

Restaurant and cafe licence

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

Items

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To confirm the current fee, please refer to 'Liquor licence fees' on our website at vcglr.vic.gov.au

Need help?

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

- visit the Victorian Commission for Gambling and Liquor Regulation (VCGLR) website at vcglr.vic.gov.au
- telephone the VCGLR on 1300 182 457
- email the VCGLR at contact@vcglr.vic.gov.au



Useful information

Restaurant and cafe licence

Restaurant and cafe licence

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. Table and chairs must be placed in position on the licensed premises so as to be available for at least 75% of the patrons attending the premises at any one time. Additional approvals may be given for kerbside trading and off-site catering.

Application fee

The application fee must be paid at the time of application. There is no GST payable on this fee. Please refer to the 'Liquor licence fees' fact sheet for current details. The fee can be paid by cheque, money order or credit card. Cheques and money orders are to be made payable to 'Victorian Commission for Gambling and Liquor Regulation'.

Declaration of the right to occupy the premises

For a licence to be issued, the applicant must have the right to occupy the premises. You will need to provide a declaration of your right to occupy the premises once the lease agreement has been executed and/or settlement has occurred for the sale of the property and/or you have otherwise acquired the legal right to occupy the premises (i.e. you are the freehold owner of the premises, the Certificate of Title is in your name or your name is on the executed lease agreement, etc).

If you do not have the right to occupy when you lodge your application, you will need to provide a declaration once you have acquired the right to occupy the premises. Please send or email the VCGLR your declaration.

Display of application

A public notice must be displayed at the premises to which this application relates. Once your application has been accepted for processing, the VCGLR will notify you or your representative in writing of the period the public notice must be displayed.

Important: You must NOT display your public notice until the VCGLR has advised you to do so.

After the display of notice has ended, you must then lodge a 'Statement of display' to the VCGLR certifying that you have undertaken a public notice of display. Please refer to the enclosed 'Guidelines for displaying public notices' and 'Statement of display'.

Maximum patron capacity

One of the following three documents is required to assist the VCGLR in determining a maximum patron capacity:

- a) the most recently issued planning permit which contains a maximum patron capacity
or
- b) a copy of an occupancy permit showing a prescribed patron capacity
or
- c) 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 one person per 0.75 square metres
and
 - the number of patrons that may be accommodated based on the Building Code of Australia. Please ensure that the report displays the building surveyor registration number.

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

Planning permission

Please provide 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: Kerbside trading - 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.

Alternatively, provide 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. Or you may provide other evidence that supplying liquor would not contravene the planning scheme, such as a copy of the planning scheme municipal map.

Red-line plan

When a liquor licence is granted, it is for a defined area. The defined area indicates where liquor can be supplied and consumed and is shown by a red-line drawn on a plan of the premises. A plan is required to be submitted to the VCGLR as part of the application process and may also be required upon request at any time.

Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond VIC 3121
GPO Box 1988, Melbourne VIC 3001

Email contact@vcglr.vic.gov.au
Telephone 1300 182 457
vcglr.vic.gov.au
ABN 56 832 742 797



Victorian Commission for
Gambling and Liquor Regulation



Definitions

Restaurant and cafe licence

Associate

According to the *Liquor Control Reform Act 1998*, 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.

Body corporate

A body corporate is an organisation which has a separate legal status to its members (i.e. it can own property, sue and be sued, and enter into contracts in its own name). Examples of body corporates include companies, incorporated associations, incorporated partnerships, municipal councils and co-operatives. Unincorporated clubs/associations and unincorporated partnerships are not body corporates. A minimum of one director must reside in Victoria unless a proposed nominee has been nominated.

Nominee

A body corporate may apply to the VCGLR for the approval of a person to be the nominee of the applicant. Once approved, the nominee then becomes liable as if he or she were the licensee or permit holder. The nominee will cease being a nominee if he or she ceases to manage or control the licensed premises. Where this occurs, the licensee or permit holder needs to notify the VCGLR within 14 days. The nominee must reside in Victoria.

Privacy – the Victorian Commission for Gambling and Liquor Regulation is committed to responsible and fair handling of personal information consistent with the *Privacy and Data Protection Act 2014* 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.



Lodgement checklist

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 vcglr.vic.gov.au.

Please tick that you have provided all the required documents with lodgement of your application

- | | |
|--|---|
| <p><input type="checkbox"/> Application form
Please ensure:</p> <ul style="list-style-type: none">• all fields on the application form are completed• the nature of the business is detailed, clearly demonstrating why a liquor licence is sought• the application form is signed and dated by the applicant• that correct fees are attached, as detailed in the 'Liquor licence fees' fact sheet. <p><input type="checkbox"/> Planning permit OR written notification that a permit is not required</p> <ul style="list-style-type: none">• 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. <p><input type="checkbox"/> Responsible Service of Alcohol (RSA) training
Evidence of completion on an approved RSA training course for all required persons is needed in order to determine the application, as detailed in the 'Training for licence applicants' fact sheet.</p> <p><input type="checkbox"/> New entrant training
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.</p> | <p><input type="checkbox"/> Questionnaire
Each person listed on the application, including any nominee, must complete a 'Questionnaire' attached in this application kit. For companies, partnerships or clubs, questionnaires are required from each director, partner or executive committee member respectively. Questionnaires will only be accepted if they are dated within the last three months.</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> Maximum patron capacity documents
Patron capacity is the maximum number of patrons allowed on the licensed premises at any one time. Please refer to the 'Maximum patron capacity' fact sheet and the 'Useful information' section.</p> <p><input type="checkbox"/> Business name certificate
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. To register your business name, go to the ASIC website at asic.gov.au for further information.</p> <p><input type="checkbox"/> Declaration of the right to occupy the premises
For a licence to be issued, the applicant must have the right to occupy the premises to which this application relates. Refer to the 'Useful information' section for further information.</p> |
|--|---|

What happens next

If your application is accepted, you will be emailed or sent an acknowledgement letter. This will confirm that the VCGLR has received your application and outline any further information required and the date by which it must be submitted. Once the VCGLR has received all required information and documents, your application will be determined. You will be advised of the outcome in writing.

How to lodge this form

By post

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

In person

Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond

By email

contact@vcglr.vic.gov.au



1. Details of premises

Trading name of premises to be licensed*

(as stated on your certificate of registered business name)

Street address of premises to be licensed

Postcode

Premises email

* Please tick that you have attached a copy of your business name certificate from ASIC as it is required to finalise processing of your application (see lodgement checklist for further information)

Postal address of premises to be licensed (for service of documents if different from street address)

Postcode

Correspondence may be sent by email. Please mark the box if you DO NOT wish to receive correspondence by email.

Owner (landlord) of premises to be licensed

Owner's (landlord) postal address (for service of documents if required)

Postcode

2. Applicant details**Type of applicant** (tick one box) Person Partnership Company Club

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

Contact name (business hours contact details)

Email address

 Correspondence may be sent by email. Please mark the box if you DO NOT wish to receive correspondence by email.

Australian Business Number (ABN)*

Australian Company Number (ACN)**

Daytime telephone number (business hours contact details)

Mobile telephone number (business hours contact details)

Give details of each person, partner, director, company secretary or executive committee member who is part of this application (if more than four people, attach a separate page which lists all names and addresses).

Each individual listed below will need to complete a 'Questionnaire', which forms part of this application.

Full name	Residential address	Position held/Relationship to applicant (i.e. director, company secretary, etc.)

*ABN is a unique identifier issued by the Australian Business Register which is operated by the Australian Tax Office.

**ACN is a unique nine-digit number issued by the Australian Securities and Investments Commission to companies.



3. Nominee details – body corporate only (body corporate can be companies, incorporated associations, incorporated partnerships, municipal councils and co-operatives)

A body corporate may apply for approval of a person as nominee of the applicant. The nominee must complete a 'Questionnaire'.

Please refer to the 'Training for licence applicants' fact sheet to determine if the nominee requires new entrant and/or RSA training.

Name of proposed nominee*

* Once approved, the nominee then becomes liable as if he or she were the licensee or permit holder. Please refer to the 'Definitions' section.

4. Authorised representative

The applicant can authorise a person or an organisation (such as a legal representative) to access and discuss details about this application.

Do you want an authorised representative to make enquiries and provide information on your behalf regarding this application?

- NO
 YES – please provide details below

Contact name

Organisation name

Correspondence may be sent by email. Please mark the box if you DO NOT wish to receive correspondence by email.

Daytime telephone number

Mobile telephone number

Postal address for service of documents

Postcode

Email address

5. 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 'Definitions' page of this application form.

Associates are **not** required to complete a 'Questionnaire'.

- The applicant has no associates as defined in the *Liquor Control Reform Act 1998* OR
 The names of all the applicant's associates are (attach another sheet if necessary):

Full name	Residential address	Associate's relationship to applicant	Date of birth
			/ /
			/ /
			/ /
			/ /

6. Proposed person in day-to-day management or control of premises (body corporate only)

It is **MANDATORY** for body corporate applicants (company, incorporated association, a co-operative or a municipal council) to nominate the person in management or control of the premises who will run the day-to-day operations of the business.

Name of proposed person in management or control of premises

Daytime telephone number/mobile telephone number

The person who will be in management and control of the licensed premises must complete the RSA training course and details of course completion must be provided on the 'Mandatory training' section.

7. Nature of the business

Provide details of the nature of the business you are intending to conduct and the purpose for which the liquor licence is sought. What maximum patron capacity would you like for the premises? Please provide for internal (and external) areas as defined in your red-line plan.

What would be your *likely* peak periods of trade during the week (i.e. Mon - Sun)? How many patrons do you *expect* to have during your likely peak trading hours? (*for risk assessment purposes only*)

Days/Time	Expected patrons

8. Trading hours

Ordinary trading hours are:

Sunday: Between 10am and 11pm

Good Friday and ANZAC Day: Between 12noon and 11pm

On any other day: Between 7am and 11pm

Please indicate the days and hours you wish to supply liquor. Refer to the 'Liquor licence fees' fact sheet for details of fees applicable.

9. Approvals

The VCGLR 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?

YES – for Kerbside Trading

YES – for Off-site Catering. Please specify premises required

--

NO

For more information in relation to Kerbside Trading or Off-site Catering, please contact the VCGLR.

10. Conditional approval

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

YES

NO – provide details of likely date of commencement.

11. Mandatory training - new entrant training and Responsible Service Alcohol (RSA) training

Please refer to the 'Training for licence applicants' fact sheet to determine if you require new entrant and/or RSA training.

Have all required person(s) completed a VCGLR approved **new entrant training** course?

YES – please attach a copy of your certificate.

NO – a copy of your certificate must be attached or this application form may be returned.

Have all required person(s) completed a VCGLR approved **RSA training** course within the past three years?

YES – please provide details below.

NO – details of course completion must be provided below or this application form may be returned.

Full name	Position	RSA certificate number	Date of completion	Training provider
			/ /	
			/ /	
			/ /	
			/ /	

12. Right to occupy

For a licence to be issued, the applicant must have the right to occupy the premises. You need to provide a declaration of your right to occupy the premises once the lease agreement has been executed and/or settlement has occurred for the sale of the property and/or you otherwise acquired the legal right to occupy the premises.

- Please tick that you have attached the 'Right to occupy the premises declaration' form with your application if you already have the right to occupy the premises to which this application relates.

If you do **not** have the right to occupy the premises to which this application relates, please provide the proposed date on which you expect to have the right to occupy the premises.

Please send or email the VCGLR your declaration once you have the right to occupy the premises. The VCGLR cannot finalise your application until this declaration has been received.

Signature by applicant

This application must be signed by the applicant if the applicant is:

A person –
That person

A company –
One director of the company

A partnership –
All partners

A club –
One committee member

I/ we declare/certify that:

- the information contained in this application, including attachments is true and correct.
- if a body corporate applicant, I am authorised to sign this application on behalf of the body corporate.

Signature

Date

Print name and position

Signature

Date

Print name and position

Signature

Date

Print name and position

Signature

Date

Print name and position

It is an offence under section 118 of the *Liquor Control Reform Act 1998* to make a statement that is false or misleading in relation to this application. An offence under section 118 carries a maximum penalty of 60 penalty units.

Payment method

Please select your payment method:

- Money order Cheque Credit card

For credit card payments, please enter your payment details on the next page.



Credit card payment details

Visa Mastercard Amex

Amount

Card number

Name of cardholder

Card expiry date

 /

Daytime telephone number of cardholder

Signature

Date

Privacy – the VCGLR is committed to responsible and fair handling of personal information consistent with the *Privacy and Data Protection Act 2014* and its obligations under the *Liquor Control Reform Act 1998*. This page will be destroyed once your payment has been processed.



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Declaration - right to occupy

Liquor Control Reform Act 1998

Date rec'd / /

File no. _____

For a liquor licence to be issued, the proposed licensee must have the right to occupy the premises. A right to occupy the premises may arise from being a tenant under a lease agreement, as a freehold owner of the property, or through some other legal arrangement.

If you do not have the right to occupy the premises when you lodge your liquor licence application, you will need to sign this declaration once you have acquired the right to occupy the premises. Please mail or email your declaration to the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

Section A: Declaration of the right to occupy the premises

(Please fill out the section that applies to your situation)

1. Freehold owner of property

I declare that I am the freehold owner of the premises and have the right to occupy the premises at:

Address of premises

.....

 Postcode

➡ Please proceed to Section B if you are a transfer applicant, if not proceed to Section C.

2. Tenants of premises

I declare that I am the tenant of the premises and have the right to occupy the premises at:

Address of premises

.....

 Postcode

➡ Please proceed to Section B if you are a transfer applicant, if not proceed to Section C.

3. Legal right to occupy premises

I declare that I have acquired the right to occupy the premises at:

Address of premises

.....

 Postcode

Please specify how you have acquired the right to occupy the premises:

.....

➡ Please proceed to Section B if you are a transfer applicant, if not proceed to Section C.

Section B: Date of settlement (transfers only)

Please specify the date settlement occurred:

Date

/ /

Do not proceed to Section C if settlement has not occurred. The VCGLR cannot finalise your transfer application until this section has been completed.

Section C: Applicant and witness declaration

Who must declare?

If the applicant or proposed licensee is:

- **A person:** That person
- **A company:** One director of the company
- **A partnership:** All partners*
- **A club:** One committee member

(If a body corporate applicant) I am authorised to sign this application on behalf of the body corporate.

I declare
 (Name of applicant)

that this statement is true and correct and that I am authorised to sign this declaration. I declare this in the presence of:

.....
 (Name of witness)

Signature of applicant

X Date / /

Signature of witness**

X Date / /

Daytime contact number of witness

.....

It is an offence under section 118 of the Liquor Control Reform Act 1998 to make a statement that is false or misleading in relation to this application. Penalties may apply.

*** Please fill out and attach additional copies of this declaration if two or more signatures are required.**

**** Any competent adult can be a witness.**



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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

04/16

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	Application No:
Name and address of prem- ises to which the applica- tion 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 author- ity 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**. If you are unable to print the public notices as A3 size, email contact@vcglr.vic.gov.au or telephone 1300 182 457 to request a copy.

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

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Statement of display

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

Liquor Control Reform Act 1998

OFFICE USE ONLY

03/16

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

Privacy – the Victorian Commission for Gambling and Liquor Regulation is committed to responsible and fair handling of personal information consistent with the *Privacy and Data Protection Act 2014* 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.



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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.
(If you are unable to print the public notices as A3 size, email contact@vcglr.vic.gov.au or telephone 1300 182 457 to request a copy)

PUBLIC NOTICE

Liquor Licence Application

Liquor Control Reform Act 1998

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

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 the 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		
Do 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. If you are unable to print the public notices as A3 size, email contact@vcglr.vic.gov.au or telephone 1300 182 457 to request a copy.

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

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Victorian Commission for Gambling and Liquor Regulation

Liquor licensing fact sheet

Training for liquor licence applicants

Training for licence applicants helps potential licensees to understand their obligations under the *Liquor Control Reform Act 1998*. Applicants must complete mandatory training requirements before a liquor licence is granted. There are two courses that applicants must complete. These are:

- A. New entrant training
- B. Responsible Service of Alcohol (RSA)

It is the applicant's responsibility to ensure the correct course is completed and to provide evidence of completion with their application.

A. New entrant training

What is new entrant training?

New entrant training is a training course developed by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to ensure that liquor licence applicants have an adequate knowledge of the liquor law. This includes:

- liquor licensing legislation
- understanding liquor licence obligations
- 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 a liquor licence application if the applicant does not have an adequate understanding of the Act.

What must I do?

Applicants are required to complete one of the following approved training courses to meet the new entrant training requirement:

- Achieve Liquor Licence Compliance
- Licensees' First Step
- Licensee Compliance Certificate
- Victorian Licensee's Training Course, or
- Club Seminar (restricted club or renewable limited club licence applicants only).

Where can I find a Registered Training Organisation?

There are a number of Registered Training Organisations (RTOs) that provide new entrant training. Please refer to the VCGLR website at vcglr.vic.gov.au for a list of RTOs that provide new entrant training.

Which licence applications require evidence of new entrant training?

Applications for the following licences require evidence that the applicant has completed 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
- transfer of an existing licence or permit.

Who must complete new entrant training?

The list below identifies who will need to complete new entrant training. If applying as:

- individuals – all natural persons
- 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 persons being appointed as a liquor licence 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.

B. Responsible Service of Alcohol (RSA)

What is Responsible Service of Alcohol (RSA) training?

RSA training provides licensees and staff who work in licensed venues with the skills and knowledge necessary to contribute to a safe, enjoyable environment in licensed premises.

Which licence applications require evidence of RSA training?

Applications for the following licences require evidence that the applicant has completed 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 face-to-face sales occur)
- transfer of an existing licence or permit.

Who must complete RSA training?

The list below identifies who will need to complete RSA training. If applying as:

- individuals – all natural persons
- partnerships – all partners
- body corporate applicants (companies, incorporated associations, co-operatives or municipal councils,) – the person who is or will be in management and control of the licensed premises and who will run the day-to-day operations of the business.

Evidence of an approved new entrant and approved RSA training course must be provided to the VCGLR prior to a liquor licence being granted, transferred or endorsed. You will be required to provide this evidence with submission of your application.

For further information including frequently asked questions about new entrant and RSA training requirements, please visit the VCGLR website at vcglr.vic.gov.au.

Note: Body corporate 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.

Where can I find a Registered Training Organisation?

There are a number of registered training organisations that provide RSA training. Please refer to the VCGLR website at vcglr.vic.gov.au for a list of RTOs that provide RSA training.

I've previously completed an RSA course, is it still valid?

The approved RSA training course must have been completed within the past three years.

If you completed your RSA training course more than three years ago, you can complete a RSA refresher course online at vcglr.vic.gov.au.

Can I be exempted from RSA training?

In exceptional circumstances, a liquor licence applicant may seek an exemption from one or all of the RSA training obligations.

General, on-premises, packaged liquor or late night (general, on-premises and packaged) licence applicants must complete the 'Application for the exemption from the Responsible Service of Alcohol training requirements' form available at vcglr.vic.gov.au.

All other liquor licence applicants are required to write a letter to the VCGLR detailing the reasons for seeking an exemption before the licence is granted.

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 Commission for Gambling and Liquor Regulation.

49 Elizabeth Street, RICHMOND VIC 3121
1300 182 457 vcglr.vic.gov.au
contact@vcglr.vic.gov.au



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 size or perimeter of the licensed premises
- 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 premises should be given to the VCGLR if internal changes are made.

If a change is made to the internal area of licensed premises (for example, by adding or removing a particular structure), the licensee should submit an updated plan of the licensed premises.

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 premises.

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

Restaurant and cafe licences and On-premises licences

If applying for kerbside trading, identify the area to be licensed and separately outline this area in red on the plan. The VCGLR will mark this area with an A.A on the approved copy of the plan. This area is referred to as the Authorised Area.

General licences

A general licence authorises the supply of liquor to patrons for consumption off the licensed premises, being a footpath or kerbside area. Therefore this area does not need to be identified on the plan.

Please note that licensees must comply with relevant local planning laws.

Where a proposed licensed or authorised 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.

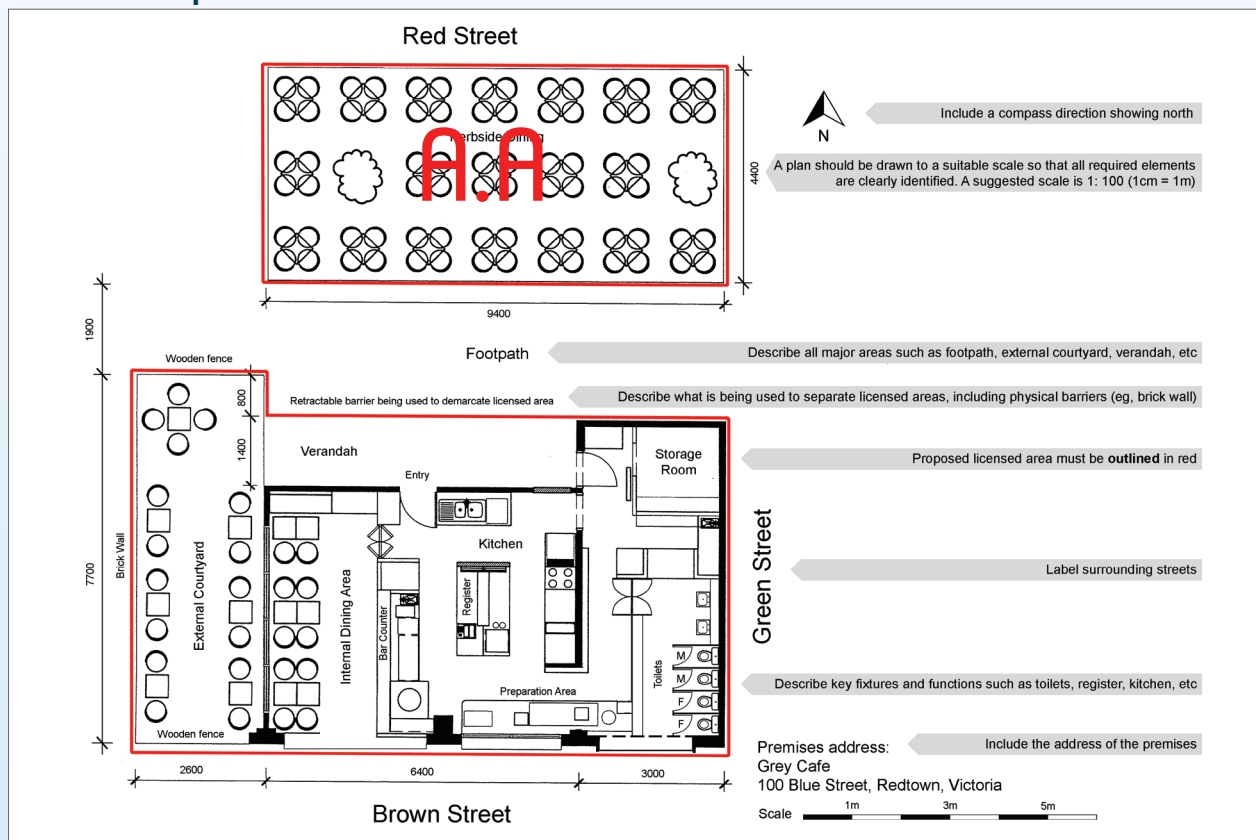
Failure to keep a copy of the plan on the licensed premises or produce a copy of the plan for inspection could result in a fine being issued.

Where can I get a copy of my approved plan?

If you do not have a copy of your approved plan, you can obtain a copy from the VCGLR at no extra cost.

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?

One of the following three documents is required in order to determine the maximum patron capacity:

- the most recently issued planning permit which contains a maximum patron capacity or
- a copy of an occupancy permit showing a prescribed patron capacity or
- 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 one person per 0.75 square metres and
 - the number of patrons that may be accommodated based on the Building Code of Australia. Please ensure that the report displays the building surveyor registration number.

Note: The VCGLR may request a building report from a registered building surveyor showing a calculation based on a ratio of one person per 0.75 square metres if the VCGLR considers that the capacity provided in the planning or occupancy permit is inaccurate or inappropriate.

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.

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 can submit a building report from a registered building surveyor demonstrating that fire safety and sanitation arrangements for the additional patrons will meet the requirements of 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?

It is a condition of a licence that the maximum patron capacity specified on the liquor licence must not be exceeded. The VCGLR will make every effort to ensure that the maximum patron capacity is the same or lower than the limit prescribed on the planning or occupancy permit. However, the building owner is responsible for ensuring that building occupants comply with all regulatory and other requirements.

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