

SELF-PACED GUIDE GENERAL AND LATE NIGHT (GENERAL) LICENCE



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Please note: 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.

TOPIC 1

INTRODUCTION

Introduction

The following topics are included in this guide:

- Introduction
- About general and late night (general) licences
- General and late night (general) licence conditions
 - standard conditions
 - amplified music conditions.

Before you begin

Confirm the type of licence you have or have applied for.

Locate and read the licence or a copy of the application form you submitted to the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

How to use this guide

This guide is self-paced so you can work through it at your own pace.

Icons you will see in this guide

The following icons have been used throughout this guide:



This is a **tip** – something you may find useful.



Each topic has a **Check your understanding**. It includes questions on the content covered and in some instances, uses a scenario.



Once you've completed the **Check your understanding**, this icon directs you to the **answers** at the back of the guide.

TOPIC 2

ABOUT GENERAL AND LATE NIGHT (GENERAL) LICENCES

What this topic covers

This topic looks at the types of premises that hold a general or late night (general) licence and where alcohol can be served and consumed.

Introduction

A **general** licence permits the supply of alcohol to customers for consumption on the premises, as well as the sale of take-away (off-premises) alcohol to customers **until 11pm**.

A **late night (general)** licence permits the supply of alcohol to customers for consumption on the premises **past 1am**, as well as take-away (off-premises) alcohol to customers **until 11pm**.

Where can alcohol be supplied and consumed?

A general and late night (general) licence authorises:

- the supply of alcohol for on and off-premises (take-away) consumption
- the supply of alcohol to customers in open containers for off-premises consumption at tables and chairs on the footpath outside your premises that is not within the red line area (subject to council permission).

The **supply** of alcohol to customers must be carried out within the red line area on the plan of your licensed premises.

Minors are not allowed to be supplied or drink liquor on licensed premises under any circumstances.

Your licence may have different authorised trading hours for on premises consumption and different trading hours for off-premises consumption.

For example:

FOR CONSUMPTION OFF THE LICENSED PREMISES:

Sunday between 10am and 11pm

Good Friday & ANZAC Day between 12noon and 11pm

On any other day between 7am and 11pm.

FOR CONSUMPTION ON THE LICENSED PREMISES:

Sunday between 10am and 11pm

Good Friday between 12noon and 11pm

ANZAC Day (not being a Sunday) between 12noon and 12midnight

On any other day between 7am and 1am the day following.

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

On-premises

Alcohol that is to be consumed **on your premises** must be served by your staff and consumed by your customers within your red line area.

If you are a hotel or other type of accommodation provider, the trading hours do not apply for residents. This means you can serve residents and their guests alcohol at any time.

Off-premises

Alcohol that is to be consumed **off your premises** may be supplied in sealed containers, such as stubbies, bottles or cans and the customer can take and consume these away from your venue.



TIP

Placing signs near doorways advising customers of your house rules or the laws can help you manage your red line area.

Local council

The local council may have a local law that prohibits people drinking in public places.

If you have tables and chairs set up on the footpath outside your premises, then you will need to check whether you need a council permit first.

It is advisable to check with your local council to find out what the local laws are on drinking in public places, and if applicable, display a sign advising customers that they may be fined by council if they are caught drinking in a public place other than at the tables and chairs provided by you.

If your customers behave in a rowdy or disorderly manner, it will ultimately come back on you as it poses an amenity issue.

You and your guests at home

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

- live on the licensed premises, and
- serve and drink the alcohol in that part of the licensed premises that is set aside as your private residence.

Note: The licensee residence is not part of the red line area.

Residents

A licensee can supply alcohol on the licensed premises to a resident or a guest of such a resident for consumption on the licensed premises at any time.

Residents' register

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

For information on residents' registers see [residents' register](#)

Sub-letting

A licensee must not let or sublet any part of the licensed premises or assign the right to supply liquor without the consent of the VCGLR.

Control of the business of the supply of liquor

A licensee must not permit any person who is not employed by the licensee to carry on a business of supplying liquor on the licensed premises.

What is your red line plan?

The red line plan is the plan that was submitted and was approved by the VCGLR as part of the application for a liquor licence. If you are the transferee for an existing licensed premises, it is the plan submitted by the previous licensee and approved by the VCGLR.

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

If you intend to do renovations to the licensed premises, you may need to submit a new plan to the VCGLR for approval prior to making the proposed changes.

If you are visited by Victoria Police or a VCGLR inspector, they will most likely request that you provide a copy of the plan and they may check that you are operating within the red line area.

It is an obligation under the *Liquor Control Reform Act 1998* (the Act) that you:

- keep a copy of the red line plan on the premises and
- produce it if requested by Victoria Police or a VCGLR inspector.

Delivery of liquor

If you have a general or a late night (general) licence you can also supply liquor for delivery, unless there is a condition on the licence that prohibits you from doing so.

Liquor must only be delivered to a person aged 18 years or over.

The licensee must ensure that delivery arrangements include requiring [evidence of age](#) where appropriate.

Liquor must not be delivered and left at unoccupied premises on the same day the order is received.

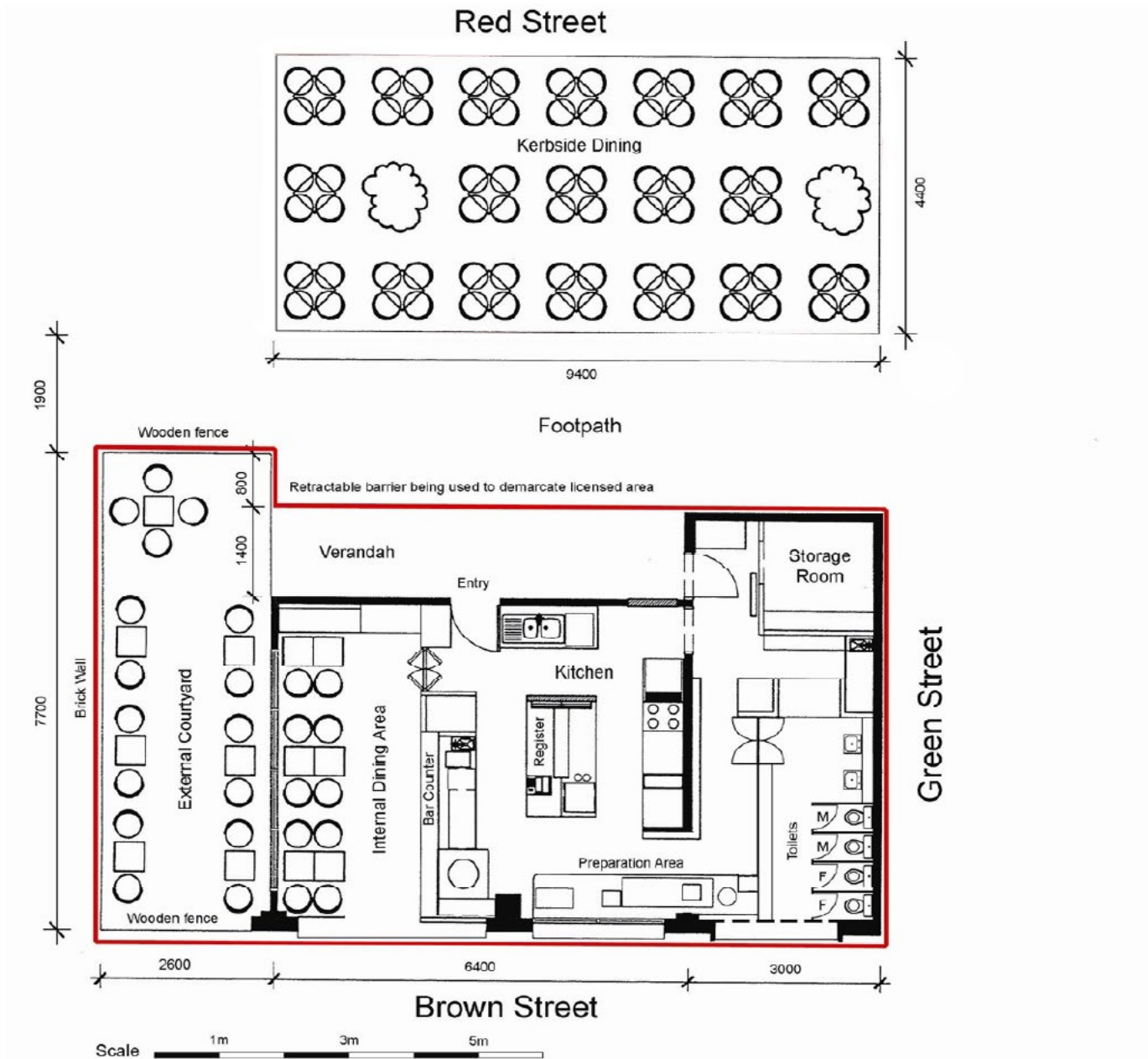
Special events & temporary licences

You may from time-to-time hold special events on your premises such as functions, or be part of a local festival or community event.

If the special event requires you to trade outside your general or late night (general) licence trading hours, licence conditions or in some cases, red line area, you need to apply for a temporary limited licence or, if it is a large event, a major event licence.

A temporary limited licence or major event licence is granted in addition to your general or late night (general) licence and is only valid for the times and locations specified on the additional licence.

SAMPLE RED LINE PLAN – THE MAX HOTEL



CHECK YOUR UNDERSTANDING ABOUT GENERAL AND LATE NIGHT (GENERAL) LICENCES



It's time to check your understanding of what has been covered so far.

Please complete the questions below and check your responses against the answers provided at the back of this guide.

Q.1 A customer only drinks one glass out of a bottle of wine they have purchased with their lunch in the hotel's bistro. Can they take the bottle of wine home with them?

Yes No

Explain your answer:

Q.2 Some old friends of the licensee arrive unexpectedly around 10.45pm when the venue is due to close at 11pm.

The licensee serves his friends who sit at the bar.

By 11.30pm, all customers, except the licensee's friends, have left. The licensee opens a bottle of wine for them to drink.

On what part of the premises may the licensee and his guests drink the wine?

In the main bar

In the office

In the licensee's private residence

Use the red line plan on page 7 to answer the following questions.



Q.3 If a customer takes a bottle of wine they've purchased in the Max Hotel into the courtyard, is the Max Hotel in breach of its liquor licence?

Yes No

Explain your answer:

Q.4 If the Max Hotel sets up tables and chairs on the footpath (outside their red line area), is it in breach of its liquor licence to allow customers to consume alcohol there?

Yes No

Explain your answer:

Q.5 It's Ok to leave a delivery of packaged liquor with a person under 18 years of age?

True False

Explain your answer:

Q.6 Your best friend is an excellent chef and won many awards.

Your bistro area is not doing well, so you have agreed to sublet the kitchen and bistro area to her to control on a six-month trial.

Are you in breach of your liquor licence?

Yes No

Explain your answer:

Now check your answers on [page 20](#) of this guide.



TOPIC 3

GENERAL AND LATE NIGHT (GENERAL) LICENCE CONDITIONS

What this topic covers

This topic looks at the conditions that may be applied to a general or late night (general) licence.

Introduction

Licence conditions outline what you can and cannot do in order to operate your licensed premises legally.

Licence conditions are monitored and enforceable by Victoria Police and the VCGLR.

How to complete this topic

Check the type of licence you have, or have applied for.

Is it a general licence or late night (general) licence?

Complete:

[Section 1 – What your licence conditions cover](#)

[Section 2 – Standard licence conditions](#)

Complete the following section, if applicable to you:

[Section 3 – Late night and amplified music conditions](#)

SECTION 1 WHAT YOUR LICENCE CONDITIONS COVER

What do licence conditions specify?

There are standard conditions that all general and late night (general) licences have, and there are also special conditions for venues that have amplified music with late night trading.

Licence conditions specify:

- your authorised trading hours
- the amenity condition
- maximum patrons you may have in the venue
- and other conditions that are relevant to the type of licensed premises you have.

Ordinary trading hours

Unless requested or you hold a late night (general) licence, your licence will have ordinary trading hours applied to it. Ordinary trading hours finish at 11pm on any day.

Ordinary trading hours (Continued)

Ordinary trading hours allow you to sell alcohol to your customers at the following times:

- **Sunday:** 10am to 11pm
- **Good Friday and ANZAC Day:** 12noon to 11pm
- **On any other day:** 7am to 11pm
- **New Year's Eve:** extended ordinary trading hours from 11pm on 31 December to 1am on 1 January for consumption on the licensed premises.

Note: you have a 30-minute grace period after closing time for customers to finish the drinks they have already purchased. However, no further liquor sales are to occur.

Late night trading hours

If your premises is open past 1am, you are classified as a late night trader and you will have a late night (general) licence.

SECTION 2 STANDARD LICENCE CONDITIONS

Introduction

This section applies to all general and late night (general) licences.

What is amenity?

Amenity describes the impact that the venue and its customers may have on the surrounding area.

The Act defines amenity as:

"The quality that the area has of being pleasant and agreeable".

Amenity includes:

- **Parking facilities**
Do you have a car park? Do patrons park in nearby residential streets?
- **Traffic movement and density**
Is there a lot of traffic in the surrounding area from patrons coming and going to your venue?
- **Noise levels**
What measures do you have in place to minimise noise from your venue if you have amplified music, or from patrons queuing outside or leaving your venue?
- **Possibility of nuisance or vandalism**
Are your patrons likely to cause a nuisance to nearby residents? Is there a potential that they may cause noise, nuisance or damage to property or cars? Are your patrons obstructing a footpath, street or road?
- **Harmony and coherence of the environment**
What general effect does your venue have on the local community and neighbouring businesses/residents?

Amenity condition

The amenity condition on your licence is explained below:

Condition	What this means
<p>The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of, or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised by this licence.</p> <p>The licensee shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.</p>	<p>You are responsible for what happens in and around your premises. This includes from the time that you are open for business and when customers are leaving your premises.</p> <p>This condition relates to the Environment Protection Authority (EPA).</p> <p>For further information, go to www.epa.vic.gov.au/for-community/environmental-information/noise</p>

Maximum patron capacity

The maximum patron capacity is the maximum number of patrons allowed on a licensed premises at any one time. This is to prevent overcrowding inside the venue and to minimise impacts on local amenity.

The maximum patron capacity is often based on the planning permit or an occupancy permit obtained through council and submitted with the original licence application. In instances where maximum patron numbers are not stated on the licence, then the VCGLR's policy requiring an area of 0.75 square metres per person is applied.

At no time, should you allow entry to more than the maximum number of patrons stated on your licence as you will be committing an offence and it could pose amenity risks as well as a risk to the health and safety of customers and staff.

Three documents are considered by the VCGLR in order to determine the maximum patron capacity:

1. The maximum patron capacity allowed under the planning permit for the premises.
2. The patron capacity prescribed on an occupancy permit of the premises or a report from a building surveyor on the same basis as per an occupancy permit.
3. A report from a registered building surveyor that states the number of patrons that may be accommodated on the premises based on a ration of 0.75 square metres per person.

For more information you can read the [maximum patron capacity factsheet](#)

Responsible Service of Alcohol (RSA)

Licensees and staff selling, offering or serving liquor for a general or late night (general) licence, must undertake Responsible Service of Alcohol (RSA) training.

Licensees will need to undertake training before the liquor licence is granted. Staff will need to undertake training no more than one month after they begin selling, offering or serving alcohol on the licensed premises.

RSA Refresher

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

For more details see [RSA Refresher](#)

Advanced RSA training

Anyone applying for a new late night (general) licence that authorises the supply of liquor after 1am for on-premises consumption must complete the Advanced RSA training course.

For new applicants, the Advanced RSA training program must be completed within six months of the licence being granted.

For more details see [Advanced RSA Training](#)

RSA training – evidence

A licensee must provide relevant RSA training information to Victoria Police and VCGLR inspectors upon request. Information that may be requested includes:

- the name of the responsible person at the licensed premises
- the name of each person who is engaged in the sale and service of liquor and the date on which each person first sold or served liquor on the premises
- evidence of completion of the RSA training (the licensee is only required to hold a copy of the most recent certificate issued to staff members involved in the sale and service of liquor (hardcopy or electronic is OK).

CHECK YOUR UNDERSTANDING STANDARD LICENCE CONDITIONS



It's time to check your understanding of what has been covered so far.

Please complete the questions below and check your responses against the answers provided at the back of this guide.

Q.1 Your licence allows on-premises consumption until 1am and off-premises until 11pm each day.

You have tables and chairs on the footpath which are not part of your red line plan.

A group of customers are outside at 11.30pm and come inside to order a bottle of wine to take out to the tables on the footpath.

Are you in breach of your licence if you sell them the wine?

Yes No

Explain your answer:

Q.2 The Max Hotel trading hours are:

On-premises trading hours

Sunday: 10am to 11pm

On any other day: 7am to 1am

Off-premises trading hours

Sunday: 10am to 11pm

On any other day: 7am to 11pm

A person residing at the hotel (a 'resident') rings room service at 4am on a Sunday and wishes to order alcohol. Is the hotel allowed to serve the person?

Yes No

Explain your answer:

Q.3 What is the definition of amenity in the Liquor Control Reform Act 1998?

Q.4 What are the RSA training requirements for staff of general and late night (general) licences?

Explain your answer:

Now check your answers on [page 21](#) of this guide.



SECTION 3 WHAT YOUR LICENCE CONDITIONS COVER

Does this apply to you?

This section applies to you if you have a venue that operates past 1am and/or has amplified music.

What is amplified music?

Background music is defined under the Act as a level at which “two people can hold a conversation without raising their voices when they are sitting 60cms apart when music is playing”.

Amplified music will normally mean that the volume of the music prevents two people holding a conversation without having to raise their voices. The amplified music doesn't need to be live, it can be recorded and provided via a stereo system or jukebox.

If you intend to have amplified music, or you are authorised to trade after 1am, then your licence may have the following conditions relating to:

- surveillance recording system
- required signage
- required number of crowd controllers.

Surveillance recording system (security cameras)

The surveillance recording system is also known as security cameras or video recording.

There are three parts to this condition as shown below:

Condition	What this means
The licensee shall install and maintain a surveillance recording system able to clearly identify individuals, which shows time and date and provides continuous images of all entrances and exits, bars and entertainment/dance floor areas.	Security cameras must be installed to capture all entrances, exits, bars and entertainment/dance floor areas. It must be able to clearly identify individuals. It must record the time and date.
The surveillance recording system must operate from 30 minutes before the start of the entertainment being provided until 30 minutes after closure.	Security cameras must be switched on 30 minutes before entertainment begins and 30 minutes after closing.
A copy of the recorded images must be available upon request for immediate viewing or removal by Victoria Police, or a person authorised in writing by the VCGLR, or otherwise retained for at least one month. The positioning of cameras is to be to the satisfaction of the VCGLR inspector.	You must keep your security cameras' footage for at least one month. You must be able to produce the security cameras' footage if requested to Victoria Police or a person authorised by the VCGLR.

Required signage

Condition	What this means
<p>Signs, as described below, are to be displayed in all areas subject to camera surveillance.</p> <p>Such signs shall read:</p> <p>'For the safety and security of patrons and staff this area is under electronic surveillance.'</p>	<p>Where security cameras are installed, the following sign must be displayed:</p> <p>'For the safety and security of patrons and staff this area is under electronic surveillance.'</p>

Crowd controllers

Condition	What this means
<p>Crowd controllers, licensed under the Private Security Act 2004, are to be employed at a ratio of two (2) crowd controllers for the first 100 patrons and one (1) crowd controller for each additional 100 patrons or part thereof.</p> <p>One crowd controller is to be present outside the premises to monitor patrons arriving and departing the premises.</p> <p>Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure.</p>	<p>You are required to have:</p> <ul style="list-style-type: none"> two (2) crowd controllers for your first 100 patrons and one (1) crowd controller for each additional 100 patrons or part thereof. <p>For example, if you have a maximum capacity for 308 patrons, you are required to have five crowd controllers at full capacity.</p> <p>You must have one crowd controller outside your venue to monitor everyone arriving and leaving.</p> <p>Crowd controllers must be present 30 minutes before the entertainment starts until 30 minutes after closing the venue.</p>

CHECK YOUR UNDERSTANDING LATE NIGHT AND AMPLIFIED MUSIC CONDITIONS



It's time to check your understanding of what has been covered so far.

Please complete the questions below and check your responses against the answers provided at the back of this guide.

It is a busy night at a hotel with a late-night (general) licence that has amplified music conditions.

There is a well-known local band playing and the crowd controllers are not letting any more patrons in; there is a long queue of people out the front of the venue.

The maximum capacity is 451 patrons, but the venue has close to 500 patrons on this night with four crowd controllers on duty.

Q.1 How many crowd controllers is the venue required to have at its maximum capacity?

Q.2 Which condition of the licence may be breached with people queuing out the front?

Q.3 The surveillance recording system must operate at least:

60 minutes before the start of the entertainment and 60 minutes after closing

30 minutes before the start of the entertainment and 30 minutes after closing

30 minutes after the entertainment starts and as soon as the entertainment finishes.

Q.4 Most of the bar staff have been working at the venue for over six months and have completed their RSA course.

Two of the bar staff called in sick and the licensee has asked their 18-year-old son to help.

Can the licensee's son serve alcohol behind the bar?

Yes No

If yes, are there any requirements that have to be met?

If no, why not? Explain your answer:

Now check your answers on [page 22](#) of this guide.



CONCLUSION

Congratulations!

You have completed the general and late night (general) licence self-paced guide.

Late night freeze guidelines

There is currently a freeze on granting new liquor licences to trade after 1am in four (4) local governments areas of Melbourne (including Docklands), Stonnington, Yarra and Port Phillip.

If this applies to you, please read [Late night freeze](#)



TIP

Breaches and fines

Holding a liquor licence comes with legal obligations.

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

The Act provides for the issue of fines for specified [breaches](#).

General information

A liquor licence does not override local laws, planning schemes and conditions on planning permits. It is the licensee's responsibility to ensure they comply with these.

Helpful links:

- [Maximum Patron Capacity](#)
- [Intoxication guidelines](#)
- [Licensees' Action Plan](#)
- [Advertising and Promotion Guidelines](#)
- [Required signage](#)
- [Advanced RSA course](#)
- [Late night freeze guidelines](#)
- Subscribe to [VCGLR News](#) – free monthly newsletter

ANSWERS

CHECK YOUR UNDERSTANDING ABOUT GENERAL AND LATE NIGHT (GENERAL) LICENCES

Q.1 A customer only drinks one glass out of a bottle of wine they have purchased with their lunch in the hotel's bistro. Can they take the bottle of wine home with them?

A. Yes. They may take it home providing it is within the off-premises trading hours.

Q.2 Some old friends of the licensee arrive unexpectedly around 10.45pm when the venue is due to close at 11pm.

The licensee serves his friends who sit at the bar.

By 11.30pm, all customers, except the licensee's friends have left. The licensee opens a bottle of wine for them to drink.

On what part of the premises may the licensee and his guests drink the wine?

A. c) In the licensee's private residence.

Q.3 If a customer takes a bottle of wine they've purchased in the Max Hotel into the courtyard, is the Max Hotel in breach of its liquor licence?

A. No. The courtyard is within the Max Hotel's red line area.

Q.4 If the Max Hotel sets up tables and chairs on the footpath (outside their red line area), is it in breach of its liquor licence to allow customers to consume alcohol there?

A. No. Customers may take their drinks out onto the footpath area during the hours authorised for off-premises consumption.

Max Hotel would need to check that it has the relevant council planning permission to set up tables and chairs on the footpath.

Q.5 It's Ok to leave a delivery of packaged liquor with a person under 18 years of age?

A. False. Packaged Liquor cannot be left with a person under 18 years of age.

The licensee must ensure that delivery arrangements include requiring evidence of age where appropriate.

Q.6 Your best friend is an excellent chef and won many awards.

Your bistro area is not doing well, so you have agreed to sublet the kitchen and bistro area to her to control on a six-month trial.

Are you in breach of your liquor licence?.

A. Yes, a licensee must not let or sublet any part of the licensed premises or assign the right to supply liquor without the consent of the VCGLR.

ANSWERS



CHECK YOUR UNDERSTANDING STANDARD LICENCE CONDITIONS

Q.1 Your licence allows on-premises consumption until 1am and off-premises until 11pm each day.

You have tables and chairs on the footpath, which are not part of your red line plan.

A group of customers are outside at 11.30pm and come inside to order a bottle of wine to take out to the tables on the footpath.

Are you in breach of your licence if you sell them the wine?

A. Yes, your off-premises trading hours finished at 11pm.

Q.2 The Max Hotel trading hours are:

On-premises trading hours

Sunday: 10am to 11pm

On any other day: 7am to 1am

Off-premises trading hours

Sunday: 10am to 11pm

On any other day: 7am to 11pm

A person residing at the hotel, a 'resident', rings room service at 4am on a Sunday and wishes to order alcohol. Is the hotel allowed to serve the person?

A. Yes. They are a resident of the hotel and can be supplied alcohol at any time.

Q.3 What is the definition of amenity in the Liquor Control Reform Act 1998?

A. "The quality that the area has of being pleasant and agreeable."

Q.4 What are the RSA training requirements for staff of general and late night (general) licences?

A. Staff selling, offering or serving liquor for a general or late night (general) licence, will need to undertake RSA training no more than one month after they begin selling, offering or serving alcohol on the licensed premises.

Staff must also undertake RSA refresher training every three (3) years.

ANSWERS



CHECK YOUR UNDERSTANDING LATE NIGHT AND AMPLIFIED MUSIC CONDITIONS

It is a busy night at a hotel with a late-night (general) licence that has amplified music conditions.

There is a well-known local band playing and the crowd controllers are not letting any more patrons in; there is a long queue of people out the front of the venue.

The maximum capacity is 451 patrons, but the venue has close to 500 patrons on this night with four crowd controllers on duty.

Q.1 How many crowd controllers is the venue required to have at its maximum capacity?

A. Six crowd controllers.

Q.2 Which condition of the licence may be breached with people queuing out the front?

A. The amenity condition.

Q.3 The surveillance recording system must operate at least:

A. 30 minutes before the start of the entertainment and 30 minutes after closing.

Q.4 Most of the bar staff have been working at the venue for over six months and have completed their RSA course.

Two of the bar staff called in sick and the licensee has asked their 18-year-old son to help out.

Can the licensee's son serve alcohol behind the bar?

A. Yes, the licensee's son can serve behind the bar and will need to undertake RSA training within one month of serving alcohol.

