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ADVISORY #2022-36

Subject: Caterer's Permits

The purpose of this advisory is to provide guidance to the industry regarding Caterer's Permits. The guidance replaces any formal or informal guidance that was previously provided by the Authority. The issuance of Caterer's Permits is covered by §98 of the ABC Law and Part 29 of the Rules of the Authority.

Eligibility for Caterer's Permit

- Permit can only be issued for a specific indoor function/event. [ABCL §98(1)]
- Permit can only be issued to the holder of an on-premises license. [Rules §29.1]
- Permit holder must be supplying provisions (food and beverages) and services for the function/event. [ABCL §98(1) & Rules §29.1]

Permits for locations that are licensed or have pending applications

- Permit can be issued for a premises that is currently licensed. There is no need to "de-license" the space to issue the permit. [Rules §29.3]
- Permit is limited to the beverages that can be sold/served under the current license at the location. [Rules §29.3]
- Permit can be issued for a location where there is a pending or conditionally approved application.
- The applicant for the permit must submit proof that the licensee/applicant agrees to the use of its premises.

Conditions on use of permit

- Permit is limited to the beverages that can be sold/served under the applicant's current license. [Rules §29.2(a)]

- The function/event must be private (not open to the public). It should be invitation/RSVP in advance with guest list or ticket purchase in advance.
- Wholesalers can deliver alcoholic beverages to site of event in advance of the function/event. [Rules §29.2(c)]
- Permit is effective for a 24-hour period, starting at 8 AM on the date the permit is issued for, but sales/service can only take place during the event. [Rules §29.2(b)]
- Applicants must submit proof, such as a public assembly permit, that the premises can be used for the intended event with the number of attendees stated in the application. [ABCL §110(1)(e)]
- For events at large venues, with a significant number of attendees or where either the location or applicant have a history of complaints, the Authority may require the submission of security plan and/or support from the municipality.

Number of permits issued to applicant or for location

- Unlike Temporary Beer and Wine permits, there is no limit in the ABC Law on the number of permits that can be issued.
- The Authority will, however, monitor the number of permits being issued for a specific location to determine if the permits are being used to circumvent the need to have the location licensed. In general, if 12 permits have been issued for the same location during a 6-calendar month period, applications for any additional permits may be denied.

Permits for club licensees

- The ABC Law places limits on the ability of club licensees to obtain a caterer's permit either at the club's premises or at another location. Those restrictions can be found in Advisory # 2015-20.

This matter was heard and determined by the Members of the Authority at a Full Board meeting held on November 22, 2022 before Chairman Vincent Bradley, Commissioner Lily Fan, and Commissioner Greeley Ford. The above written advisory was approved by the Members of the Authority on November 22, 2022.

Dated: 12/13/22



Donald Roper
Secretary to the Authority