

Restaurant and cafe licence

JULY 2012

This kit contains all the forms and related materials required to apply for a restaurant and cafe licence in Victoria.

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Need help?

For more information on how to apply for a liquor licence or a permit:

- Visit the Victorian Commission for Gambling and Liquor Regulation (VCGLR) website at www.vcglr.vic.gov.au
- Telephone the VCGLR on 1300 182 457

(If you are unable to print the public notice as A3 size, telephone our enquiry line to request a copy)



Restaurant and cafe licence

This checklist details the documents required to accompany the lodgement of your application. Supplying these with your application will allow the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to commence assessment of the application and can reduce processing time. Your application may be returned if the accompanying documents do not meet the requirements below.

The VCGLR may contact applicants to request additional documentation depending on the circumstances of their business. All forms and fact sheets referred to are available on the VCGLR website www.vcglr.vic.gov.au.

Please ensure the following forms/documents are attached to this application

Tick all boxes below when a requirement has been met, then sign and date your confirmation at the end of this form.

Application form

Please ensure:

- all fields on the application form are completed
- the nature of the business is detailed, clearly demonstrating why a liquor licence is sought
- trading hours are detailed for internal areas and (if applicable) any external areas where alcohol will be served
- the application form is signed and dated by the applicant
- that correct fees are attached, as detailed in the 'Liquor licence fees' fact sheet.

Planning permit or written notification that a permit is not required

- A copy of the planning permit from the local council (or responsible planning authority) showing that you have planning permission to supply liquor as detailed in your application OR a letter from the council advising that a permit is not required to supply liquor as detailed in your application.
- If applying to supply liquor in a kerbside trading area, the planning permit **must** also show that you have permission to supply liquor in that area.

Questionnaire

- Each person listed on the application, including any nominee, **must** complete and submit the 'Liquor licensing questionnaire.' For companies, partnerships or clubs, questionnaires are required from each director, partner or executive committee member respectively.

Four copies of the red-line plan

A licence is granted for a defined area on the premises. Four copies of the plan of the premises with the proposed licensed area outlined in red are required for an application to be accepted.

- The plan **must** meet requirements detailed in the 'Plans of licensed premises' fact sheet.

New entrant training (if applicable)

- A copy of an approved new entrant training certificate for all required persons is needed in order to determine the application, as detailed in the 'Training for licence applicants' fact sheet.

Responsible Service of Alcohol (RSA) training (if applicable)

- A copy of an approved RSA certificate for all required persons is needed in order to determine the application, as detailed in the 'Training for licence applicants' fact sheet.



Maximum patron capacity

Patron capacity is the maximum number of patrons allowed on the licensed premises at any one time. The following documents will need to be attached for the Commission to determine maximum patron capacity:

- A report from a registered building surveyor showing patron capacity calculations as outlined in the 'Maximum patron capacity' fact sheet.
- A copy of the occupancy permit prescribing the patron capacity. If this permit cannot be supplied, then the report from the building surveyor must also include patron calculations on the same basis as per an occupancy permit under the *Building Act 1993*.

If your planning permit and/or occupancy permit states a patron capacity of 50 or less, you will not need to obtain a report from the registered building surveyor.

Business name certificate (if applicable)

A business name certificate is required if an individual or partnership is applying for a liquor licence, or if the trading name of the business registered with Australian Securities and Investment Commission (ASIC) is different to the company's name or incorporated club's name.

- A copy of the business name certificate from ASIC is required.

Please note

Applicants will be sent an acknowledgement letter when the application and required documentation detailed in the above checklist are lodged. The letter may also outline a list of additional information required and the date by which it must be submitted. The VCGLR will then complete the assessment and determine the application.

One applicant to sign and date below to confirm all required documentation has been completed and is attached to this application.

Name

Signature

Date



Restaurant and cafe licence

*Liquor Control Reform Act 1998***OFFICE USE ONLY**

RCFE-02/12

Date Rec'd / /

Receipt No. _____

File No. _____

This licence authorises the licensee to supply liquor on the licensed premises for consumption on the licensed premises. The predominant activity carried out at all times on the premises must be the preparation and serving of meals to be consumed on the licensed premises. Additional approvals may be given for kerbside trading and off-site catering.

Applicant details

Name/s of applicant (person/partnership/company/body corporate/club)

Australian Business No. (ABN) Australian Company No. (ACN)

Details of each individual, each partner, each director, company secretary, public officer, executive committee member (please attach an extra sheet of paper if necessary)

Name

Position held

Residential address

Postcode

Name

Position held

Residential address

Postcode

Name

Position held

Residential address

Postcode

Name

Position held

Residential address

Postcode

Declaration of associates

An application for a liquor licence must provide the names, dates of birth and addresses of the applicant's associates. If the applicant is a body corporate, this should include associates of the directors. Before completing this application for a liquor licence, ensure that you read and understand the explanation of what is meant by 'associate' on the last page of this form.

- The applicant has no associates as defined in the *Liquor Control Reform Act 1998* (tick if applicable), **OR**
- The names of the applicant's associates are:

Name

Date of birth

Address

Postcode

Name

Date of birth

Address

Postcode

Name

Date of birth

Address

Postcode

Name

Date of birth

Address

Postcode

Nominee details (if applicable)

A body corporate may apply for approval of a person as nominee of the licensee.

Name of proposed nominee

Privacy – the Victorian Commission for Gambling and Liquor Regulation is committed to responsible and fair handling of personal information consistent with the *Information Privacy Act 2000* and its obligations under the *Liquor Control Reform Act 1998*. All information provided in this application is available for public viewing, except for the questionnaire form (if applicable) which is forwarded to and retained by Victoria Police.



Person in management or control of the premises (body corporate applicants only)

Any body corporate applicant (this includes applicants that are a company, incorporated association, a co-operative or a council) must nominate the person in management or control of the premises.

The person in management or control is the person who will run the day-to-day operations of the business.

Name

Has this person completed an approved RSA training program?

YES Please attach evidence of completion

NO

Contact details

Business hours contact details for you/your representative

Contact name

Daytime telephone number

Fax number

Postal address

 Postcode

Email

Premises details

Trading name and address of premises to be licensed

Trading name (ie registered business name)

Street address

 Postcode

Postal address (for service of notices if different from street address)

 Postcode

Premises email

Purpose

Give a description of the nature of the business and the purpose for which the liquor licence is sought.

Conditional approval

If the licence/permit is granted, are you able to commence trading immediately?

No Give details of likely date of commencement.

Yes

Trading hours

Ordinary Trading Hours are:

Sunday	Between 10 am & 11 pm
Good Friday & ANZAC Day	Between 12 noon & 11 pm
On any other day	Between 7 am & 11 pm

Indicate the days and hours you wish to trade. Refer to the 'Liquor licence fees' fact sheet for details of fees applicable.

Approvals

The Commission may authorise the holder of a restaurant and cafe licence to supply liquor from premises other than the licensed premises, e.g. a kerbside area or for the purpose of catering for off-site social functions. Do you require such an approval?

No

Yes Kerbside Trading No Yes

Off-site Catering No Yes

Right to occupy

I/we certify that

I am/we are the freehold owner/s of the premises to which this application relates

or

I/we have an exclusive right to occupy the premises to which this application relates

Signature/s of applicant/s

I/we certify that the information contained in this application is true and correct

X _____	Date / /
---------	-------------

Name

X _____	Date / /
---------	-------------

Name

X _____	Date / /
---------	-------------

Name

X _____	Date / /
---------	-------------

Name

Other application requirements

As part of your application you will also be required to provide:

1. The application fee

Please refer to the 'Liquor licence fees' fact sheet for current details.

There is no GST payable on this fee.

The fee can be paid by cheque, money order or credit card.

Cash will be accepted only if paying in person. Cheques and money orders are to be made payable to 'Victorian Commission for Gambling and Liquor Regulation'.

If paying by credit card fill in your credit card details at the end of this form.

Please select your payment method

Cash Money order
Cheque Credit card

2. Planning permission

A copy of a planning permit from the local council (or responsible planning authority) which shows that you have planning permission to supply liquor as outlined in your application. For example, this should show that you have planning permission for the activities permitted by the licence type, the trading hours you are applying for and the area where you would like to supply liquor (red-line area).

Note: If the area where you would like to supply liquor includes the kerbside trading area, the planning permit must show you have permission to supply liquor in that area.

Alternatively, a letter from the local council (or responsible planning authority) advising that a planning permit is not required to supply liquor as outlined in your application.

3. Completed questionnaires

To be completed by each applicant/partner/company director/club executive committee member/associates of the applicant/nominee.

4. A plan of the premises

Four copies of a plan of the premises must be submitted which meets the requirements specified by the Commission. Please refer to the 'Plans of licensed premises' fact sheet.

5. Maximum patron capacity

The following documents are required to assist the Commission in determining a maximum patron capacity:

- **a report from a registered building surveyor stating:**
 - the area in square metres available to the public for the whole of the internal premises (excluding toilets, passageways and the like) and (if applicable) for any external areas such as courtyards or decks, and
 - the number of patrons that may be accommodated on the internal premises and (if applicable) on any external areas of the premises based on a ratio of 0.75 square metres per person. The basis of the calculations must be included in the report.
- **an occupancy permit** showing a prescribed patron capacity. If an occupancy permit cannot be supplied, then the report from the building surveyor must also include patron calculations on the same basis as an occupancy permit under the *Building Act 1993*.

Note: Please ensure that the building surveyor registration number is displayed on the report.

For further information please refer to the 'Maximum patron capacity' fact sheet.

6. Display of application

A public notice must be displayed at the premises that are the subject of the application.

After the application has been accepted, you or your representative will be advised in writing of the period the public notice must be displayed. The enclosed 'Statement of display' must be returned at the end of the display period. Refer to the enclosed 'Guidelines for displaying public notices'.

7. Approved training for licence applicants

Please refer to the 'Training for licence applicants' fact sheet. Following the completion of new entrant training and Responsible Service of Alcohol (RSA) training, evidence of completion is to be provided to the Commission.

Note: The Commission may request an applicant to provide any other information. If required to do so you will be notified in writing.

Further information about this type of licence and the conditions that apply to it can be found on the VCGLR website www.vcglr.vic.gov.au.

Liquor Control Reform Act 1998 – Who is an Associate?

An associate of an applicant is:

- (a) a person who:
 - (i) holds or will hold any **relevant financial interest**, or is or will be entitled to exercise any **relevant power** (either in his or her own right or on behalf of another person) in any business of the applicant involving the sale of liquor, and
 - (ii) by virtue of that interest or power, is able or will be able to exercise a significant influence over or with respect to the management or operation of that business, or
- (b) a person who is or will be a director (either in his or her own right or on behalf of another person) of any business of the applicant involving the sale of liquor, or
- (c) if the applicant is a natural person, a **relative** of the applicant unless the relative:
 - (i) is not, and has never been, involved in any business of the applicant involving the sale of liquor, or
 - (ii) will not be involved in the business the applicant proposes to conduct as licensee.

Where:

'relative' in relation to the applicant means:

- (a) the spouse or domestic partner of the applicant, or
- (b) a parent, son, daughter, brother or sister of the applicant, or
- (c) a parent, son, daughter, brother or sister of the spouse or domestic partner of the applicant.

'relevant financial interest' in relation to the business involving the sale of liquor means:

- (a) any share in the capital of the business, or
- (b) any entitlement to receive any income derived from the business, or
- (c) any entitlement to receive any payment as a result of money advanced.

'relevant power' means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others:

- (a) to participate in any directorial, managerial or executive decision, or
- (b) to elect or appoint any person as a director.

How to lodge this application and accompanying documents

By post to:

Victorian Commission for Gambling and Liquor Regulation
GPO Box 1988, Melbourne VIC 3001

In person to:

Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond
(Hours: 8:30 - 5:00)

OR

Victorian Consumer and Business Centre
113 Exhibition Street, Melbourne
(Hours: 8:30 - 5:00)

What happens next

You will be sent a letter that confirms we have received your application and outlines any further information required. Once we have received all the required information and documents, your application will be determined. You will be advised of the outcome in writing.

Credit card payment details

Visa Mastercard Bankcard Amex

Amount

\$

Card number

Name of cardholder

Card expiry date

/

Signature of cardholder

X

Date

/ /

Privacy – the Victorian Commission for Gambling and Liquor Regulation is committed to responsible and fair handling of personal information consistent with the *Information Privacy Act 2000* and its obligations under the *Liquor Control Reform Act 1998*. This page will be destroyed once your payment has been processed.



Questionnaire

Liquor Control Reform Act 1998

Date Rec'd / /

File No. _____

The following information is required from each applicant for a liquor licence or permit. If the application is from a company, partnership or club, a questionnaire is required from each director, partner or executive committee member. If a nominee is to be appointed, then he or she is also required to provide the following information.

Important information you must read and note before completing this form

The information supplied on this form to the Victorian Commission for Gambling and Liquor Regulation (the Commission) will be disclosed to Victoria Police as part of your application under the *Liquor Control Reform Act 1998* (the Act). Victoria Police will use the information you supply to make an informed decision on whether to object to your application on the grounds that you or anyone named on this form are not suitable to be involved directly or indirectly in the sale of liquor.

Please Note:

- Complete all sections of this form in **BLOCK CAPITALS ONLY**.
- If you require any help in completing this form, assistance can be obtained from a legal practitioner or liquor consultant.
- Failure to provide requested information (no matter how minor) may be detrimental to the outcome of your application.
- Having a criminal record in itself may not prevent you or a body corporate you are involved with from being successful with your application.
- It is a criminal offence under Section 118 of the Act to provide false or misleading statements.

Personal information

Family name

First given name

Second given name

Date of birth

 Male Female**Residential address**

Flat/unit number Street number Lot number

Street name

Town/suburb

Postcode

State

Contact details

Home phone (incl. area code)

Mobile phone

Business phone (incl. area code)

Fax number (incl. area code)

Email address (please indicate correct case)

Driver licence number

State of issue

Business address

Flat/unit number Street number Lot number

Street name

Town/suburb

Postcode

State

Business details

Name of business

Details of any other person who will, or is likely, to or is likely to directly or indirectly have a management role or exercise control over the business.

Family name

First given name

Date of birth

 Male Female*continued over the page*

Business details *continued*

Family name

First given name

Date of birth

Male

Female

If you require further space, please photocopy this section and attach it to the questionnaire.

Criminal and other proceedings history

Have you ever been convicted of any offence in Australia or overseas? (not including traffic offences)

No

Yes provide details in the history detail section

Have you been found guilty of any offence in Australia or overseas? (includes findings without conviction and good behaviour bonds) (not including traffic offences)

No

Yes provide details in the history detail section

Have you ever been the subject of a diversion order?

No

Yes provide details in the history detail section

Do you have any charges pending against you?

(not including traffic offences)

No

Yes provide details in the history detail section

Have you ever been charged with drink driving or driving whilst disqualified?

No

Yes provide details in the history detail section

Has the Commission (or prior to 6 February 2012, the Director of Liquor Licensing or VCAT) previously made a finding that you were unsuitable under the Act?

No

Yes provide details in the history detail section

Have police previously objected to your suitability in an application under the Act?

No

Yes provide details in the history detail section

Have you, or have you been a director or a nominee of a body corporate and been found guilty of an offence under the Act?

No

Yes provide details in the history detail section

Have you, as an individual received an infringement notice, or been a director or nominee of a body corporate that has received an infringement notice under the Act?

No

Yes provide details in the history detail section

Have you been a director, nominee of a licensee, or a person who was concerned in or who took part in the management of licensed premises, that was the subject of a disciplinary action under the *Victorian Commission for Gambling and Liquor Regulation Act 2011* or a disciplinary hearing (VCAT) under the *Liquor Control Reform Act 1998*?

No

Yes provide details in the history detail section

Has a licensed venue where you have been a director, nominee or licensee incurred liquor licence demerit points?

No

Yes provide details in the history detail section

History details

If you have answered yes to any of the questions under the criminal and other proceedings history section, please provide full details below:

Date

Court

Offence

Result

Date

Court

Offence

Result

If you require further space, please photocopy this section and attach it to the questionnaire.

Personal bankruptcy

Are you currently insolvent or under administration?

No

Yes provide full details

Have you ever been declared bankrupt?

No

Yes provide full details

Please ensure this form is completed in full, as incomplete, or partially completed forms may require you to submit a further questionnaire and will delay your application.

Signature of applicant

I acknowledge that this declaration is true and correct and is made in the belief that a person making a false declaration is liable to prosecution for making a misleading statement.

Date

Name

PUBLIC NOTICE

Liquor Licence Application

Liquor Control Reform Act 1998

02/12

Details of liquor licence application lodged
with the Victorian Commission for Gambling
and Liquor Regulation (the Commission)

Name of applicant (person/ partnership/company/club)	
Display period	Start date: / / End date: / /
Type of application	
Name and address of premises to which the application relates	
Address of previous premises if relocating	
The purpose of the application is to	<hr/> <hr/> <hr/>
The proposed days and hours of trade are	<hr/> <hr/> <hr/>
Will these hours apply to an external area?	Yes <input type="checkbox"/> No <input type="checkbox"/>
The current days and hours of trade are (if existing licensee)	<hr/> <hr/> <hr/>
I/we have requested authority to supply liquor at the kerbside area	Yes <input type="checkbox"/> No <input type="checkbox"/>

Objections

Grounds for objection

Any person may object to the grant of this application on the ground that it would detract from, or be detrimental to, the amenity of the area in which the premises are located.

Objection periods

All objections must state the grounds and the reasons for the objection and be made within 30 days of this notice being first displayed.

Additional grounds for objection to the grant relating to a packaged liquor licence

Any person may object to the grant of an application relating to a packaged liquor licence on the ground that the grant, variation or relocation would be conducive to or encourage the misuse or abuse of alcohol.

The following are not valid reasons for objection:

- the business would not be successful
- another licensed business would be adversely affected, or
- there is insufficient need or demand to justify the grant of the application.

The Commission may refuse to accept an objection if:

- the person making the objection is not affected by the application,
- the objection is frivolous or vexatious, or
- the objection is not otherwise in accordance with the *Liquor Control Reform Act 1998*.

All objections will be treated as public documents. Full details of the objection, including the name and address of the objector will be provided to the applicant.

Objections must be made in writing to:

The Victorian Commission for Gambling and Liquor Regulation, GPO Box 1988, Melbourne VIC 3001

Display Requirements

This notice must be displayed as A3 size.

This notice must be continuously displayed as A3 size on the site or premises that are the subject of the application for the period advised in writing by **the Commission**.

The notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.

Statement of Display requirements

Statement of Display forms cannot be lodged until the Public Notice display period has ended.



Victorian Commission for
Gambling and Liquor Regulation

Statement of display

To be completed after the 28 day public notice period has passed

Liquor Control Reform Act 1998

OFFICE USE ONLY

02/12

Date Rec'd / /

File No. _____

Details of application lodged with the Victorian Commission for Gambling and Liquor Regulation (the Commission)

Licence number (if licence has already been granted)

File number (this can be found on correspondence sent to you by the Commission)

Name of licence applicant (person/partnership/company/club)

ACN (if applicable)

Address of premises

Postcode

Display period required by the Commission

Start date: / /

End date: / /

Signature and certification of public notice display

Certification

I being the applicant, or on behalf of the applicant certify that:

- during the period specified in this form, a public notice of the size and in the format required by the Commission and containing all relevant details of the application was displayed on the premises or site to which the application relates; and
- the public notice was continuously and conspicuously displayed during the period advised by the Commission in accordance with the guidelines for the display of liquor licensing applications.

I understand that it is an offence under Section 118 of the *Liquor Control Reform Act 1998* to make a false or misleading statement and that penalties apply.

Signature

Printed name

Date

Address

Postcode

Daytime telephone number

How to lodge this form

By post to:

Victorian Commission for Gambling and Liquor Regulation
GPO Box 1988, Melbourne VIC 3001

In person to:

Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond
(Hours: 8:30 - 5:00)

OR

Victorian Consumer and Business Centre
113 Exhibition Street, Melbourne
(Hours 8:30 - 5:00)

Privacy – the Victorian Commission for Gambling and Liquor Regulation is committed to responsible and fair handling of personal information consistent with the *Information Privacy Act 2000* and its obligations under the *Liquor Control Reform Act 1998*. All information provided in this application is available for public viewing, except for the Victoria Police questionnaire form (if applicable) which is forwarded to and retained by Victoria Police.



Guidelines for displaying public notices

Liquor Control Reform Act 1998

Issued by the Victorian Commission for Gambling and Liquor Regulation

Insert the full name of the applicant(s) as written on the application form.

Once the application has been accepted, the applicant will be advised in writing of the start and end date that the public notice must be continuously displayed.

Describe the type of application (eg new packaged liquor licence, variation to an on-premises licence, relocation of a general licence).

Insert the full name and address of the premises for which a licence is sought.

If relocating a licence, insert the address of the previous premises.

Provide details of your application.
(Applications to vary the conditions of existing licences must clearly contrast your proposed conditions with your current conditions).

This section must be completed for all applications. Hours of trade for consumption off the premises must be shown separately. Insert "No change" if the hours on your existing licence are to remain unchanged.

Indicate "yes" or "no" if the proposed trading hours apply to an external area.

This section must be completed for all variation and relocation applications. Hours of trade for consumption on and off the premises must be shown separately.

On-premises licence holders may, with the consent of the local municipal authority, offer a kerbside area. Indicate "Yes" or "No" if you have requested an authority to supply liquor in such an area.

The public notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.

Example of Completed Notice

PUBLIC NOTICE Liquor Licence Application

02/12

Details of liquor licence application lodged with the Victorian Commission for Gambling and Liquor Regulation (the Commission)

Liquor Control Reform Act 1998

Name of applicant (person/partnership/company/club)	Smithies Pty Ltd
Display period	Start date: 13 / 10 / 2010 End date: 11 / 11 / 2010
Type of application	Variation of a General Licence
Name and address of premises to which the application relates	Smithies Bar, 400 Smith Street, Smithville
Address of previous premises if relocating	
The purpose of the application is to	Operate a restaurant, operate a bar, extend my licensed area, increase the patron numbers to 500. Extend trading hours on Friday and Saturday nights to 1am. — — —
The proposed days and hours of trade are	Sunday 10am to 12 Midnight — Good Friday and ANZAC Day 12 noon to 12 Midnight — On any other day 7am to 1am — —
Will these hours apply to an external area?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
The current days and hours of trade are (if existing licensee)	Sunday 10am to 11pm — Good Friday and ANZAC Day 12 noon to 11pm — On any other day 7am to 11pm — —
I/we have requested authority to supply liquor at the kerbside area	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Objections

Grounds for objection

Any person may object to the grant of this application on the ground that it would detract from, or be detrimental to, the amenity of the area in which the premises are located.

Objection periods

All objections must state the grounds and the reasons for the objection and be made within 30 days of this notice being first displayed.

Additional grounds for objection to the grant relating to a packaged liquor licence

Any person may object to the grant of an application relating to a packaged liquor licence on the ground that the grant, variation or relocation would be conducive to or encourage the misuse or abuse of alcohol.

The following are not valid reasons for objection:

- the business would not be successful
- another licensed business would be adversely affected, or
- there is insufficient need or demand to justify the grant of the application.

The Commission may refuse to accept an objection if:

- the person making the objection is not affected by the application,
- the objection is frivolous or vexatious, or
- the objection is not otherwise in accordance with the *Liquor Control Reform Act 1998*.

All objections will be treated as public documents. Full details of the objection, including the name and address of the objector will be provided to the applicant.

Objections must be made in writing to:

The Victorian Commission for Gambling and Liquor Regulation, GPO Box 1988, Melbourne VIC 3001

Display Requirements

This notice must be displayed as A3 size.

This notice must be continuously displayed as A3 size on the site or premises that are the subject of the application for the period advised in writing by the Commission.

The notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.

Statement of Display requirements

Statement of Display forms cannot be lodged until the Public Notice display period has ended.

 Victorian Commission for Gambling and Liquor Regulation



Victorian Commission for Gambling and Liquor Regulation

Liquor Licensing Fact Sheet

Training for licence applicants

Training for licence applicants is one way licensees can understand their obligations under the *Liquor Control Reform Act 1998*. Certain licence applicants must complete specific training requirements before a licence is granted.

There are two courses that applicants may be required to complete, new entrant training and Responsible Service of Alcohol. It is the applicant's responsibility to ensure the correct course is completed. There are different requirements for applicants that are a body corporate or natural persons.

New entrant training

New entrant training is a training standard developed by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to ensure that applicants have an adequate knowledge of the liquor law, including:

- the legislative environment for liquor licensees
- understanding liquor licences
- best practice in managing licensed premises.

Section 44 (2)(iii) of the *Liquor Control Reform Act 1998* (the Act) provides that the VCGLR may refuse to grant an application if the applicant or transferee does not have an adequate knowledge of the Act.

The completion of one of the following approved training courses constitutes completing new entrant training:

- Licensees' First Step
- Licensee Compliance Certificate or
- Club Seminar (restricted club or renewable limited club licence applicants only).
- Evidence of completing the course must be provided to the VCGLR prior to a licence being granted, transferred or endorsed.

Attaching evidence with the application on submission can allow the VCGLR to commence assessment of the application and may reduce processing time.

Which licence applications require proof of new entrant training?

- general
- on-premises
- packaged liquor
- late night (general, on-premises and packaged liquor)
- restaurant and cafe
- full club
- restricted club
- wine and beer producer's
- renewable limited (only where the consumption of alcohol will be on the premises).

Who must complete new entrant training?

Different requirements apply depending on the type of applicant. The list below identifies who needs to complete new entrant training:

- individuals – all natural person applicants
- partnerships – all partners
- company (body corporate) – at least one director
- club – at least one committee member
- association – at least one committee member.

In addition:

- all applicants for appointment as a nominee must complete new entrant training

- all applicants seeking approval to sublet any part of the licensed premises, or to carry on the business of supplying liquor on the licensed premises, must complete new entrant training.

If applicants have already undertaken an approved new entrant training course, a copy of the training certificate will be considered as evidence of completion.

Responsible Service of Alcohol (RSA) training

RSA training is one important component of a venue's risk management strategy to reduce and minimise alcohol-related harm. This training provides licensees and staff who work in licensed venues with the skills to manage their legal obligations as well as promoting responsible consumption of alcohol.

Which licence applications require proof of RSA training?

- general
- on-premises
- packaged liquor
- late night (general, on-premises and packaged liquor)
- restaurant and cafe
- full club
- restricted club
- wine and beer producer's
- renewable limited (only where the consumption of alcohol will be on the premises).

Who must complete RSA training?

Applicants who need to complete RSA training are:

- all natural person applicants
- if the applicants are in a partnership, all partners will need to complete RSA training
- if applying as a company (body corporate), incorporated association, or Council – the person who is or will be in management and control of the licensed premises must complete an approved RSA training program.

Note: Applicants must advise the VCGLR of the name of the person who manages or will manage the day-to-day operations of the business on the application form.

RSA training requirements

The approved RSA training program must have been completed within the past three years. If a person has completed an approved RSA training program more than three years ago that person is required to complete the RSA online refresher course that can be found at www.vcglr.vic.gov.au.

Evidence of completing an approved RSA training course and the RSA online refresher course (if required) must be provided to the VCGLR prior to the grant of a licence.

If you attach the evidence with the application on submission, it will allow the VCGLR to commence assessment of the application and will reduce processing time.

RSA exemptions

If an applicant for general, on-premises, packaged liquor and late night (general, on-premises and packaged) licences seek to be exempt from one or all of the RSA training provisions they are required to complete the 'Application for the exemption from the Responsible Service of Alcohol training requirements' form available at www.vcglr.vic.gov.au.

All other licence applicants are required to write a letter to the VCGLR detailing their reasons for seeking an exemption from completing RSA training before the licence is granted. There are no mandatory RSA training requirements for staff of these licences, however the VCGLR has discretion to impose licence conditions relating to RSA training for staff.

Registered Training Organisations

There are a number of training organisations that provide new entrant training and/or RSA training.

Please refer to the VCGLR website for a list of Registered Training Organisations that provide new entrant training or RSA training.

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Victorian Commission for Gambling and Liquor Regulation

Liquor Licensing Fact Sheet

Plans of licensed premises

When a liquor licence or BYO permit is granted, it is for a defined area where liquor can be supplied and/or consumed. This is shown by a red-line drawn on a plan of the premises. This plan needs to be submitted to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) as part of the application process and may be required upon request at any time.

The plan of the premises must accompany applications for:

- a licence or BYO permit excluding a pre-retail licence or a BYO permit for party bus
- a variation of a licence or BYO permit that involves a change to the licensed area
- a transfer of a licence or BYO permit if the current floor layout of the premises differs from the plan held at the VCGLR.
- the relocation of a licence or BYO permit.

Four copies of the plan should be lodged when submitting an application form.

Why do I need to submit four copies of the plan?

Four copies are required to enable:

- a copy to be endorsed as an approved plan and retained by the VCGLR
- a copy to be provided to Victoria Police as part of the application process
- a copy to be provided to the relevant local council as part of the application process
- an approved copy to be provided to the applicant on the grant of an application.

Plan of the premises to be given to the VCGLR if requested

In addition to the above, section 101A of the *Liquor Control Reform Act 1998* provides that the VCGLR may at any time request that a licensee submit a current plan of a licensed premise.

What form should a plan take?

The VCGLR has specified that a plan must contain the following elements:

- be on suitably sized paper, minimum A4 size (graph paper is not acceptable)
- be drawn in ink and be neat and legible
- show the floor plan(s) of the owned or leased property
- outline in red the boundaries of the proposed area to be licensed
- if the proposed area does not follow a physical barrier (such as a wall), describe what is being used to separate the area
- show clear and consistent measurements on the plan
- include the address of the premises
- include a compass point showing north and names of the surrounding streets
- show basic functions or fixtures, for example, bar and dining area/kitchen area or in the case of a packaged liquor outlet, shelf areas where alcohol is displayed and the cash register is located
- if applying for kerbside trading, identify the area to be licensed and separately outlined this area in red on the plan.

A plan should be drawn to a suitable scale so that all elements above are clearly identified. A suggested scale is 1:100 (1cm = 1m).

Where a proposed licensed area includes large outdoor spaces, a separate site plan must be provided that shows:

- the entire site including internal and external areas drawn to a suitable scale
- outline in red the proposed area that is to be licensed
- clear descriptions of how the proposed outdoor area will be distinguished (for example, fence, portable barriers, warning signs).

If the plan does not meet these requirements, the applicant will be required to resubmit the plan.

What am I required to do with my approved plan?

A copy of the approved plan must be kept on the licensed premises and must be available for inspection on request by a member of Victoria Police or a Compliance Inspector.

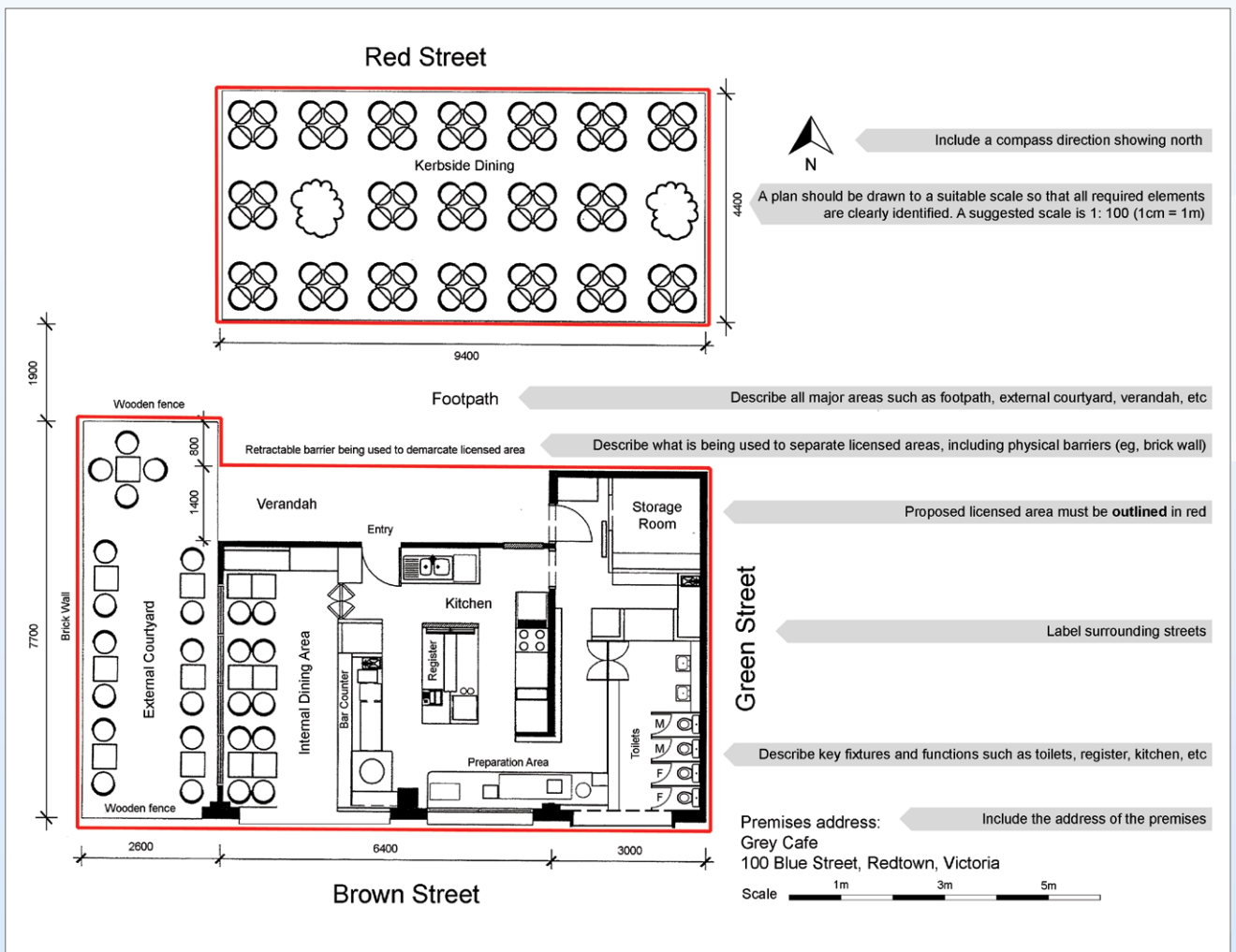
Failure to keep a copy of the plan on the licensed premises or produce a copy of the plan for inspection could result in a fine being issued.

Where can I get a copy of my approved plan?

If you do not have a copy of your approved plan, you will need to purchase a copy from the VCGLR.

An example of a plan is provided below.

Plan Example



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Victorian Commission for Gambling and Liquor Regulation

Liquor Licensing Fact Sheet

Maximum patron capacity

The Victorian Commission for Liquor and Gambling Regulation (VCGLR) has a maximum patron capacity policy that guides how patron capacity is determined for a liquor licence.

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 impacts on local amenity. Patron capacity may be used to calculate the annual licence fee payable by each licensee.

Applicants will be required to provide specific documentation in order for the VCGLR to determine and endorse maximum patron capacity for a premises.

Under the *Liquor Control Reform Act 1998* the VCGLR can set a maximum patron capacity as a condition of a liquor licence. This is enforceable, and penalties apply for licensees who do not comply.

Which licences have a maximum patron capacity?

Maximum patron capacity will be endorsed in respect of applications for the following new licences:

- general
- on-premises
- restaurant and cafe
- late night (on-premises and general)
- full club
- restricted club.

Some existing licences may also be endorsed with maximum patron capacities.

Maximum patron capacities may also be required on some major event licences where appropriate.

What documents need to be provided?

Three documents are required in order to determine the maximum patron capacity:

- 1) The maximum patron capacity allowed under the planning permit.
- 2) A report from a registered building surveyor that states:
 - the area in square metres available to the public for the whole of the internal premises (excluding toilets, passageways and the like) and (if applicable) for any external areas such as courtyards or decks, and
 - the number of patrons that may be accommodated on the internal premises and (if applicable) on any external areas of the premises based on a ratio of 0.75 square metres per person. The basis of the calculations must be included in the report.
- 3) The patron capacity prescribed on an occupancy permit. If this permit cannot be supplied, then the report from the building surveyor must also include patron calculations on the same basis as per an occupancy permit under the *Building Act 1993*.

Note: Please ensure that the building surveyor registration number is displayed on the report.

Why are three calculations required?

Patron capacity as calculated on the registered building surveyor's report, the planning permit and the occupancy permit, may differ, as each is determined according to different criteria and for different purposes.

For example, the occupancy permit calculates patron capacity based on the facilities and structural features of the building, whereas the planning permit bases its calculations on broader amenity issues.

By having access to all available calculations, the VCGLR can make an informed decision on the most appropriate maximum patron capacity.

The maximum capacity will generally be determined based on the lowest of the three documents provided, however the VCGLR may prescribe a lower patron capacity if required to address amenity or other concerns.

Restaurant and cafe licences

For restaurant and cafe licences, tables and chairs must be available for at least 75 per cent of patrons. For example, if the licence states that maximum patron capacity is 100 patrons then there must be tables and chairs available for at least 75 patrons. Likewise, if there are tables and chairs available for only 50 patrons, a maximum of 66 patrons may be legally accommodated on the premises.

Applicants for restaurant and cafe licences where the submitted planning permit and/or occupancy permit specifies 50 patrons or less, will be exempted from the need to obtain a report from a registered building surveyor. In these instances, the VCGLR will determine the maximum patron capacity based solely on the planning permit and/or occupancy permit.

External areas

The overall maximum patron capacity for a licensed area is generally no larger than the maximum capacity allowed for the internal area of the premises.

This is to prevent overcrowding, sanitation and fire safety risks associated with patrons moving from outdoor to indoor areas, for example, to get a drink, to exit the premises or if it rains.

In some circumstances, the VCGLR may consider increasing the overall maximum patron capacity to allow for external areas.

Applicants with external licensed areas who wish to apply for this increase are encouraged to submit supporting information to the VCGLR, demonstrating that fire safety and sanitation arrangements for the additional patrons will

meet requirements specified under the Building Code of Australia.

Features of an external area that may support an increase to the overall maximum patron capacity include:

- an external area that is large compared to the internal area, such as a large beer garden
- effective weather proofing
- separate entrances and exits
- separate facilities such as bars and toilets.

Function and accommodation areas

Function and accommodation areas may be excluded from the overall maximum patron capacity, and may be given their own separate capacity limits.

Patron capacity for specific areas

In addition to the overall maximum patron capacity for the licensed area, the VCGLR may set separate patron capacities on specific areas within a licensed area, such as:

- balconies
- terraces and courtyards
- beer gardens.

Patron capacities allocated for specific areas are calculated in accordance with the methods listed above, as well as amenity considerations.

While the VCGLR considers amenity as part of the patron number calculation, the relevant local council also retains responsibility for managing issues of amenity in each council region.

How do capacities on a liquor licence relate to other patron limits?

The VCGLR will make every effort to ensure that the patron capacities on a liquor licence are consistent with the limits prescribed by the planning and occupancy permits. However, the building owner is responsible for ensuring that building occupants comply with all regulatory and other requirements.

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Victorian Commission for Gambling and Liquor Regulation

Liquor Licensing Fact Sheet

Liquor licence fees

Fees are charged when making an application for a liquor licence, and annually thereafter as provided for under the *Liquor Control Reform Act 1998*.

Application fees

Application Type	Details	Fee
Application for a new licence	<ul style="list-style-type: none"> Late night (general) Late night (on-premises) Late night (packaged liquor) General On-premises Restaurant and cafe Packaged liquor Full club Restricted club Pre-retail Wine and beer producer's Renewable limited 	\$406.50
Application for a BYO permit	<ul style="list-style-type: none"> BYO permit 	\$218.40
Application for a temporary limited licence	<ul style="list-style-type: none"> Temporary limited <ul style="list-style-type: none"> – where the applicant holds an existing licence/permit (other than a temporary limited licence or a major event licence) – where the applicant does not hold an existing licence/permit (other than a temporary limited licence or a major event licence) 	\$97.00 \$52.40
Application for a major event licence – single applicant	<ul style="list-style-type: none"> Major event where a single applicant makes one or more licence applications in relation to the event (e.g. Big Day Out) 	\$834.50
Application for a major event licence – multiple applicants	<ul style="list-style-type: none"> Major event where multiple applicants make licence applications in relation to the event (e.g. licences with respect to the St Kilda Festival) 	\$125.20 per licence
Application to modify a licence	<ul style="list-style-type: none"> Variation of licence or BYO permit Amalgamated club Approval of nominee or director Relocation of licence or BYO permit Transfer of licence or BYO permit Temporary underage authority for an entertainment event 	\$183.20
Application for promotional event authorisation	<ul style="list-style-type: none"> Wine and beer producer's. This fee applies when the promotional event authorisation is the only extra condition to be added. If other conditions are also to be changed, the standard variation fee listed above will apply. 	\$97.00

Annual renewal fees



Select licence category

Licence Category	Base fee	Operating hours risk fee (if applicable)	Compliance history risk fee (if applicable)	Venue capacity multiplier* (if applicable)
Late night (general) Late night (on-premises)	\$852.20	\$3,408.50 if not authorised to trade past 3am or \$6,816.90 if authorised to trade past 3am	\$3,408.50 if 1-2 or \$6816.90 if 3 or more relevant paid infringements and/or successful prosecutions have occurred during the 12 month period (1 October-30 September) prior to the issue of the annual renewal fee invoice. The only offences that trigger the compliance history risk fee relate to supplying alcohol to underage or intoxicated persons and permitting underage or drunken/disorderly persons on the licensed premises.	Venue capacity multiplier applies based on the applicable patron capacity as per the table below.
▲ General On-premises	\$852.20	\$1,704.20 applies if authorised to trade past 11pm		X
Restaurant and cafe Restricted club	\$209.80	N/A		X
Full club	with gaming \$852.20 without gaming \$419.40	N/A		X
Packaged liquor Late night (packaged liquor)	\$1,704.20	\$5,112.70 if authorised to trade during non-standard hours**		X
Pre-retail	\$852.20	N/A		X
▲▲ Wine and beer producer's Renewable limited BYO permit	\$209.80	N/A		X

*Venue capacity multiplier

Number of patrons	Multiplier	Number of patrons	Multiplier	Number of patrons	Multiplier
0-200	1	501-600	2	901-1000	3
201-300	1.25	601-700	2.25	1001-1100	3.25
301-400	1.5	701-800	2.5	1101-1200	3.5
401-500	1.75	801-900	2.75	1201-1300	3.75
				1301+	4

Patron numbers for the venue capacity multiplier are determined by either the total maximum capacity specified as a licence condition, or if no capacity is specified on the licence, the lesser of the numbers permitted under the relevant planning or occupancy permit. In the absence of this information, the Victorian Commission for Gambling and Liquor Regulation is able to determine venue capacity based on a ratio of one patron per 0.75 square metres for the area available to the public for on premises consumption. Note: where patron numbers for accommodation and function areas are specified on a licence they may be excluded from the venue capacity multiplier in some cases.

Licensed venues hold a star rating. Four and five star rated venues will be eligible to receive a discount on their annual liquor licence renewal fees. The discounts will first apply to the 2015 renewal cycle.

** A risk fee of \$5,112.70 applies for packaged liquor licences authorised to trade during any of the following non-standard hours:

- before 9am and/or after 11pm Monday to Saturday
- before 10am and/or after 11pm Sunday
- before 12 noon and/or after 11pm ANZAC Day.

- ▲ General licences that only supply liquor for consumption off the premises will incur fees equivalent to a packaged liquor licence.
- ▲▲ Wine and beer producer's licences with the promotional event authorisation will incur an additional fee of \$97.00 per year.

Sexually Explicit Entertainment

\$32,155.70 if no compliance incidents
 \$48,233.50 if one or two compliance incidents
 \$64,311.40 if three or more incidents

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