

## Fact sheet FS3051

# Hotel licence

## 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 hotel licences.

- ▲ 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	Special licence condition – 6-hour closure period for licensed premises	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 six hours during each consecutive period of 24 hours. The 6-hour closure period is 4am to 10am each day, or as determined by the Independent Liquor &amp; Gaming Authority.</p> <p>During the 6-hour closure period:</p> <ul style="list-style-type: none"> <li>▲ the licensed premises are not authorised to stay open for the retail sale of liquor on the premises</li> <li>▲ the licensee is not authorised to sell takeaway liquor by retail.</li> </ul> <p>This condition only applies to:</p> <ul style="list-style-type: none"> <li>▲ a hotel licence granted on or after 30 October 2008</li> <li>▲ a hotel 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> <p>This condition does not apply to the sale or supply of liquor to a resident of the licensed premises where the liquor is sold or supplied for consumption in the resident's room.</p>

Section/clause		C/R*	Condition
s. 15	Hotel licence – general provisions	R	<p><b>Hotel primary purpose test</b></p> <p>The primary purpose of the business carried out on the hotel's licensed premises must at all times be the sale of liquor by retail. The keeping or operation of gaming machines on the hotel's licensed premises must not detract unduly from the character of the hotel or from the enjoyment of non-gaming patrons. A hotel licence does not operate where the hotel primary purpose test is not complied with.</p> <p>Exceptions exist in certain cases (e.g. section 15A below) allowing the hotel to cease liquor sales during normal trading hours.</p>
		R	<p><b>Sale of liquor on other premises under a hotel licence</b></p> <p>Where liquor is sold on any premises other than the actual hotel under a <i>function on other premises authorisation</i>, those other premises are taken to be part of the licensed premises to which the hotel licence relates.</p>
s. 15A	Cessation of liquor sales during trading hours	C	<p>During the standard trading period, a licensee may at any time:</p> <ul style="list-style-type: none"> <li>▲ cease to sell or supply liquor on the licensed premises</li> <li>▲ continue to provide, or make available, other services and facilities on the licensed premises (such as food and non-alcoholic beverages, entertainment and the use of the premises for conferences or meetings) provided the licensed premises are not used for gambling activities.</li> </ul>
		R	<p>During the standard trading period, a licensee may at any time:</p> <ul style="list-style-type: none"> <li>▲ cease to sell or supply liquor on the licensed premises</li> <li>▲ continue to provide, or make available, other services and facilities on the licensed premises (such as food and non-alcoholic beverages, entertainment and the use of the premises for conferences or meetings and for gambling activities that are otherwise permitted on the premises) but only with the approval of the Independent Liquor &amp; Gaming Authority.</li> </ul>
		R	<p>During an extended trading period, a licensee may at any time:</p> <ul style="list-style-type: none"> <li>▲ cease to sell or supply liquor on the licensed premises</li> <li>▲ continue to provide, or make available, other services and facilities on the licensed premises (such as food and non-alcoholic beverages, entertainment and the use of the premises for conferences or meetings and for gambling activities that are otherwise permitted on the premises).</li> </ul>

Section/clause		C/R*	Condition
s. 17	Hotel licence – miscellaneous conditions	C	<p><b>Cash advances prohibited</b></p> <p>A hotelier must not:</p> <ul style="list-style-type: none"> <li>provide a cash advance in the hotel</li> <li>permit a cash advance to be provided in the hotel on their behalf, except as a prize or bonus won as a direct or indirect consequence of participating in a legal form of gambling.</li> </ul>
		C	<p><b>Hotels must be open to general public</b></p> <p>A hotel business cannot be limited to the sale or supply of liquor only to either of the following:</p> <ul style="list-style-type: none"> <li>persons who have been invited to use or attend the hotel</li> <li>a particular class, or particular classes, of persons using or attending the hotel.</li> </ul> <p>The Independent Liquor &amp; Gaming Authority can approve exceptions to this requirement on a temporary basis, and the regulations also prescribe other exceptions.</p>
		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 on the hotel premises for consumption on the premises.</p>
		C	<p><b>Residents and employees cannot consume liquor in bar area outside trading hours</b></p> <p>Liquor may not be sold or supplied to, or consumed by, a resident or an employee of the licensee in a bar area of the hotel outside of the trading hours for the hotel bar area.</p> <p>The Independent Liquor &amp; Gaming Authority may approve a residents bar authorisation allowing the use of a bar area for the sale, supply or consumption of liquor exclusively to/by residents outside of the hotel's approved bar area trading hours.</p> <p>Use the AM0060 'Residents bar authorisation' form at <a href="http://liquorandgaming.nsw.gov.au">liquorandgaming.nsw.gov.au</a>.</p>
s. 103	Closing of certain hotel areas	R	<p><b>Hotelier must close certain hotel areas</b></p> <p>A hotelier must:</p> <ol style="list-style-type: none"> <li>at any time when the hotel is not authorised to be open for the sale or supply of liquor, and</li> <li>at any time when the sale or supply of liquor is permitted only for consumption in a specified part of the hotel,</li> </ol> <p>close and keep closed to the public every bar area of the hotel, and every other part of the hotel in which liquor is ordinarily sold or supplied to the public, except a bar area or other part open in accordance with the conditions of the licence in a part of the hotel referred to in paragraph (b) or a bar area permitted by the regulations to be used solely for purposes other than the sale or supply of alcoholic drinks at that time.</p>

Section/clause		C/R*	Condition
s. 55	Requirement to provide information in relation to persons interested in licensee's business	C	<p><b>Licensee must notify changes to business ownership</b></p> <p>If 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, the licensee must provide the Independent Liquor &amp; Gaming Authority with the following 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 enquiries to ascertain the information referred to above.</li> </ul> <p>A person is deemed to be interested in the business, or the conduct of the business, carried out on licensed premises if they are 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)</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>Either the licensee or the interested person can provide this information.</p> <p>Use the AM0555 'Update details or notify interest in liquor licence business' notification at <a href="http://liquorandgaming.nsw.gov.au">liquorandgaming.nsw.gov.au</a>.</p>
c. 56	Requirement to provide information relating to persons interested in licensee's business	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, the Independent Liquor &amp; Gaming Authority 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>

Section/clause		C/R*	Condition
s. 56	Incident registers	C	<p><b>Hotel with retail on-premises sales after 12 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 12 midnight and 5am the following day Monday to Friday, between 12 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>
s. 122	Functions for minors in hotels and public entertainment venues	C	<p><b>Hotel with a minors functions authorisation</b></p> <p>At least <b>7 days notice</b> must be given to the local police before any function is held. The notice must specify the name and nature of the function, the number of minors attending, the number of adult supervisors, and details of the security arrangements.</p> <p>The licensee and person conducting the function must comply with any directions given by the local police or the Independent Liquor &amp; Gaming Authority with respect to the conduct of functions for minors.</p> <p>Liquor must not be sold, supplied, disposed of or consumed in the area where a function is held.</p> <p>Gaming machines and tobacco vending machines must not be located in the area where a function is held, and any area of the licensed premises in which gaming machines or tobacco vending machines are located must not be accessible to any minor attending the function.</p>
c. 40	General bar licence – other forms of gambling prohibited	C	<p><b>General bar hotel licence</b></p> <p>The licensed premises cannot be used to:</p> <ul style="list-style-type: none"> <li>conduct a totalizator, or to conduct any betting activity, under the authority of a licence granted under the <i>Totalizator Act 1997</i></li> <li>conduct a public lottery (within the meaning of the <i>Public Lotteries Act 1996</i>) authorised under that Act.</li> </ul>

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 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</li> <li>▲ carries on any security activity (such as a crowd controller or bouncer) on or about the licensed premises</li> <li>▲ exercises any functions under the Liquor Act or the 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 the Independent Liquor &amp; Gaming Authority in writing that the premises have ceased to trade.</p> <p>Use the AM0490 'Cease to trade' application at <a href="http://liquorandgaming.nsw.gov.au">liquorandgaming.nsw.gov.au</a>.</p>
c. 57	Resumption of trading – requirement to notify Authority	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 the Independent Liquor &amp; Gaming Authority 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).