

## On-premises licence for a restaurant



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.

If you are proposing to sell alcohol in a restaurant, the most appropriate liquor licence is an on-premises licence. This type of licence enables alcohol 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, the licence allows the sale of alcohol with meals.

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 alcohol to be sold to guests in accommodation and conference facilities.

It is possible to serve to patrons without a meal in a restaurant. This requires a "primary service authorisation" to be approved for the licence by the Independent Liquor & Gaming Authority.

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or the kind of licensed premises changes from being a restaurant without regulatory approval, the liquor licence no longer has effect.

Similarly, if the primary purpose becomes the sale or supply of alcohol (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 operating primarily as a bar), the liquor licence no longer has effect.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. Please refer to Hotel (general bar) licence fact sheet available at [www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au)

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 alcohol 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 alcohol to be served without meals, a sign must be displayed at the entrance, alerting patrons that the premises serves alcohol without meals
- an incident register must be maintained if the premises regularly trades past midnight
- conditions can be imposed on the licence.

### Applying for an on-premises licence for a restaurant

The application fee for an on-premises licence is \$700. The application form can be completed online through [www.licence.nsw.gov.au](http://www.licence.nsw.gov.au) or downloaded at [www.olgr.nsw.gov.au/liquor\\_forms.asp](http://www.olgr.nsw.gov.au/liquor_forms.asp)

### Important Information

#### Liquor licensing freeze applies to parts of City of Sydney

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

For more information about the freeze, visit [www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au)

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

More information about the application process is available at [www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au)

### Trading hours for a restaurant

Alcohol can be sold for consumption on the licensed premises as outlined in the table below.

Approval can be sought for extended trading hours and a community impact statement (CIS) will be required to be undertaken.

A CIS helps determine the likely impact on the community of the extended trading hours and gauge the level of community support for the proposal.

More information about the community impact statement requirements is available at [www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au)

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## Daily 6-hour closure

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

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

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

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

The Authority encourages applicants to provide reasons and relevant information in support of the closure period which is proposed. Applicants should provide an account of the current or proposed mode of operation of the licensed premises, the demonstrated or likely needs of its patrons, the interests of the local community and the opinion (if any) of local Police towards the proposal.

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

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

## Primary service authorisation

A primary service authorisation can be obtained to allow alcohol 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.

An 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 alcohol licence.

## Food

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

Trading	Monday - Saturday	Sunday	Good Friday	Christmas Day	New Year's Eve
Standard hours*	5am - midnight	10am - 10pm	12 noon to 10pm (alcohol can only be served between 5am and midnight with or ancillary to a meal in a dining area)	12 noon to 10pm (alcohol can only be served between 5am and midnight with or ancillary to a meal in a dining area)	From the start of standard trading to 2am the next day (unless extended trading hours have been approved)
Extended hours (if allowed)	Up to 18 hour trading	Up to 18 hour trading	Up to 18 hour trading	Up to 18 hour trading	Up to 18 hour trading

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

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## Under 18s

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

## Signage

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



This sign must be displayed wherever alcohol 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.

## PSA sign – Restaurants with a primary service authorisation

This sign must be displayed at or near every entrance to a restaurant which has a primary service authorisation. Only restaurants which have a PSA from the Authority can display this sign.



A primary service authorisation allows alcohol to be sold/supplied without another product or service, such as a meal.

Signage is available at [www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au) or [www.shop.nsw.gov.au](http://www.shop.nsw.gov.au).

## RSA training for staff

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

Contact details of approved RSA course providers in NSW, is available on our website.

## Need more information?

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

For more information, call our Customer Service Team on 02 9995 0894 or email [info@olgr.nsw.gov.au](mailto: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. Alcohol 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. Where a PSA is held, alcohol can be served without meals. However, the primary purpose of the restaurant cannot be the sale or supply of alcohol.

### 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.

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## **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 from the Authority. The restaurant must continue to operate as a restaurant where meals are served. Food must continue to be available at all times when alcohol is sold.

## **Our restaurant is part of a motel complex. Can our licence be used to serve alcohol 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 alcohol 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 alcohol can be sold as part of that business. For alcohol 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 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/alcohol\\_home](http://www.olgr.nsw.gov.au/alcohol_home)

## **Where can we lodge our liquor licence application?**

All licence applications can be lodged:

- by post at GPO Box 7060 Sydney 2001
- by email to [liquorapplications@olgr.nsw.gov.au](mailto:liquorapplications@olgr.nsw.gov.au)
- or in person at level 6, 323 Castlereagh St, Haymarket.

## **Can I provide live entertainment or music in the restaurant?**

Yes. If entertainment is only part of your venue's main business, then separate approval is not needed.

See the 'Bringing back the music' information page on the OLGR website, which provides information for licensed venues such as who is able or not to have live entertainment. The entertainment will fundamentally change the principal use as a restaurant, development approval from your local council may be required.

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



**Trade &  
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