING LATE NIGHT AND AMPLIFIED MUSIC CONDITIONS

It is a busy night at a bar/nightclub with a late night (on-premises) licence that has amplified music conditions.

There is a well-known local band playing and the crowd controllers are not letting any more patrons in; there is a long disorderly queue of people out the front of the venue.

The maximum capacity is 451 patrons, but the venue has close to 500 patrons on this night with four crowd controllers on duty.

Q.1 How many crowd controllers is the venue required to have at its maximum capacity?

**A. Six crowd controllers.**

Q.2 Which condition of the licence may be breached with people queuing out the front?

**A. The amenity condition.**

Q.3 The surveillance recording system must operate at least:

**A. 30 minutes before the start of the entertainment and 30 minutes after closing.**

Q.4 Most of the bar staff have been working at the venue for over six months and have completed their RSA course.

Two of the bar staff called in sick and the licensee has asked their 18-year-old son to help out.

Can the licensee's son serve alcohol behind the bar?

**A. Yes, the licensee's son can serve behind the bar and will need to undertake RSA training within one month of serving alcohol.**

