



Victorian Commission for Gambling and Liquor Regulation

Your obligations as a liquor licensee

Information for restaurant and cafe licence holders

Victoria boasts a vibrant hospitality and tourism industry with a culture of appreciating fine food and entertainment. The sale and enjoyment of alcohol is a part of this.

But holding a liquor licence is a privilege, not a right, and selling alcohol comes with very real and serious obligations.

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

What is a restaurant and cafe licence?

For a restaurant and cafe licence, the predominant activity carried out **at all times** must be the preparation and serving of meals to be consumed on the premises. There is an expectation that people attending the premises are doing so to consume food and that most of the staff are involved in the preparation and serving of food. More information on this requirement is available at vcglr.vic.gov.au.

As the holder of a restaurant and cafe licence you are allowed to supply alcohol to people within your licensed area. This area is also known as the red-line area as that is how it was drawn on the original plan that was approved with your licence.

The people you supply the alcohol to are able to drink it within your licensed area only. You cannot supply alcohol to take away.

Your licence enables you to allow your patrons to bring their own alcohol for consumption on your premises. However, whether you allow this is up to your discretion.

Responsible service of alcohol

You must not supply alcohol to a person who is intoxicated.

A person is intoxicated if you believe their speech, balance, coordination or behaviour is noticeably affected by alcohol. If they're intoxicated, they are allowed to stay on your premises but you must not serve them any more alcohol.

The Victorian Commission for Gambling and Liquor Regulation has issued guidelines on how to determine if a person is in a state of intoxication. These guidelines are available at vcglr.vic.gov.au.

You must not allow a drunken or disorderly person to be on your premises.

There is a difference between a person being intoxicated and being drunk. A person would typically be regarded as drunk if they are intoxicated to the point where they have lost control of their faculties or behaviour. If they're drunk OR disorderly you must not let them into your venue and if they're already there you must remove them.

Information for restaurant and cafe licence holders

Serious penalties apply

The obligations that come with holding a liquor licence are taken very seriously by the Victorian Government. While this guide is a starting point, it is your responsibility to make sure you are aware of all your responsibilities. If you do not comply you may be fined, incur demerit points or have your licence suspended indefinitely.

A restaurant and cafe licence allows people aged under 18 years to be inside your venue during ordinary trading hours, which is until 11pm.

If you are licensed to trade late, you may not allow people under 18 years into the licensed area after 11pm, unless you have an underage approval from the Victorian Commission for Gambling and Liquor Regulation or the younger person is:

- with a responsible adult
- having a meal
- employed by you but not involved in the supply of alcohol
- taking a training program in hospitality.

A responsible adult is defined as a person who is over 18 years and who is:

- the younger person's parent, step-parent, guardian or grandparent
- the younger person's spouse
- a person who is acting in place of a parent and who could reasonably be expected to exercise responsible supervision of the younger person.

You must not allow people under 18 years to drink alcohol on your licensed premises under any circumstances.

You must not allow people under 18 years to be involved in the supply of alcohol.

Free drinking water

You are required to make suitable free drinking water available to patrons on licensed premises where alcohol is consumed on-site. The law does not specify how the water is to be provided. This will be up to your own discretion.

Taking away unconsumed liquor

A restaurant and cafe licensee may permit a person of or over the age of 18 years to take away from the licensed premises unconsumed liquor supplied in the course of a meal provided that:

- the unconsumed liquor is taken away in the same resealable container in which it was supplied; and
- no more than one resealable container of unconsumed liquor per person is taken away.

Fire safety

Fire safety inspectors from the Metropolitan Fire Brigade or the Country Fire Authority now have the power to enter licensed premises, without notice, to inspect for serious fire threats. If a serious fire threat is discovered, the fire safety inspector will advise the Victorian Commission for Gambling and Liquor Regulation, which has the power to immediately evacuate and close the licensed premises. If this occurs, your premises must not re-open until a fire safety inspector has declared it safe and the Victorian Commission for Gambling and Liquor Regulation has revoked the closure and evacuation order.

Sexually explicit entertainment

If your venue provides sexually explicit entertainment, you are required to inform the Victorian Commission for Gambling and Liquor Regulation within 21 days of commencing that entertainment. The notification form to be used can be found at vcglr.vic.gov.au.

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As a licensee you must meet all of your general obligations under the law, your planning permit and your specific liquor licence conditions.

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You must have the following notices on display

Your current licence

This must be displayed in an obvious place where anybody can read the conditions.

Posters

For a restaurant and cafe licence there are two posters approved by the Victorian Commission for Gambling and Liquor Regulation that must be in an obvious position at your venue.

The two posters you need are titled:

- Intoxicated? Drunk? Disorderly?
- Under 18? No Supply.

Posters can be downloaded from the Victorian Commission for Gambling and Liquor Regulation website vcglr.vic.gov.au. You are welcome to print more copies if you would like to put them up in more than one area at your venue.

Impact on the surrounding area

Your venue must not cause problems with the amenity of the surrounding area.

Amenity is defined as the quality that an area has of being pleasant and agreeable.

The amenity of an area can be made worse by:

- unacceptable levels of patron noise, including music
- parking problems
- excessive traffic – hoon behaviour
- nuisance or vandalism

- build-up of rubbish
- indecent or offensive behaviour
- drunkenness on the street.

You have a legal responsibility to ensure the operation of your licence does not detract from the amenity of the area.

Business control in the supply of liquor

As a licensee the supply of liquor on your licensed premises can only be conducted by persons employed by or part of your business.

If another licensee wishes to supply liquor on or sublet any part of your licensed premises, you as the premises licensee must request consent in writing from the VCGLR.

The sub-let premises or the right to supply liquor form is available for download from the vcglr website vcglr.vic.gov.au.

Specific conditions on your licence

As well as your general obligations, you will have conditions listed on your licence that are directed specifically at your venue. You need to comply with these conditions or you will be committing an offence.

Note: Each of these conditions only apply to you if they are written on your licence.

The following are explanations of some of the common conditions.

Trading hours

You must not supply alcohol outside the trading hours that are listed on your licence. Your customers can take 30 minutes to finish their drinks after the closing time but you can't give them any more alcohol during this time.

Restaurant conditions

The predominant activity on the premises must be the preparation and serving of meals at all times.

You must have enough tables and chairs in place to seat at least 75 per cent of the people on your premises at any given time.

If you are licensed to trade late, you must not have any music playing louder than background music after 11pm. Music is regarded as background music if two people can sit 60cm apart and have a conversation without raising their voice.

If you have an area set aside for pre-booked functions the above restriction on music after 11pm does not apply to these people and their guests.

Footpath trading authorisation

You are only allowed to supply alcohol for people to drink on the footpath outside of your licensed premises if you have approval from the Victorian Commission for Gambling and Liquor Regulation and council. You must only supply alcohol in the area shown on your red-line plan and only during the hours stated on your licence.

Authorised off site catering

If you have approval to do catering at an outside location, you may only supply alcohol there within the trading hours specified on your licence.

There may be more or different conditions listed on your individual licence. You must check your licence to see if you have any other requirements.

Administration and record keeping

You must keep a copy of the last red-line plan that was submitted for approval to the Victorian Commission for Gambling and Liquor Regulation.

You must notify the Victorian Commission for Gambling and Liquor Regulation in writing if anyone stops being a director or nominee within 14 days of the change.

You must apply for the approval of the Victorian Commission for Gambling and Liquor Regulation before any person can become a director of a company holding a liquor licence or before anyone can be appointed as a nominee.

You must not let or sub-let any part of the premises without the consent of the Victorian Commission for Gambling and Liquor Regulation.

You must not allow anyone that is not employed by you to carry on a business of supplying liquor on the licensed premises without the consent of the Victorian Commission for Gambling and Liquor Regulation.

You must advise the Victorian Commission for Gambling and Liquor Regulation of any changes to your associates within 14 days of the change.

An associate is anyone who has significant influence in any of your alcohol related businesses. This influence might be in how the business is managed or it might be a purely financial interest.

If in doubt as to whether someone is an associate you should include them.

VCGLR can inspect you

Inspectors from VCGLR ensure that people who are licensed to sell alcohol meet their obligations under the *Liquor Control Reform Act 1998*, including any conditions of their specific licence. They can issue warnings, infringement notices (fines) or recommend disciplinary action for licensees who fail to comply.

Disclaimer: The information in this publication is of a general nature only and is not intended as advice for any specific circumstance or as a replacement for professional legal advice. It is a licensee's obligation to understand and comply with the requirements of the *Liquor Control Reform Act 1998* and all specific conditions that may have been imposed on a licence by the Victorian Commission for Gambling and Liquor Regulation. This information is correct at the time of printing.