

Small bar licence



This fact sheet outlines the process for applying for a small bar licence and outlines the key trading entitlements of this licence.

What is a small bar licence?

A small bar licence is a liquor licence suited to proprietors that want to operate a small, intimate bar, and do not want to operate gaming machines or offer take-away alcohol sales.

A small bar licence allows alcohol to be sold for consumption on the licensed premises and is subject to a condition that limits the capacity to 60 patrons.

Where it is proposed to operate a bar with a larger capacity, other licensing options are available, including a general bar licence, which is not subject to a patron limit under the liquor laws.

Key features

- Allows alcohol to be sold for consumption on the licensed premises (no gaming or take-away liquor)
- Maximum of 60 patrons may be on the premises during liquor trading hours
- People under 18 are not allowed on the licensed premises during liquor trading hours
- Authorisation to sell alcohol between midday and 2am in non-freeze precincts (midday to midnight in freeze precincts)
- Exempt from the liquor licence freeze
- Exempt from some additional requirements relating to the Kings Cross Precinct
- In some circumstances, exempt from the requirement to submit a Community Impact Statement (CIS)
- \$350 application fee.

Regulatory controls

A small bar licence is subject to most of the regulatory controls that apply to other licences where alcohol is sold for consumption on the premises.

For example:

- It must be open to the public.
- Free drinking water must be available to patrons whenever alcohol is served.
- Food must be made available to patrons whenever alcohol is sold.
- The licensee, serving staff, and any security engaged by the licensee must have completed approved responsible service of alcohol (RSA) training.
- A sign must be displayed at the front of the premises that states the name of the premises, the type of liquor licence held and the name of the licensee.
- An incident register must be maintained where the premises is authorised to trade past midnight; and
- Conditions can be imposed on the licence, either under the liquor laws or by the Director General, NSW Trade & Investment or the Independent Liquor & Gaming Authority.

Applying for a small bar licence

An application for a small bar licence is made to the Authority, which has statutory responsibility for determining liquor licence applications in NSW.

An application for a small bar licence or an extended trading authorisation cannot be granted unless the Authority is satisfied that:

- where required, development consent has been obtained from the local consent authority to operate a small bar during the proposed trading hours
- the applicant is a fit and proper person
- responsible serving practices will be in place
- where a CIS is required, that the overall social impact will not be detrimental to the well-being of the local or broader community, and
- In the case of an extended trading authorisation, that the quiet and good order of the neighbourhood will not be disturbed.

Before applying for a small bar licence, the applicant must determine if development consent is required from the local consent authority (usually council).

If development consent is required, the applicant should notify police and the Director General of their development consent application within two working days of lodgement of that application. This also applies to any application to vary the development consent.

Failure to notify the police and the Director General within two working days will result in a CIS being required to be submitted with the licence application.

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Trading	Freeze precinct (Kings Cross, Sydney CBD Entertainment Precinct, and Oxford St Darlinghurst)	All other areas	Good Friday & Christmas Day
Trading hours* (any day of the week)	Midday - Midnight	Midday - 2:00am	Not permitted
Extended hours (if approved)*	10:00am - 5:00am		Not permitted

* These hours are subject to the 6-hour closure period. Refer to additional information below

CIS requirements

A small bar application is not required to be accompanied by a Community Impact Statement (CIS) if development consent has been obtained from the local council to use the premises as a small bar or to sell liquor during the times sought in the application, and police and the Director General have been provided with notification of the development application and any amendments to it within two working days of it being lodged with the local council.

A CIS helps determine the likely impact of the proposed venue and gauge the level of community support for the proposal by requiring the applicant to consult with key stakeholders and the local community.

More information about the community impact statement requirements is available at www.olgr.nsw.gov.au/liquor_CIS_home.asp

Application form and fees

The application fee for a small bar licence is \$350.

An application form for a small bar licence is available from OLGR's website at www.olgr.nsw.gov.au/liquor_forms.asp

Note: While a freeze applies to the grant of certain types of liquor licences and extended trading authorisations in the Kings Cross and Sydney CBD Entertainment precincts and the Oxford Street Darlinghurst

freeze precinct, these freeze provisions do not apply to small bar applications.

The Authority may obtain a report from OLGR on the compliance history, if any, of those associated with the application.

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

Trading hours

The liquor trading hours for a small bar licence are midday until 2:00 am Monday to Sunday, with the exception of restricted trading days, provided that they are not located within a freeze precinct¹.

For venues located in the Kings Cross or Sydney CBD Entertainment precincts, or the Oxford Street Darlinghurst freeze precinct, liquor trading hours of midday to midnight, Monday to Sunday, with the exception of restricted trading days, apply.

¹ Small bars that are not located in freeze precincts are automatically granted an extended trading authorisation until 2:00am immediately following any normal trading day

Extended trading authorisations

Application can be made to the Authority to extend the trading hours of a small bar from 10am up until 5am (subject to a 6 hour closure period) - either on a permanent basis, or to celebrate a special occasion.

Applicants can apply for an extended trading authorisation when applying for a small bar licence, or after the small bar licence is approved using form AM0020B. In most instances, an extended trading authorisation application that is lodged after the licence has been approved is subject to same conditions regarding development application notification and CIS requirements that apply to a small bar licence application.

Extended trading hours are subject to a 6 hour closure period each day. The table above outlines the standard trading hours and maximum extended trading hours for a small bar licence.

The application fee for an extended trading authorisation for a small bar is \$1,250 - whether the application is made as part of a small bar licence application or after a small bar licence has been approved.

Daily 6-hour closure

All new liquor licences are subject to a statutory condition that prohibits the sale of liquor during the six hour closure period. The six hour closure period is determined by the Authority when considering an application for a liquor licence.

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The 6-hour closure period is usually 4.00am to 10.00am. Applicants should provide reasons if a different 6-hour closure period is required

Under 18s

Under 18s are not permitted in small bars at times when alcohol is allowed to be sold.

Signage

In addition to having a sign displayed at the front of the premises that shows the name of the premises, the type of liquor licence held, and the name of the licensee, a small bar licence must display two other signs:



Sign 1L

Sign 6L

Sign 1L must be displayed wherever alcohol is sold on licensed premises i.e. at each bar and servery counter.

Sign 6L must be displayed so that it can be seen by a person entering the premises

Signage is available from 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 staff, must have completed an approved responsible service of alcohol course, and hold current RSA certification.

Food

Food of a nature and quantity consistent with the responsible sale, supply and service of alcohol must be available whenever alcohol is served on the premises.

Need more information?

Visit www.olgr.nsw.gov.au for more information about the liquor laws, including subscription to our e-news service.

For more information, call our Customer Service Team on 02 9995 0894 or email info@olgr.nsw.gov.au

FAQs

Is there a patron limit on a small bar licence?

Yes, under the liquor laws, a small bar has a maximum limit of 60 patrons. This means that no more than 60 patrons may be on the licensed premises during liquor trading hours.

How do I provide notification of a Development Application?

OLGR has developed a form (*Notice of Development Application*) which may be used for this purpose. The form is available from www.olgr.nsw.gov.au/liquor_forms.asp

When lodging your development application, you may receive a record of lodgement which may be used to form the basis of a notification to police and the Director General.

Any notification must contain at a minimum, the following:

- proposed licence name
- premises address
- date of development application
- council or consent authority name

You must keep proof of lodgement of all notifications, as they will be required in the licence application

Notification can be provided by email to smallbars@olgr.nsw.gov.au

Notification enquiries can be made by calling 02 9995 0837.

Can keno and wagering be conducted in the premises of a general bar licence?

No. Keno and wagering are prohibited.

What if I want to offer take-away alcohol sales to patrons at my premises sometime in the future?

A small bar licence does not allow take-away sales. It would be necessary to obtain a hotel licence to do this.

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Can I sell alcohol at functions away from the premises?

No. A “function on other premises authorisation” is not available for a small bar licence.

Can I provide entertainment?

Yes. If entertainment is only part of your venue’s main business, then separate approval is not needed. However, if the entertainment will fundamentally change the principal use of your venue, development approval from your local council may be required.

To find out if you need development approval, contact your local council.

Are there alternatives to a small bar licence?

A general bar licence is a type of hotel licence that allows the sale of alcohol in a bar setting, but does not have a venue capacity restriction. However, a Category B CIS must be undertaken before a general bar licence application is made.

An on-premises licence may apply for a primary service authorisation, which allows alcohol to be served to patrons without a meal or other service. However, at any time, the sale or supply of alcohol cannot be the primary purpose of the business. For further information on these and other licence types, please visit www.olgr.nsw.gov.au/liquor_license_apps.asp

Can my business remain open outside of the liquor trading hours?

Yes, however alcohol must not be sold, supplied, or made available to patrons outside of the approved liquor trading hours.

Can under 18s be on the premises?

Patrons under 18 may only be on the premises outside of liquor trading hours. A small bar cannot apply for a minors area authorisation.

