

# THE HOSPITALITY MESSENGER

Your Western Australian liquor licensing, hospitality, event and related industries news and information presented by Lavan

December 2019 | 46<sup>th</sup> edition

LAVAN

## Reminder

Annual licence fees must be paid by 1 January 2020. Penalties may be imposed for late payment. Non-payment can result in more serious consequences.



**What do you think of the liquor licensing training course in WA?**

**The licensing authority has called for feedback on the Course in Management of Licensed Premises (52473WA).**

**The Hospitality Messenger intends to provide comments and will be happy to collate and forward opinions from readers. You may provide your comments to any of the email addresses at the bottom of the next page. Please do so by no later than 6 January 2020.**



**Additional trading hours apply for packaged liquor sales under hotel, tavern and liquor store licences on 22 and 29 December 2019.**

**Early this year the Director of Liquor Licensing issued a blanket ETP for some licences to trade either earlier or later this coming weekend and next weekend.**

Click [here](#) for full details.

DLGSCI fees are expected to increase by a few dollars from 1 January 2020. A new schedule of fees is expected to be published by DLGSCI shortly.

## Another application flushed away!

Inadequate toilet facilities have again been the reason for the refusal of a licence.

The latest decision, handed down in August 2019 but only published mid-December 2019, involved an application for a new restaurant licence in South Perth.

It was summarised in the Decision that "[i]n this case, the premises to which the application relates do not include toilet facilities, the toilets proposed are not on the same level, but located two levels down in the basement, over 80 metres away and are only accessible by an elevator".

The applicant was given the opportunity to address the issue of toilets and to persuade the licensing authority that the toilets were adequate. In doing so the applicant provided evidence of support for the application from the Member for South Perth and a building surveyor. The surveyor stated in a letter that from his perspective the toilets comply.

The decision maker reiterated the discretion of the licensing authority, referred to the relevant policy of the Director of Liquor Licensing and confirmed that the policy "has been established for many years".

The decision maker went on to find as follows:

- "[i]n my opinion, toilet facilities are a related service which should be provided by licensees and that it is an expectation of consumers who resort to licensed premises that toilets facilities are provided thereon or at least in respect of restaurants in close proximity".
- In considering the applicant's submissions and taking into consideration the location of the proposed licensed premises... I am not satisfied that any public interest reason exists to satisfy me to exercise my discretion under s 33 of the Act to depart from the Director's policy and find the premises suitable to be licensed.
- Accordingly, as I concluded that the proposed premises are not suitable, the application was refused."

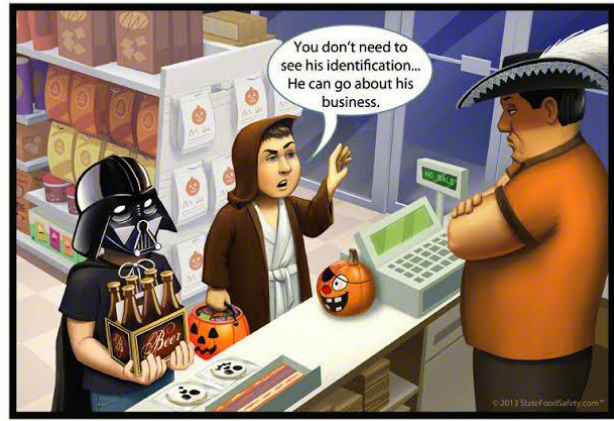
A full copy of the decision is available [here](#).



## Brag Box

*This year we have assisted our clients achieve many positive developments in respect of existing and new businesses in the liquor, hospitality, event and tourism industries. The following are just some of those achievements:*

- \* Many new licence approvals
- \* Several new ETPs
- \* Multiple business sales/licence transfers
  - \* Manager and catering arrangements negotiated and agreed
  - \* Favourable outcomes in proceedings involving complaints and disciplinary action
- \* Several variations to licence conditions
  - \* Various alterations to premises
  - \* Local council wins
- \* Successful probity submissions
- \* Occasional licences and event approvals
- \* Trading approval for several new licences and lots of new venue openings



During the current peak trading period it is essential that licensees and staff remain vigilant to not sell or supply liquor to juveniles and anyone who could be suspected of passing that liquor onto a juvenile.

Licensees and staff are reminded that the acceptable forms of identification are set out in the Liquor Control Regulations, which are as follows and must be current and include a photograph of the person:

- Australian driver's licence
- Passport
- Proof of age card issued under the Liquor Control Regulations of WA
- WA photo card
- Photo card issued under the Photo Card Act 2005 (NSW)
- Australian learner driver permit
- Hard copy proof of age card (known as a "Keypass identity card") issued by Australia Post
- Card issued under the law of another Australian State or Territory that is equivalent to a proof of age card or a photo card referred to in the WA regulations

Licensees retain the right to refuse entry or service to anyone who does not satisfy them as being over the age of 18.

*The Hospitality Messenger and everyone at Lavan wishes our readers a very happy, safe, compliant and successful festive period. Good tradings to all!*

*Our office will be closed from 5pm Friday 20 December 2019 until Monday 6 January 2020, however, we can be contacted by email during that time.*

## OUR TEAM

Your business or club is an important contributor to the Western Australian community and to WA's growing liquor, hospitality, events, tourism and related industries.

Are you getting the most out of your business? Are you fulfilling all of your ideas and enjoying business success?

If you have an idea for a new business, we would love to help you develop it.

We encourage you to obtain modern business solutions from us and receive the benefits of a life long working relationship to help maximise your business potential. Any expenditure with us is an investment in your business and its future.

We enjoy visiting our clients' places of business and will be happy to visit yours.



**Jessica  
Patterson**  
Partner

P: (08) 9288 6946  
E: [jessica.patterson@lavan.com.au](mailto:jessica.patterson@lavan.com.au)



**Dan  
Mossenson**  
Emeritus Partner

P: (08) 9288 6769  
E: [dan.mossenson@lavan.com.au](mailto:dan.mossenson@lavan.com.au)



**Alec  
Weston**  
Senior Associate

P: (08) 9288 6873  
E: [alec.weston@lavan.com.au](mailto:alec.weston@lavan.com.au)



**Lara  
McAleer**  
Assistant Law Clerk

P: (08) 9288 6902  
E: [lara.mcaleer@lavan.com.au](mailto:lara.mcaleer@lavan.com.au)