

SEPT 2018

# Self-paced guide

On-premises and late night (on-premises) licence



Victorian Commission for  
Gambling and Liquor Regulation



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This publication avoids the use of legal language. 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. Authorised by the Victorian

# Topic 1 – Introduction

- Introduction** This is a self-paced training guide outlining:
- 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
  - 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 or nominees
  - existing licensees who don't feel they know enough about their licence
  - company directors who hold an on-premises or late night (on-premises) licence
  - managers or supervisors 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
  - identify any special conditions that apply to your licence type
  - identify possible breaches to an on-premises or late night (on-premises) licence.

# Topic 1 – Introduction (continued)

## 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
  - sexually explicit entertainment conditions.

## Before you begin

Make sure you are clear about the type of licence you have or have applied for.

Locate your 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** section. It includes questions on the content covered and in some instances, uses a scenario and questions.



Once you have 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

|  |   |
|--|---|
| <b>What this topic covers</b>                      | 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.  |
| <b>Introduction</b>                                | <p>An <b>on-premises</b> licence permits the supply of alcohol to customers for consumption on the premises <b>until 11pm</b>.</p> <p>A <b>late night (on-premises)</b> licence permits the supply of alcohol to customers for consumption on the premises <b>past 1am</b>.</p>   |
| <b>Where can alcohol be supplied and consumed?</b> | <p>An on-premises and late night (on-premises) licence authorises the supply of alcohol for consumption <b>on your premises</b> only.</p> <p>Minors are not allowed to drink liquor on licensed premises under any circumstances</p> <p>The supply of alcohol to customers must be carried out within the red-line area on the plan unless your licence states otherwise.</p> <p>For example, under the <i>Liquor Control Reform Act 1998</i> (the Act), the VCGLR has the authority to grant the supply of liquor on any other premises. This will be clearly stated on your licence if this is the case.</p> <p>This may include tables and chairs on the footpath outside your premises, or providing catering for off-site functions.</p> |
| <b>Footpath trading</b>                            | <p>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 plan of your venue.</p> <p>You need council approval to use the footpath before the VCGLR can grant approval for footpath trading.</p>  |
| <b>Special events</b>                              | <p>You may from time-to-time hold special events on your premises such as functions, or be part of a local festival or community event.</p> <p>If the special event requires you to trade outside your on-premises or late night (on-premises) licence trading hours, licence conditions or in some cases, red-line area, you need to apply for a limited licence or if it is a large event (5,000 or more people), a major event licence.</p>  |

A 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 and locations specified on the additional licence.

*See also:*

*Self-paced guide for a limited licence*

### **You and your guest**

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

- live on the licensed premises
- serve and drink the alcohol in the 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**

You must keep records of residents staying at your premises as proof should you be inspected by Victoria Police or a gambling and liquor inspector.



For information on residents' registers, go to the VCGLR website at [vcglr.vic.gov.au](http://vcglr.vic.gov.au) and download the Residents' register on licensed premises fact sheet.

N/A, refer to above comments

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

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

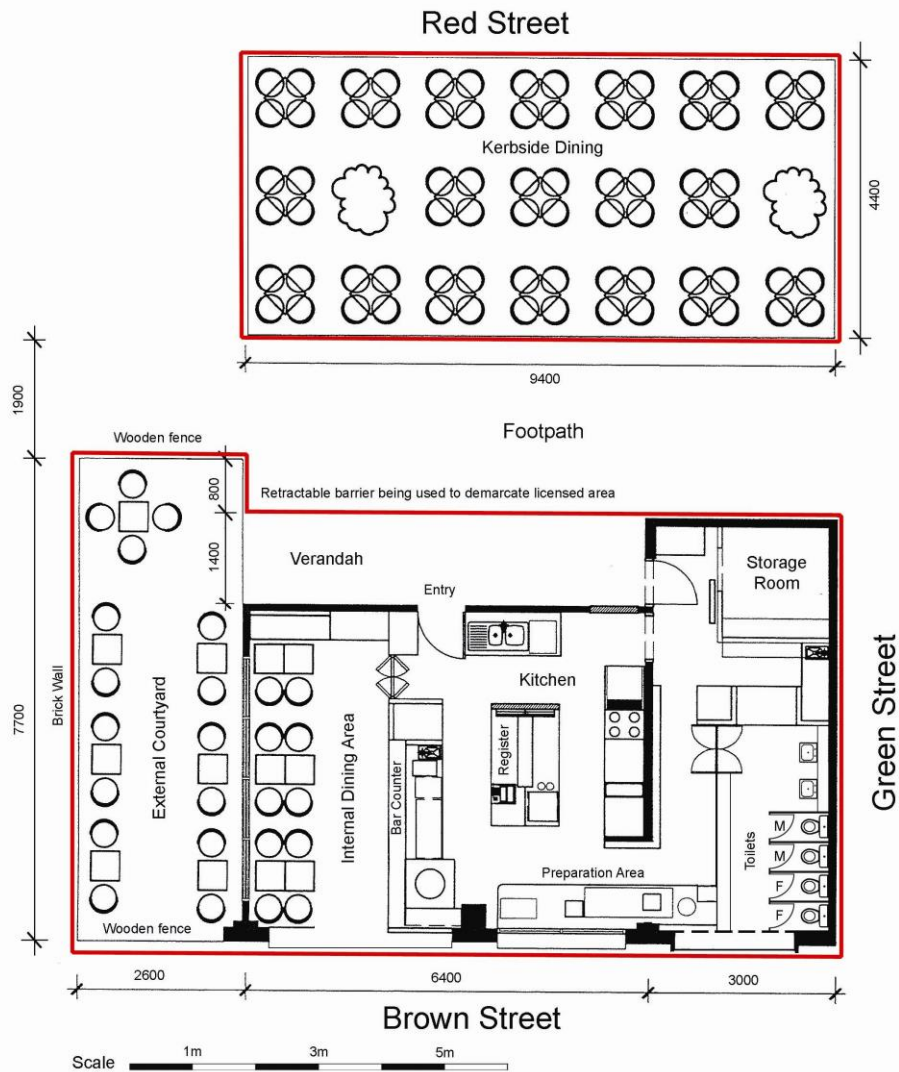
This plan is important as it shows where alcohol can be supplied and consumed on the licensed premises.

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 a member of Victoria Police or a VCGLR Inspector, they will 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 *Liquor Control Reform Act 1998* that you not only keep a copy of your red-line plan on your premises, but that you also produce it if requested by Victoria Police or a VCGLR Inspector.

# Sample red-line plan – The Max Hotel



# 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:

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**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:

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

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## Check your understanding – About on-premises or late night (on-premises) licences (continued)

**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?

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**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:

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**Q6**

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:

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*Now check your answers on page 28.*

## 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 in order to operate your licensed premises legally. Licence conditions are monitored and enforceable by Victoria Police and VCGLR inspectors.
- 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?
1. Complete **Section 1 – What your licence conditions cover**
  2. Complete **Section 2 - Standard licence conditions**
  3. If applicable, complete **one** of the following sections:
    - **Section 3 – Late night and amplified music conditions**
    - **Section 4 – Sexually explicit entertainment 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 and/or sexually explicit entertainment.

Licence conditions specify:

- your authorised trading hours
- the amenity condition
- maximum patrons you may have in your venue, and
- 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 the supply of liquor to a member of the club, an authorised gaming visitor, or a guest or a member for consumption on the licensed premises.

The VCGLR still has the power to restrict the above extended hours trading if there are concerns about alcohol-related harm and all licensees are reminded that local planning requirements still need to be met.

Remember, you have a 30-minute grace period after closing time for customers to finish the drinks they have already purchased. However, no service is to 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 effect that your venue and its customers may have on the surrounding area.

The *Liquor Control Reform Act 1998* 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**  
Is your clientele 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 is explained below:

| Condition   | What this means   |
|---|---|
| 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. | 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. |

|  |  |
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| <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>This condition relates to the Environment Protection Authority (EPA).</p> <p>For further information, go to <a href="http://www.epa.vic.gov.au/noise">www.epa.vic.gov.au/noise</a>.</p> |
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### Maximum capacity of patrons

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 customers and staff.

In instances where patron numbers are not stated on the licence, the following will be considered by the VCGLR in order to determine the maximum patron capacity.

- 1) The maximum patron capacity allowed under the planning permit for the premises.
- 2) 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.
- 3) 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.

### Responsible Service of Alcohol

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 undertake 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.

It is also mandatory for licensees and their staff to undertake RSA refresher training every three years. The RSA refresher course is delivered on-line at no cost.

**RSA training register**

The obligation for a licensee to maintain a RSA register is no longer mandatory. Licensees can continue to voluntarily use the registers if they wish.

A licensee must still provide relevant RSA training information to 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.



If a licensee holds any other licence containing a specific condition requiring it to keep an RSA register, the licensee is only required to hold a copy of the most recent RSA certificate or evidence of an approved RSA program completion issued to any staff member involved in the sale and service of liquor.

# Check your understanding – Standard licence conditions



*It is 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**

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**

Explain your answer:

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**Q.2**

Saturday nights are always busy in your bar.

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

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**Q.3**

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

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**Q.4**

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

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Now check your answers on page 30.

## 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 60cm 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 on older licences it may be referred to 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. | Security cameras must be installed to capture all entrances, exits, bars and entertainment/dance floor areas.<br><br>It must be able to clearly identify individuals.<br><br>It must record the time and date. |
| 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.   |



| Condition  | What this means   |
|--|---|
| <p>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> | <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**

| <b>Condition</b>   | <b>What this means</b>   |
|--|--|
| <p>Crowd controllers, licensed under the <i>Private Security Act 2004</i>, 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><b>For example</b>, 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.

**Q.1**

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

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**Q.2**

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

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**Q.3**

The surveillance recording system must operate at least:

- a) 60 minutes before the start of the entertainment and 60 minutes after closing
- b) 30 minutes before the start of the entertainment and 30 minutes after closing
- c) 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 his/her 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:

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If no, why not?

Explain your answer:

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*Now check your answers on page 31.*

## Section 4 – Sexually explicit entertainment conditions

**Does this apply to you?** This section applies to you if you have a venue that conducts sexually explicit entertainment.

Special licence conditions apply when sexually explicit entertainment is being provided.

This section outlines these conditions.

**What is sexually explicit entertainment?** Sexually explicit entertainment means live entertainment that may be performed for an audience, by a person performing an act of an explicit nature, but does not include sexual services that would meet the definition of prostitution.

Licensees must notify the VCGLR that they intend to provide sexually explicit entertainment.

**Signage and promotion**

|     | <b>Conditions relating to signage and promotion</b>   |
|-----|---|
| 1.1 | A sign at least 15cm high by 40cm wide, stating that:<br><br>'no person under the age of 18 years may enter these premises'<br><br>'sexually explicit entertainment provided on these premises may offend'<br><br>must be displayed at all entrances and must be clearly visible to any person entering the area where sexually explicit entertainment is provided.   |
| 1.2 | 'Touting' for business or any activity which actively seeks to encourage persons to enter the part of the licensed premises where sexually explicit entertainment is being provided by means of unsolicited personal approaches, including offers of discounted or free admission, goods or services or by the offer of any other inducement, is prohibited in a public place as defined in Section 3 of the <i>Summary Offences Act 1966</i> . |
| 1.3 | 'Touting' for business or any activity which actively seeks to encourage persons in a licensed premises where sexually explicit entertainment is being provided to enter another such premises by means of unsolicited personal approaches, including offers of discounted or free admission, goods or services or by the offer of any inducement, is prohibited. However, licensees that   |

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|-----|---|
|     | operate two or more licensed premises where sexually explicit entertainment is provided are permitted to promote, advertise or offer inducements in one of their premises, where sexually explicit entertainment is provided, in relation to another of their licensed premises, where sexually explicit entertainment is provided.   |
| 1.4 | 'Touting' for business or any activity which actively seeks to encourage persons to enter a brothel or solicit prostitution by means of unsolicited personal approaches, including offers of discounted or free admission, goods or services or by the offer of any other inducement, is prohibited in licensed premises where sexually explicit entertainment is provided or in the immediate vicinity of the licensed premises. |
| 1.5 | At all times, the licensee must abide by any guidelines issued by the VCGLR relating to the banning of advertising and promotions that are likely to encourage irresponsible consumption of alcohol or are otherwise not in the public interest pursuant to Section 115A (1) of the <i>Liquor Control Reform Act 1998</i> .   |
| 1.6 | At all times, the licensee must ensure that performers and other staff do not perform acts that condone the irresponsible consumption of alcohol.   |
| 1.7 | The licensee must not enter into an agreement with a party bus operator (either licensed or unlicensed) whereby patrons of the party bus are offered cheap drinks or other inducements.   |

**Security and control**

|     | <b>Conditions relating to security and control</b>  |
|-----|---|
| 2.1 | All doorways and windows are to be screened so as to prevent any viewing of the sexually explicit entertainment from outside the premises or from any part of the premises used for other purposes.   |
| 2.2 | 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. The surveillance recording system must operate at all times when the venue is open to the public. A copy of the recorded images must be available upon request for immediate viewing by Victoria Police or a person authorised by the VCGLR or VCGLR inspector, or otherwise retained for at least one month. The positioning of cameras is to be to the satisfaction of the Licensing inspector or Compliance Inspector. The surveillance recording system as described above must also be installed in any such areas of the licensed premises as the VCGLR may require. |
| 2.3 | Signs are to be displayed in all areas subject to camera surveillance. Such signs shall read: 'For the safety and security of patrons and staff this area is under electronic surveillance'.  |
| 2.4 | No persons, be they staff, patrons or entertainers, who are under 18 years of age are permitted in an area within the licensed premises being used for the purpose of providing sexually explicit entertainment.  |
| 2.5 | If the licensed premises are open to the public before 8pm and there are at least 50 patrons in attendance at the venue, two crowd controllers, licensed under the <i>Private Security Act 2004</i> , for the first 100 patrons and one additional crowd controller for each additional 100 patrons or part thereof are required to be employed.  |

|     |   |
|-----|---|
| 2.6 | After 8pm crowd controllers, licensed under the Private Security Act are to be employed at a ratio of two (2) crowd controllers for the first 100 patrons and one (1) additional crowd controller for each additional 100 patrons or part thereof. One (1) such crowd controller is to be present at the entrance of the premises to monitor the behaviour of patrons arriving at or departing from the premises at all times when the venue is open to the public. |
|-----|---|

### Activities on the licensed premises

|     | <b>Conditions relating to activities on the licensed premises</b>   |
|-----|---|
| 3.1 | The licensee must take all reasonable steps to manage and supervise all aspects of the provision of sexually explicit entertainment so as to ensure that no offences under the <i>Prostitution Control Act 1994</i> or Section 17(1)(d) of the Summary Offences Act occur on the licensed premises. This includes operating an escort agency as defined in the Prostitution Control Act, from the licensed premises.  |
| 3.2 | The licensee must develop, within 28 days of the inclusion of these conditions on the liquor licence, a set of 'house rules' for the licensed premises which will establish the standards of conduct and behaviour required of patrons, performers and staff.   |
| 3.3 | The 'house rules' will describe the management and supervisory arrangements through which the licensee will take all reasonable steps to ensure compliance with the Liquor Control Reform Act and that no offences under the Prostitution Control Act or Section 17(1)(d) of the Summary Offences Act can occur on the licensed premises. The "house rules" must include guidelines on the responsible service of alcohol, acceptable photo identification, the prevention of underage drinking and the supply of liquor to intoxicated persons and the prevention of the use of illicit drugs in the premises. |
| 3.4 | The 'house rules' must be retained on the premises in the possession of the licensee, manager or other person in charge. The 'House Rules' must be available to an authorised member of the Victoria Police if requested and be provided to the VCGLR within 28 days of the inclusion of these conditions on the liquor licence.  |



|     |   |
|-----|---|
| 3.5 | The licensee shall take all reasonable steps to ensure that the 'house rules' are made known to all staff and performers and that those rules which contribute to compliance with the Liquor Control Reform Act and the prevention of offences under the Prostitution Control Act and Section 17(1)(d) of the Summary Offences Act are fully complied with. |
| 3.6 | There shall be no sexually explicit entertainment provided in areas that are not visible from the public areas of that part of the licensed premises used for the provision of sexually explicit entertainment.   |
| 3.7 | Video or audio presentations which include either hard core pornography, X rated or equivalent material may not occur on the licensed premises.   |

**Responsible  
service of  
alcohol**

|     | <b>Conditions relating to responsible service of alcohol</b>   |
|-----|--|
| 4.1 | At all times, the licensee must abide by any guidelines relating to the responsible service of alcohol and intoxication issued by the VCGLR, pursuant to Section 3AB (2) of the Liquor Control Reform Act. |
| 4.2 | The licensee must take all reasonable steps to adequately supervise and manage all staff to ensure the responsible service of alcohol in the licensed premises, at all times.                              |

# Check your understanding – Sexually explicit entertainment 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.*

A new club has opened in the city. The licensee is Marlo Pty Ltd and the directors, two 22-year-old brothers.

The target clientele is men and women in the 25-40 year old age range. They have adult entertainment five out of seven nights a week.

The club has been open for two weeks and the brothers have not yet recruited a nominee to run the premises.

One of the brothers suggests they offer '2 for the price of 1' spirits and half price entry from 8-9pm on weeknights when the club is typically quiet.

**Q.1** Which conditions have been breached?

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**Q.2** What must the brothers develop and implement for patrons, staff and promoters?

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**Q.3** How long must video footage be kept?

- a) 1 month
- b) 2 months
- c) 3 months.

**Q.4**

What areas of the premises must be monitored by video?

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*Now check your answers on page 32.*

# Conclusion

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



For information on liquor licences, application/variation forms, fact sheets or training, go to the VCGLR at [vcglr.vic.gov.au](http://vcglr.vic.gov.au).

# Answers



## Check your understanding – about on-premises and late night (on-premises) licences

**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?

**A.** *No, they are not permitted to take the wine with them. An on-premises and on-premises (late night) licence allows the supply and consumption of alcohol on the licensed premises only.*

**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 a red-line area would extend past neighbouring shops.*

**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:*

- *Signs near the doors asking patrons not to remove glasses or bottles from the premises.*
- *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 limited licence or if it is a large event, a major event licence*
- See also:*
- Self-paced guide for a limited 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.*



## 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.*
- 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.*
- Licensees are still required to retain a copy of the most up-to-date RSA certificate or report evidencing completion of an approved RSA program issued to any staff member involved in the sale and service of liquor.*





## 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) 60 minutes before the start of the entertainment and 60 minutes after closing
  - b) 30 minutes before the start of the entertainment and 30 minutes after closing
  - c) 30 minutes after the entertainment starts and as soon as the entertainment finishes.
- A.** *b) 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 his/her 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.*



## Check your understanding – Sexually explicit entertainment conditions

A new club has opened in the city. The licensee is Marlo Pty Ltd and the directors, two 22-year-old brothers.

The target clientele is men and women in the 25 - 40 year old age range. They have adult entertainment five out of seven nights a week.

The club has been open for two weeks and the brothers haven't yet recruited a nominee to run the premises.

One of the brothers suggests they offer '2 for the price of 1' spirits and half price entry from 8-9pm on weeknights when the club is typically quiet.

- Q.1** Which conditions have been breached?
- A.** *1.5 or 4.1 – guidelines relating to responsible service of alcohol. Guidelines for Responsible Liquor Advertising & Promotions.*
- Q.2** What must the brothers develop and implement for patrons, staff and promoters?
- A.** *House Rules.*
- Q.3** How long must video footage be kept?
- a) 1 month  
b) 2 months  
c) 3 months.
- A.** *a) 1 month*
- Q.4** What areas of the premises must be monitored by video?
- A.** *All entrances, exits and entertainment/dance floor areas.*