

On-premises licence for accommodation



This fact sheet outlines the requirements when applying for a liquor licence for a motel or other accommodation premises. It also outlines the key trading entitlements of a licensed accommodation premises under the NSW liquor laws.

Where it is proposed to sell alcohol in a motel or other business that provides accommodation, the most appropriate licensing option is an on-premises licence. This enables alcohol to be sold with or ancillary to another product or service that is sold, supplied or provided to people on the premises.

For an accommodation premises, it allows the sale of alcohol with accommodation to residents. This type of licence can be approved where temporary accommodation is provided to travellers – including a hotel, motel, bed and breakfast or farm stay establishment. It cannot be approved for a boarding house, lodging house, nursing home, or caravan park.

It can be tailored to suit a multi-purpose business. For example, where a motel complex includes a public restaurant and/or function centre, the licence can also allow alcohol to be sold in the restaurant and conference facilities.

It is possible for alcohol to be served to some patrons without providing them with accommodation. This requires a primary service authorisation to be approved for the licence. Further information about obtaining this authorisation is outlined below.

All licensed accommodation venues, must operate as an accommodation business. If the business or activity carried out on the premises, or the kind of licensed premises, changes without approval from the Independent Liquor & Gaming Authority, the liquor licence no longer has effect. Similarly, if the primary purpose becomes the sale or supply of

alcohol (ie. operating primarily as a bar serving the general public), the liquor licence no longer has effect.

Requirements applying to an on-premises licence for accommodation premises include:

- it must operate as an accommodation business providing accommodation
- where the licence also applies to a public restaurant within the premises, this needs to be specifically endorsed on the licence, and the restaurant must be open to the general public (i.e. not run as a private club)
- free drinking water must be available to patrons whenever alcohol is served
- a sign must be displayed at the front of the premises that shows the name of the premises, the type of liquor licence held, either the business or activity carried out on the premises or the kind of premises, and the name of the licensee
- an incident register must be maintained if the premises trades past midnight
- conditions can be imposed on the licence, either under the liquor laws, or by the Authority or the Director of Liquor and Gaming.

An accommodation premises can also operate a private restaurant serving meals to residents and their guests only. A private restaurant does not need to be endorsed on the licence.

Applying for an on-premises licence for accommodation premises

The application fee for an on-premises licence is \$700. The application form can be completed online through www.licence.nsw.gov.au or downloaded at www.olgr.nsw.gov.au/liquor_forms.asp

A Community impact statement (CIS) helps determine the likely impact on the community of the proposed venue and the level of community support for the proposal.

A CIS is not required where an accommodation business does not propose to operate a restaurant or entertainment venue that is open to the public.

The Authority will consider any submissions received in relation to a licence application from stakeholders including police, the local council and residents in the local community.

People who were consulted as part of the CIS process (if applicable) can also make submissions directly to the Authority on the same licensing proposal.

As part of the application process, the NSW Office of Liquor, Gaming & Racing will provide a report to the Authority based on the social profile data it maintains for the local government area where the proposed premises are located.

OLGR will also report on any matters requested by the Authority including the compliance history of those associated with the application, and the existence and effectiveness

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of a local liquor accord in the locality concerned.

More information about the application process, including advertising requirements, is available at www.olgr.nsw.gov.au/liquor_fact_sheets.asp

Trading hours for accommodation premises

Alcohol can be sold to residents and their guests for consumption on the licensed premises all day except for a six-hour closure period (see below).

Alcohol can also be sold to employees between these hours.

Guests must be in the company of a resident to be supplied with alcohol.

In exceptional circumstances, an application can be made to vary the six hour closure period by a licensee to enable a different closure period to apply, eg. 3am – 9am each day, or for various closure periods to operate on different days of the week.

Restaurant / function centre

Approval can be sought to allow alcohol to be sold in a public restaurant or function centre included in the accommodation complex during the standard trading period. Licensees can also apply for extended trading hours. The 6-hour closure requirement also applies to restaurant and function centre trading.

The table below outlines standard and extended trading hours for an on-premises licence where alcohol is sold to persons who are not residents (or their guests) – such as in a public restaurant or function centre.

Daily 6-hour closure

As a result of amendments to the liquor laws, a 6-hour closure period applies to all liquor licences granted from 30 October 2008 onwards, as well as existing licences that have an extended trading authorisation granted from that date.

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

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

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

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

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

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

Sales to guests in their room

The 6-hour closure period does not apply to accommodation areas. Where guests are residing at the premises, alcohol can be supplied to them in their room at any time.

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

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

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Take-away sales to residents

Alcohol may be sold to residents with a meal for consumption away from the licensed premises – such as a picnic hamper during standard trading hours. No more than 2 litres of take-away alcohol can be supplied to a resident each day.

Food

Alcohol may only be sold or supplied if food of a nature and quantity consistent with the responsible sale, supply and service of alcohol is also available. Any exceptions to this requirement must be approved by the Authority.

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

Primary service authorisation

A primary service authorisation can be obtained from the Authority to allow alcohol to be sold without accommodation or a meal (in a public restaurant). This can be obtained as part of a licence application for a new accommodation premises or as an additional trading entitlement for an existing accommodation premises.

An application fee applies to this authorisation.

A community impact statement (CIS) is required to be prepared for this application. A CIS helps the Authority to consider the likely impact on the community of the PSA and gauge the level of community support for the proposal.

More information about a primary service authorisation is available at www.olgr.nsw.gov.au.

Persons under 18

Under 18s can be present in licensed accommodation premises – with or without adult supervision. Offences apply where alcohol is sold or served to under 18s, or they consume alcohol.

Signage

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



This sign must be displayed wherever alcohol is sold on licensed premises – i.e. at each bar and servery counter. If alcohol is not sold at a bar or counter, the sign must be displayed at or near every public entrance to the premises.

PSA sign – Restaurants with a primary service authorisation



This sign must be displayed at or near every entrance to a restaurant which has a primary service authorisation. Only restaurants which have a PSA

from the Authority can display this sign.

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

PSA sign – Premises with a primary service authorisation (other than a restaurant)

A sign must be displayed at or near every entrance to the premises to alert people entering that a primary service authorisation applies. For details on the wording and approved format of the sign for these venues, call our Customer Service Team on 02 9995 0300.

Signage is available at www.olgr.nsw.gov.au or www.shop.nsw.gov.au

RSA training for staff

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

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

Important Information

Liquor licensing freeze applies to parts of City of Sydney

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

For more information about the freeze, visit www.olgr.nsw.gov.au

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Need more information?

Our website is constantly updated with information about the liquor laws. Go to www.olgr.nsw.gov.au to access this information. Subscriptions to our free monthly e-news service are also available from this site.

For more information, call our Customer Service Team on 02 9995 0300 or email info@olgr.nsw.gov.au

FAQs

Is there a minimum number of motel bedrooms needed to obtain a liquor licence?

No. There is no minimum bedroom requirement for an accommodation premises under the liquor laws.

Does each motel bedroom need to have en-suite facilities?

No. This will usually be determined by the local council under the planning laws.

Is a separate residents' bar required to sell alcohol to residents and their guests?

No. An on-premises licence for accommodation premises allows alcohol to be sold and supplied to residents and their guests in any part of the licensed premises at any time. A guest must be in the company of a resident to be supplied with alcohol.

Does a resident need to have a meal to be supplied with alcohol in a motel restaurant?

No. In this circumstance, alcohol is still being supplied with another product or service – ie. accommodation.

Where do I lodge a liquor licence application?

All licence applications are lodged with the Independent Liquor & Gaming Authority:

- by post at GPO Box 7060 Sydney 2001
- by email to liquorapplications@olgr.nsw.gov.au
- or in person at Level 6, 323 Castlereagh St, Haymarket.