

Variation to the category of licence from full club to restricted club

This kit contains all the forms and related materials required to apply for a variation to the category of licence from full club to restricted club in Victoria.

Contents:

1. Pre-lodgement checklist – variation to the category of licence from full club to restricted club
2. Application form – variation to the category of licence from full club to restricted club
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4. Statement of display
5. 'Plans of licensed premises' fact sheet
6. 'Maximum patron capacity' fact sheet

Visit vic.gov.au/liquor-licence-application-fees to confirm the licence application fee.

How to apply

This is an interactive PDF form which allows you to:

- complete the form using a computer or tablet
- save your progress and continue at a later time
- print the completed form to sign and return.

You are still able to print the form and complete it by hand if you prefer.

This form has been designed to be completed using the free Adobe Acrobat Reader software. To download this free software, [please visit the following link](#) or search for the free "Adobe Acrobat Reader" on your device's app store.

This form may not function as intended if you use any other software.

Send application to:
Liquor Control Victoria
PO Box 1019
Richmond VIC 3121

or via email to:
contact@liquor.vic.gov.au

Need help?

For more information on how to apply for a liquor licence or permit:

- visit Liquor Control Victoria (LCV) website at liquor.vic.gov.au
- telephone LCV on 1300 182 457
- email LCV at contact@liquor.vic.gov.au

Privacy

Liquor Control Victoria (LCV) is committed to protecting the privacy of your personal information. LCV endorses fair information handling practices and uses information in compliance with its obligations under the *Privacy and Data Protection Act 2014* (Vic). Personal information collected from you is only used for the purposes of the application for the licence or permit and/or legislation administered by LCV. Personal information is not disclosed to third parties unless required or authorised by law, or with your consent. As part of the application process, information provided may be forwarded to and retained by Victoria Police.

Pre-lodgement checklist

Variation to the category of licence from full club to restricted club

This checklist details the documents required to accompany the lodgement of your application. Supplying these with your application will allow Liquor Control Victoria (LCV) to commence assessment of the application and can reduce processing time. Your application may be returned if the accompanying documents do not meet the requirements below.

LCV may contact applicants to request additional documentation depending on the circumstances of their business.

All forms and fact sheets referred to are available on LCV's website liquor.vic.gov.au

Please ensure the following forms/documents are attached to this application

Tick all boxes below when a requirement has been met, then sign and date your confirmation at the end of this form.

Application form

Please ensure:

- all fields on the application form are completed
- the nature of the business is detailed, clearly demonstrating why a liquor licence is sought
- trading hours are detailed for internal areas and (if applicable) any external areas where alcohol will be served
- the application form is signed and dated by the applicant
- that correct fees are attached, as detailed at vic.gov.au/liquor-licence-application-fees

Planning permit or evidence that a permit is not required

A copy of the planning permit from the local council (or responsible planning authority) showing that you have planning permission to supply liquor in accordance with the category of licence you are applying for. For example, this should show that you have planning permission for the activities permitted by the new licence type, the trading hours you are applying for and the area where you would like to supply liquor (red-line area).

If a planning permit has not been granted at the time of application, you are required to provide a copy of an application for a planning permit made to the local council (or responsible planning authority). If the area where you would like to supply liquor includes the kerbside trading area, please provide a copy of a permit that shows you have permission to use that area.

Alternatively, you can provide evidence that a planning permit is not required to supply liquor as outlined in your application. For example, a letter from the local council (or responsible planning authority) or a copy of the relevant planning scheme.

Copy of the red-line plan

A licence is granted for a defined area on the premises. A plan of the premises with the proposed licensed area outlined in red are required for an application to be accepted.

The plan **must** meet requirements detailed in the 'Plans of licensed premises' fact sheet.

Maximum patron capacity

Patron capacity is the maximum number of patrons allowed on the licensed premises at any one time. A maximum patron capacity may be required to be endorsed on the licence.

For more information please refer to the 'other application requirements' section on the application form and the 'Maximum patron capacity' fact sheet.

Please note

Applicants will be sent an acknowledgement letter when the application and required documentation detailed in the above checklist are lodged. The letter may also outline a list of additional information required and the date by which it must be submitted. LCV will then complete the assessment and determine the application.

One applicant to sign and date below to confirm all required documentation has been completed and is attached to this application.

Name

Signature

Date

Application

Variation to the category of licence from full club to restricted club

Liquor Control Reform Act 1998

Complete this application if you want to change the category of your licence from a full club licence to a restricted club licence.

Applicant details

Name/s of licensee (person/partnership/company/body corporate/club)

Licence number

Australian Business No. (ABN) Australian Company No. (ACN)

Details of each individual, each partner, each director, or each executive committee member
(please attach an extra sheet of paper if necessary)

Name

Position held

Residential address

Name

Position held

Residential address

Name

Position held

Residential address

Name

Position held

Residential address

Contact details

Business hours contact details for you/your representative

Contact name

Daytime telephone number

Fax number

Postal address

Email

Premises details

Premises/Trading name (ie registered business name)

Street address

Postal address (for service of notices if different from street address)

Premises email

Privacy – Liquor Control Victoria (LCV) is committed to responsible and fair handling of personal information consistent with the *Privacy and Data Protection Act 2014 (Vic)* and its obligations under the *Liquor Control Reform Act 1998*. All information provided in this application is available for public viewing, except for the questionnaire form (if applicable) which is forwarded to and retained by Victoria Police.

Category selection

- Tick this box to confirm that you are applying to vary your licence to a restricted club licence.

Before you make this application, you should ensure that you fully understand the ways in which your obligations as a licensee will change when you vary from a full club to a restricted club licence.

Please note:

- Under a restricted club licence liquor may not be supplied for off-premises consumption.
- Changing to a restricted club licence will also impact on your authority to hold gaming machines.

Conditional approval

If the application for a new category of licence is granted, are you able to commence trading under the new licence immediately?

- No Give details of likely date of commencement.

- Yes

Purpose

Give a description of the nature of the business and the purpose for which the liquor licence is sought.

Trading hours

Indicate the days and hours you wish to trade. Refer to vic.gov.au/liquor-licence-application-fees for details of applicable fees.

Entertainment

Will you be providing live or amplified recorded music other than background music on the premises?

- Yes Give details

- No

Right to occupy premises

- I am/we are the freehold owner/s of the premises to which this application relates

or

- I/we have an exclusive right to occupy the premises to which this application relates

Signature/s of applicant/s

I/we certify that the information contained in this application is true and correct

X Date

Name

X Date

Name

X Date

Name

X Date

Name

Other application requirements

As part of your application you will also be required to provide:

1. Planning permission (not required for all types of renewable limited licences and pre-retail licences. All other licence categories require a planning permit or permission).

A copy of a planning permit from the local council (or responsible planning authority) which shows that you have planning permission to supply liquor in accordance with the category of licence you are applying for. For example, this should show that you have planning permission for the activities permitted by the new licence type, the trading hours you're applying for and the area where you would like to supply liquor (red-line area).

If a planning permit has not been granted at the time of application, you are required to provide a copy of an application for a planning permit made to the local council (or responsible planning authority).

Alternatively, you can provide evidence that a planning permit is not required to supply liquor as outlined in your application. For example, a letter from the local council (or responsible planning authority) or a copy of the relevant planning scheme.

2. A plan of the premises

A copy of the plan of the premises must be submitted which meets the requirements specified by LCV. Please refer to the 'Plans of licensed premises' fact sheet.

3. Display of application

A public notice must be displayed at the premises that are the subject of the application.

After the application has been accepted, you or your representative will be advised in writing of the period the public notice must be displayed. The enclosed 'Statement of display' must be returned at the end of the display period. Refer to the enclosed 'Guidelines for displaying public notices'.

4. Maximum patron capacity

If the current licence does not have a maximum patron capacity endorsed you must provide documentation to assist LCV to determine a maximum patron capacity. Please refer to the 'Maximum patron capacity' fact sheet for more information.

Note: LCV may request an applicant to provide any other information. If required to do so you will be notified in writing.

How to lodge this application and accompanying documents

By post

Liquor Control Victoria
PO Box 1019, Richmond VIC 3121
Phone: 1300 182 457

By email

contact@liquor.vic.gov.au

What happens next

You will be sent a letter that confirms we have received your application and outlines any further information required. Once we have received all the required information and documents, your application will be determined. You will be advised of the outcome in writing.

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PUBLIC NOTICE

Liquor licence application

Details of liquor licence application lodged
with Liquor Control Victoria (LCV)

Liquor Control Reform Act 1998

Name of applicant: (person/partnership/company/club)		
Display period:	Start date (dd/mm/yyyy):	End date (dd/mm/yyyy):
Type of application:	Application no:	
Name and address of premises to which the application relates:		
Address of previous premises if relocating:		
The purpose of the application is to:		
The proposed days and hours of trade are:		
Will these hours apply to an external area?	YES	NO
The current days and hours of trade are: (if existing licensee)		
I/we have requested authority to supply liquor at the kerbside area	YES	NO

Objections

All objections will be treated as public documents. Full details of the objection, including the name and address of the objector will be provided to the applicant.

Grounds for objection

Any person may object to the grant of this application on the ground that it would detract from, or be detrimental to, the amenity of the area in which the premises are located.

Objection periods

All objections must state the grounds and the reasons for the objection and be made within 30 days of this notice being first displayed.

Additional grounds for objection to the grant relating to a packaged liquor licence

Any person may object to the grant of an application relating to a packaged liquor licence on the ground that the grant, variation or relocation would be conducive to encourage harm.

The following are not valid reasons for objection:

- the business would not be successful
- another licensed business would be adversely affected, or
- there is insufficient need or demand to justify the grant of the application.

LCV may refuse to accept an objection if:

- the person making the objection is not affected by the application,
- the objection is frivolous or vexatious, or
- the objection is not otherwise in accordance with the *Liquor Control Reform Act 1998*.

Objections must be made in writing to LCV:

- online at liquor.vic.gov.au
- via email at contact@liquor.vic.gov.au
- or via post to: Liquor Control Victoria, PO Box 1019, Richmond VIC 3121

Display requirements

This notice must be displayed as A3 size.

This notice must be continuously displayed as A3 size on the site or premises that are the subject of the application for the period advised in writing by LCV. If you are unable to print the public notices as A3 size, email contact@liquor.vic.gov.au or telephone 1300 182 457 to request a copy.

The notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.

Statement of Display requirements

Statement of Display forms cannot be lodged until the Public Notice display period has ended.

Liquor Control Victoria



Guidelines for displaying public notices

Liquor Control Reform Act 1998
Issued by Liquor Control Victoria

Insert the full name of the applicant(s) as written on the application form.

Once the application has been accepted, the applicant will be advised in writing of the start and end date that the public notice must be continuously displayed.

Describe the type of application (eg new packaged liquor licence, variation to an on-premises and restaurant and cafe licences, relocation of a general licence).

Insert the full name and address of the premises for which a licence is sought.

If relocating a licence, insert the address of the previous premises.

Provide details of your application. (Applications to vary the conditions of existing licences must clearly contrast your proposed conditions with your current conditions).

This section must be completed for all applications. Hours of trade for consumption off the premises must be shown separately. Insert "No change" if the hours on your existing licence are to remain unchanged.

Indicate "yes" or "no" if the proposed trading hours apply to an external area.

This section must be completed for all variation and relocation applications. Hours of trade for consumption on and off the premises must be shown separately.

On-premises licence holders may, with the consent of the local municipal authority, offer a kerbside area. Indicate "Yes" or "No" if you have requested an authority to supply liquor in such an area.

The public notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.

(If you are unable to print the public notices as A3 size, email contact@liquor.vic.gov.au or telephone 1300 182 457 to request a copy)

Example of Completed Notice

PUBLIC NOTICE Liquor licence application		Details of liquor licence application lodged with Liquor Control Victoria (LCV) <i>Liquor Control Reform Act 1998</i>	
Name of applicant: (person/partnership/company/club)	Smithies Pty Ltd	Start date (dd/mm/yyyy):	13 10 2022
Display period:		End date (dd/mm/yyyy):	11 11 2022
Type of application:	Variation of a General Licence	Application no:	
Name and address of premises to which the application relates:	Smithies Bar, 400 Smith Street, Smithville		
Address of previous premises if relocating:			
The purpose of the application is to:	Operate a restaurant, operate a bar, extend my licensed area, increase the patron numbers to 500. Extend trading hours on Friday and Saturday nights to 1am.		
The proposed days and hours of trade are:	Sunday 10am to 12 Midnight Good Friday and ANZAC Day 12 noon to 12 Midnight On any other day 7am to 1am		
Will these hours apply to an external area?	✓ YES NO		
The current days and hours of trade are: (if existing licensee)	Sunday 10am to 11pm Good Friday and ANZAC Day 12 noon to 11pm On any other day 7am to 11pm		
I/we have requested authority to supply liquor at the kerbside area	✓ YES NO		

Objections

All objections will be treated as public documents. Full details of the objection, including the name and address of the objector will be provided to the applicant.

Grounds for objection
Any person may object to the grant of this application on the ground that it would detract from, or be detrimental to, the amenity of the area in which the premises are located.

Objection periods
All objections must state the grounds and the reasons for the objection and be made within 30 days of this notice being first displayed.

Additional grounds for objection to the grant relating to a packaged liquor licence
Any person may object to the grant of an application relating to a packaged liquor licence on the ground that the grant, variation or relocation would be conducive to encourage harm.

The following are not valid reasons for objection:

- the business would not be successful
- another licensed business would be adversely affected, or
- there is insufficient need or demand to justify the grant of the application.

LCV may refuse to accept an objection if:

- the person making the objection is not affected by the application,
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- the objection is not otherwise in accordance with the *Liquor Control Reform Act 1998*.

Objections must be made in writing to LCV:

- online at liquor.vic.gov.au
- via email at contact@liquor.vic.gov.au
- or via post to: Liquor Control Victoria, PO Box 1019, Richmond VIC 3121


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The notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.

Statement of Display requirements
Statement of Display forms cannot be lodged until the Public Notice display period has ended.

Liquor Control Victoria


Liquor Control Victoria

PO Box 1019, Richmond 3121
P: 1300 182 457 E: contact@liquor.vic.gov.au
liquor.vic.gov.au



Statement of display

To be completed after the 28 day public notice period has passed

Liquor Control Reform Act 1998

Details of application lodged with Liquor Control Victoria (LCV)

Licence number: (if licence has already been granted)

File number: (this can be found on correspondence sent to you by the Commission)

Name of licence applicant: (person/partnership/company/club)

ACN: (if applicable)

Address of premises:

Display period required by the Victorian Liquor Commission (the Commission):

Start date (dd/mm/yyyy):

End date:(dd/mm/yyyy):

Signature and certification of public notice display

Certification

I being the applicant, or on behalf of the applicant certify that:

- during the period specified in this form, a public notice of the size and in the format required by the Commission and containing all relevant details of the application was displayed on the premises or site to which the application relates; and
- the public notice was continuously and conspicuously displayed during the period advised by the Commission in accordance with the guidelines for the display of liquor licensing applications.

I understand that it is an offence under Section 118 of the *Liquor Control Reform Act 1998* to make a false or misleading statement and that penalties apply.

Signature of person making this declaration:

Printed name:

Date (dd/mm/yyyy):

Address:

Daytime telephone number:

How to lodge this form

By post

Liquor Control Victoria
PO Box 1019, Richmond VIC 3121
Phone: 1300 182 457

By email

contact@liquor.vic.gov.au

Plans of licensed premises

When a liquor licence or BYO permit is granted, it is for a defined area where liquor can be supplied or consumed. This is shown by a red-line drawn on a plan of the premises. This plan needs to be submitted to Liquor Control Victoria (LCV) as part of the application process and may be required upon request at any time.

The plan of the premises must accompany applications for:

- a licence or BYO permit excluding a pre-retail licence or a BYO permit for party bus
- a variation of a licence or BYO permit that involves a change to the size or perimeter of the licensed premises
- a transfer of a licence or BYO permit if the current floor layout of the premises differs from the plan held at LCV
- the relocation of a licence or BYO permit.

Internal changes to premises

If a change is made to the internal area of licensed premises (for example, by adding or removing a particular structure), the licensee should submit an updated plan of the licensed premises.

LCV requesting a plan

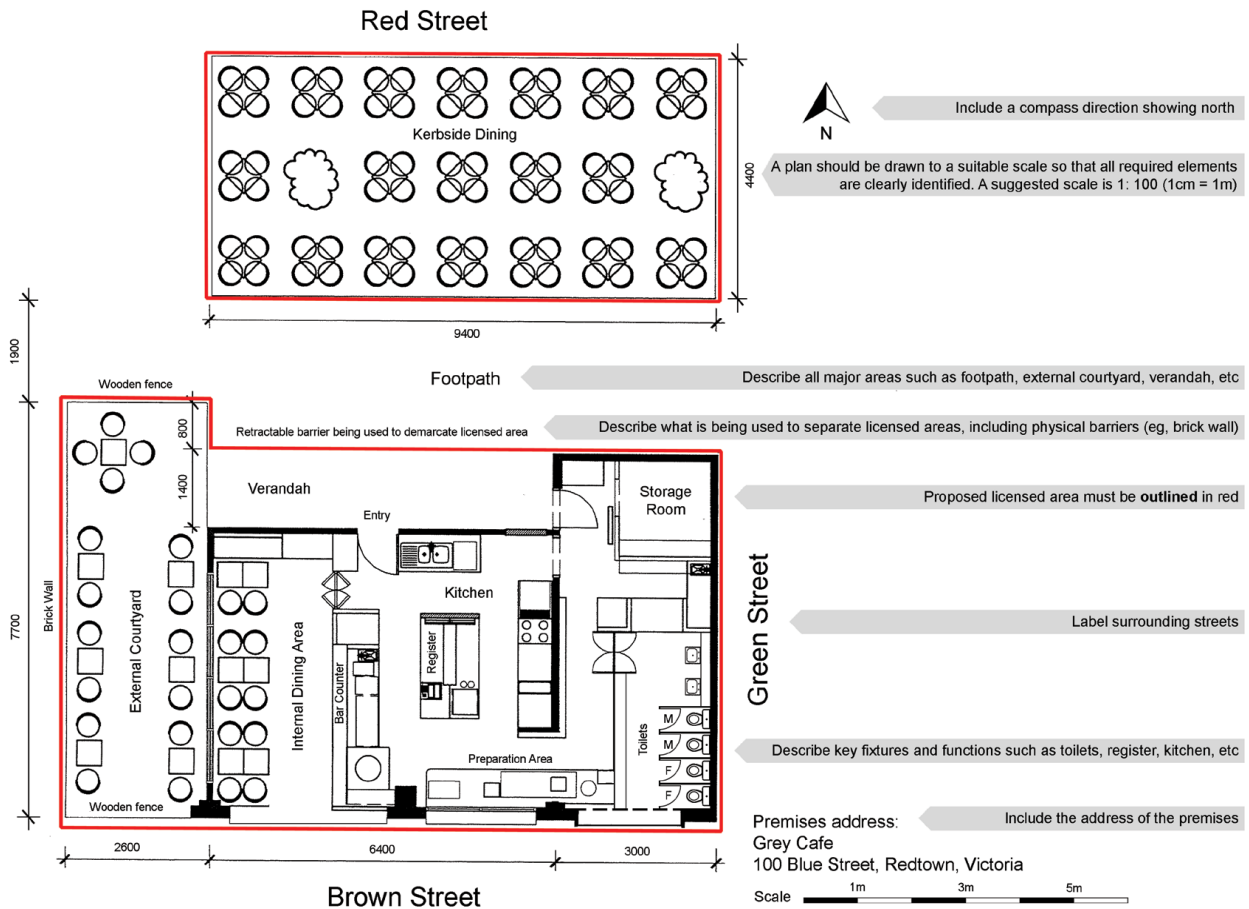
In addition to the above, under section 130(1)(a) of the *Liquor Control Reform Act 1998* an authorised person (such as an LCV Inspector or member of Victoria Police) may at any time request information relevant to the operations or the management of the premises. This may include a current plan of a licensed premises.

Plan format

A plan must contain the following elements:

- be on suitably sized paper, minimum A4 size (graph paper is not acceptable)
- be drawn in ink and be neat and legible
- show the floor plan(s) of the owned or leased property
- note the size of the red-lined area in metres squared
- outline in red the boundaries of the proposed area to be licensed
- if the proposed area does not follow a physical barrier (such as a wall), describe what is being used to separate the area
- show clear and consistent measurements on the plan
- include the address of the premises
- include a compass point showing north and names of the surrounding streets
- show basic functions or fixtures, for example, bar and dining area/kitchen area or in the case of a packaged liquor outlet, shelf areas where alcohol is displayed and the cash register is located
- a plan should be drawn to a suitable scale so that all elements above are clearly identified. A suggested scale is 1:100 (1cm = 1m).

An example of a plan is provided below.



Restaurant and cafe licences and on-premises licences

If applying for kerbside trading, identify the area to be licensed and separately outline this area in on the plan. LCV will mark this area with an A.A on the approved copy of the plan. This area is referred to as the Authorised Area.

General licences

A general licence authorises the supply of liquor to patrons for consumption off the licensed premises, being a footpath or kerbside area. Therefore this area does not need to be identified on the plan.

Please note that licensees must comply with relevant local planning laws.

Where a proposed licensed or authorised area includes large outdoor spaces, a separate site plan must be provided that shows:

- the entire site including internal and external areas drawn to a suitable scale
- outline in red the proposed area that is to be licensed
- clear descriptions of how the proposed outdoor area will be distinguished (for example, fence, portable barriers, warning signs).

If the plan does not meet these requirements, the applicant will be required to resubmit the plan.

Storing an approved plan

A copy of the approved plan must be kept on the licensed premises and must be available for inspection on request by a member of Victoria Police or an LCV Inspector.

Failure to keep a copy of the plan on the licensed premises or produce a copy of the plan for inspection could result in a fine being issued.

If you do not have a copy of your approved plan, you can obtain a copy from LCV at no extra cost.

Maximum patron capacity

Liquor Control Victoria (LCV) has a maximum patron capacity policy that guides how patron capacity is determined for a liquor licence.

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. Patron capacity may be used to calculate the application fee and annual licence fee payable by each licensee.

Applicants will be required to provide specific documentation in order for LCV to determine and endorse maximum patron capacity for a premises.

Under the *Liquor Control Reform Act 1998* (the Act) LCV can set a maximum patron capacity as a condition of a liquor licence. This is enforceable, and penalties apply for licensees who do not comply.

This fact sheet explains how LCV determines maximum patron capacity for the purposes of the Act. It is the building owner's responsibility to ensure that building occupants comply with all other regulatory requirements.

Licences with a maximum patron capacity

Maximum patron capacity will be endorsed in respect of applications for the following new licences:

- general
- on-premises
- restaurant and cafe
- late night (on-premises and general)
- full club
- restricted club.

Some existing licences may also be endorsed with maximum patron capacities.

Maximum patron capacities may also be required on some major event licences where appropriate.

Determining maximum patron capacity

In the first instance, LCV will determine maximum patron capacity based on the maximum patron capacity stated within the most recently issued planning permit provided with the application.

If the planning permit does not contain a maximum patron capacity, or if the planning permit has not been granted by the local council prior to the grant of the liquor licence, applicants are encouraged to contact their local council to obtain a copy of an occupancy permit. LCV will then determine the maximum patron capacity based on the number stated on the occupancy permit.

In circumstances where neither the planning permit nor occupancy permit specify a maximum patron capacity, applicants are required to obtain a report from a registered building surveyor that states:

- the area in square metres available to the public for the whole of the internal premises (excluding toilets, passageways and the like) and (if applicable) for any external areas such as courtyards or decks, and
- the number of patrons that may be accommodated on the internal premises and (if applicable) on any external areas of the premises based on a ratio of one person per 0.75 square metres.

Please ensure that the report displays the building surveyor registration number.

Note: LCV may request a building report from a registered building surveyor showing a calculation based on a ratio of one person per 0.75 square metres if LCV considers that the capacity provided in the planning or occupancy permit is inaccurate or inappropriate. This may be requested in light of any information contained within the licence application and having regard to the objects of the Act.

Restaurant and cafe licences

For restaurant and cafe licences, tables and chairs must be available for at least 75 per cent of patrons. For example, if the licence states that maximum patron capacity is 100 patrons then there must be tables and chairs available for at least 75 patrons. Likewise, if there are tables and chairs available for only 50 patrons, a maximum of 66 patrons may be legally accommodated on the premises.

Patron capacity for specific areas

In addition to the overall maximum patron capacity for the licensed area, LCV may set separate patron capacities on specific areas within a licensed area, such as:

- balconies
- beer gardens.
- terraces and courtyards

Patron capacities allocated for specific areas are calculated in accordance with the methods listed above, as well as amenity considerations.

While LCV considers amenity as part of the patron number calculation, the relevant local council also retains responsibility for managing issues of amenity in each council region.

External areas

The overall maximum patron capacity for a licensed area is generally no larger than the maximum capacity allowed for the internal area of the premises.

This is to prevent overcrowding, and minimise sanitation and fire safety risks associated with patrons moving from outdoor to indoor areas, for example, to get a drink, to exit the premises or if it rains.

In some circumstances, LCV may consider increasing the overall maximum patron capacity to allow for external areas.

Applicants with external licensed areas who wish to apply for this increase can submit a building report from a registered building surveyor demonstrating that fire safety and sanitation arrangements for the additional patrons will be met.

Features of an external area that may support an increase to the overall maximum patron capacity include:

- an external area that is large compared to the internal area, such as a large beer garden
- effective weather proofing
- separate entrances and exits
- separate facilities such as bars and toilets.

Function and accommodation areas

Function and accommodation areas may be excluded from the overall maximum patron capacity, and may be given their own separate capacity limits.