

## Fact sheet FS3058

# On-premises licence – catering service

## Statutory conditions and requirements

The *Liquor Act 2007* and Liquor Regulation 2018 govern the conditions that each type of liquor licence must fulfil, alongside its additional ongoing requirements. This fact sheet outlines statutory conditions and requirements for an on-premises licence that relates to a catering service.

- ▲ Kings Cross precinct additional conditions
- ▲ The first column refers to sections in the *Liquor Act 2007* (the Liquor Act) and clauses in the Liquor Regulation 2018 (the Liquor Regulation).
- ▲ In the second column, C = licence condition, R = ongoing licence requirement

### Kings Cross precinct additional conditions

Additional statutory conditions apply to liquor licences in the Kings Cross precinct to reduce alcohol-related violence and anti-social behaviour. An exemption from certain conditions can be sought in limited circumstances. You can find detailed information about the conditions applying in Kings Cross at [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au).

Section/clause		C/R*	Condition
s.11A	<b>Special licence condition – 6-hour closure period for licensed premises</b>	C	<p><b>6-hour closure period</b></p> <p>Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours during each consecutive period of 24 hours (known as the 6-hour closure period). The 6-hour closure period is 4am to 10am each day, or as determined by the Independent Liquor &amp; Gaming Authority (ILGA). During the 6-hour closure period, the licensed premises are not authorised to stay open for the retail sale of liquor on the premises. This condition only applies to:</p> <ul style="list-style-type: none"> <li>▲ an on-premises licence granted on or after 30 October 2008</li> <li>▲ an on-premises licence in force before 30 October 2008, but only where an extended trading authorisation was granted for the licence on or after 30 October 2008 and is in force.</li> </ul>
s.22	<b>Primary purpose test</b>	R	<p><b>Primary purpose test</b></p> <p>A new on-premises licence cannot be granted if the primary purpose of the business or activity carried out on the premises is the sale or supply of liquor.</p> <p>An existing on-premises licence cannot be utilised if the primary purpose of the business or activity carried out on the licensed premises is the sale or supply of liquor.</p>

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Section/clause		C/R*	Condition
s.23	On-premises licence must specify business/ activity or kind of licensed premises	R	<p><b>Business or activity carried out on licensed premises or kind of premises must be as specified in the licence</b></p> <p>An on-premises licence cannot be utilised if:</p> <ul style="list-style-type: none"> <li>▲ the business or activity carried out on the licensed premises is not the same as the business or activity specified in the licence, or</li> <li>▲ the licensed premises are not the same kind of premises specified in the licence.</li> </ul>
s.24	On-premises licence – sale or supply of liquor must be with or ancillary to other service or product	R	<p><b>Liquor must be sold/supplied with another product or service</b></p> <p>Liquor may only be sold or supplied for consumption on the licensed premises with, or ancillary to, another product or service that is sold, supplied or provided to people on the licensed premises.</p> <p>This requirement does not apply if a <i>primary service authorisation</i> has been approved by ILGA. If a primary service authorisation has been approved, the primary purpose requirements continue to apply and catering services must be available on the licensed premises at all times.</p>
s.25	Authorisation conferred by on-premises licence (generally)	R	<p><b>Sale of liquor on other premises under an on-premises licence</b></p> <p>Where liquor is sold on any premises other than the actual licensed premises under a sale on other premises authorisation, those other premises are taken to be part of the licensed premises.</p>
s.27	Requirement to provide food on licensed premises	C	<p><b>Food must be made available</b></p> <p>Food of a nature and quantity consistent with the responsible sale, supply and service of alcohol must be available whenever liquor is sold or supplied. Exceptions to this requirement can be approved by ILGA. Email <a href="mailto:individual.licensing@liquorandgaming.nsw.gov.au">individual.licensing@liquorandgaming.nsw.gov.au</a></p>

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Section/clause		C/R*	Condition
s.55	<b>Requirement to provide information in relation to persons interested in licensee's business</b>	C	<p><b>Licensee must notify changes to business ownership</b></p> <p>Where a person (other than the licensee or a financial institution) becomes interested in the business, or the conduct of the business, carried out on licensed premises, ILGA must be provided with the following information within 28 days after the other person becomes interested:</p> <ul style="list-style-type: none"> <li>▲ the name and date of birth of the interested person and, in the case of a proprietary company, the names of the directors and shareholders</li> <li>▲ a statement, signed by the licensee, that the licensee has made all reasonable inquiries to ascertain the information referred to in the paragraph above.</li> </ul> <p>A person is interested in the business, or the conduct of the business, carried out on licensed premises if the person is entitled to receive:</p> <ul style="list-style-type: none"> <li>▲ any income derived from the business, or any other financial benefit or financial advantage from the carrying on of the business (whether the entitlement arises at law or in equity or otherwise), or</li> <li>▲ any rent, profit or other income in connection with the use or occupation of the premises on which the business is to be carried on.</li> </ul> <p>This information may be provided by the licensee or the interested person. See form AM0555.</p>
c.56	<b>Requirement to provide information relating to persons no longer interested in licensee's business</b>	C	<p><b>Change of persons interested in licensee's business</b></p> <p>If a person (other than the licensee or a financial institution) ceases to be interested in the business, or the conduct of the business, carried out on licensed premises, ILGA must, within 28 days of the person ceasing to have that interest, be notified in writing that the person is no longer an interested person.</p>

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Section/clause		C/R*	Condition
s.56	Incident registers	C	<p><b>Commercial caterer with retail on-premises sales after midnight at least once a week</b></p> <p>The licensee must maintain an incident register in the form approved by the Secretary. The register must record details of the following incidents that occur between midnight and 5am the following day Monday to Friday, between midnight Saturday and 10am Sunday, and between 10pm Sunday and 5am Monday:</p> <ul style="list-style-type: none"> <li>▲ any incident involving violence or anti-social behaviour occurring on the licensed premises</li> <li>▲ any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the licensed premises and that involves a person who has recently left, or been refused admission to, the premises</li> <li>▲ any incident that results in a person being turned out of the licensed premises under the exclusion provisions of the Liquor Act</li> <li>▲ any incident that results in a patron of the licensed premises requiring medical assistance</li> <li>▲ any incident that involves the possession or use on the licensed premises of any substance suspected of being a prohibited plant or drug.</li> </ul> <p>The register must also record details of any action taken in response to any such incident.</p> <p>Find out more about <a href="#">incident registers</a>.</p>

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Section/clause		C/R*	Condition												
c.46	On-premises licence – authorisation to trade on premises other than	C	<p><b>Food must be made available on other premises</b></p> <p>Food of a nature and quality consistent with the responsible sale, supply and service of alcohol must be made available whenever liquor is sold or supplied on any premises other than the permanent licensed premises.</p>												
		C	<p><b>Notice of functions must be provided to Liquor &amp; Gaming NSW, local police and local council</b></p> <p>The licensee must give written notice of certain proposals to provide catering services at a function to be held on premises that are not the permanent licensed premises to Liquor &amp; Gaming NSW, local police and the local council for the area in which the function is to be held.</p> <p>The notice must be given in accordance with this table:</p> <table border="1"> <thead> <tr> <th></th> <th>Up to 100 people</th> <th>101-1,999 people</th> <th>2,000+ people</th> </tr> </thead> <tbody> <tr> <td>Functions open to the public (including ticketed and non-ticketed functions)</td> <td>14 days</td> <td>14 days</td> <td>28 days</td> </tr> <tr> <td>Private functions (including weddings, birthdays, office functions and others not open to the public)</td> <td>No notice required</td> <td>14 days</td> <td>14 days</td> </tr> </tbody> </table> <p>Notice is not needed for smaller, private functions for 100 or fewer people that may often be held on private residences. However, there may be times where a licensee is unclear whether liquor can be sold or supplied on certain premises under the related development consent (e.g. on a business premises). In these instances, the licensee should still notify the local council, or seek clarification from the council about what is permitted. Written notice to L&amp;GNSW should be made by email to <a href="mailto:compliance.info@liquorandgaming.nsw.gov.au">compliance.info@liquorandgaming.nsw.gov.au</a> and should include the following details:</p> <ul style="list-style-type: none"> <li>▲ the address of the premises on which the function is to be held</li> <li>▲ the name of the occupier of those premises</li> <li>▲ the nature of the function</li> <li>▲ the number of persons for whom catering services are to be provided at the function</li> <li>▲ the date on which, and the hours during which, the function is to be held.</li> </ul>		Up to 100 people	101-1,999 people	2,000+ people	Functions open to the public (including ticketed and non-ticketed functions)	14 days	14 days	28 days	Private functions (including weddings, birthdays, office functions and others not open to the public)	No notice required	14 days	14 days
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C	<p><b>Licensee must not sell/supply liquor on certain premises</b></p> <p>The licensee must not sell or supply liquor on any premises in respect of which an application by a person for the following has been refused by ILGA in the previous 2 years:</p> <ul style="list-style-type: none"> <li>▲ a licence</li> <li>▲ the removal of a licence from those premises</li> <li>▲ an extended trading authorisation.</li> </ul> <p><b>Note:</b> visit <a href="http://liquorandgaming.nsw.gov.au">liquorandgaming.nsw.gov.au</a> for information on premises affected by this condition.</p>														

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Section/clause		C/R*	Condition
c.44	Availability of licence and licence-related authorisations	C	<p><b>Licensee must make liquor licence available</b></p> <p>A copy of each of the following must be available at all times for the information of the members of staff of the licensed premises:</p> <ul style="list-style-type: none"> <li>▲ the licence</li> <li>▲ any licence-related authorisation</li> <li>▲ any conditions imposed by ILGA or the Secretary on the licence or the authorisation.</li> </ul> <p>This information must be available to any member of staff who:</p> <ul style="list-style-type: none"> <li>▲ sells, supplies or serves liquor on the licensed premises, or</li> <li>▲ carries on any security activity (such as a crowd controller or bouncer) on or about the licensed premises, or</li> <li>▲ exercises any functions under the Liquor Act or Liquor Regulation.</li> </ul>
s.93	Cessation of trade	R	<p><b>Licensee must notify when ceasing trade</b></p> <p>If the licensed premises cease trading during any continuous period of more than 6 weeks, the licensee must notify ILGA in writing that the premises have ceased to trade. See form AM0490.</p>
c.57	Resumption of trade	C	<p><b>Licensee must notify when resuming trade</b></p> <p>If the licensed premises has ceased trading for a continuous period of more than 6 weeks, the license must notify ILGA as soon as practicable before trading is resumed. See AM0495: Recommence trading.</p>
c.85	Drinking water to be available free of charge where liquor served	C	<p><b>Free drinking water must be available</b></p> <p>Drinking water must be available free of charge at all times while liquor is sold or supplied for consumption on the licensed premises. The drinking water must be available to patrons at or near liquor service points, or by the same means of service that liquor is available (e.g. waiter service).</p>

### Need more information?

To find out more about the liquor laws, contact L&GNSW:

 [liquorandgaming.nsw.gov.au](http://liquorandgaming.nsw.gov.au)

 [Contact us online](#)

 1300 024 720

You can also access the *Liquor Act 2007* and the *Liquor Regulation 2018* at [legislation.nsw.gov.au](http://legislation.nsw.gov.au).