

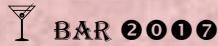
THE HOSPITALITY MESSENGER

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

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LAVAN

Test your knowledge...



Come in, we're open! Be sure to comply with our entry conditions - you must be over 18, not drunk, meet the dress standard, have good behaviour and drink responsibly

Question: Can you identify what is wrong with this example, as the signage being displayed at the main entrance of a licensed venue? - The answer is on the next page

PROHIBITION

23 people – four women and 19 men - have been issued with Prohibition Orders so far this year.

Click [here](#) to access the full published list.

The Orders prohibit the individuals from entering licensed premises in Western Australia, for varying periods of up to four years.

A range of different conditions apply to the Orders. Some prohibit access to all licensed premises whilst others relate to specified licensed premises.

Offences can potentially apply to licensees who employ, or otherwise allow onto the licensed premises, a person who is the subject of a prohibition order which applies to that premises.

BUS STOP LIQUOR ADVERTISEMENT "TOO CLOSE" TO SCHOOLS

On 8 August 2017 the Alcohol Advertising Review Board upheld a complaint against an advertisement for Canadian Club on a bus stop near the corner of Charles Street and Scarborough Beach Road in North Perth.



The Board considered a complaint received from someone who saw the ad around 6pm on 17 July 2017 and who stated in the complaint that "[t]his is a really busy intersection, the bus stop was outside a McDonalds and there are several primary schools within 1km of the bus stop. There is no doubt that many children and young people would see the ad."

The Board determined that "[t]he advertisement contravened section (7) of the Placement Code, on the basis that the advertisement was placed on a bus stop and many children would be exposed to it. A Panel member believed that an alcohol ad on a bus stop within 1km of a school was too close." The Board requested that "further action" be taken such that "the Advertiser cease using public transport-related locations to advertise their products due to likely exposure of young people."

The full decision can be accessed [here](#).

Brag Box

In 2017 we have a 100% success rate for applications that we have prepared. In terms of new licences we have obtained approvals for our clients in respect of four new liquor store licences, four taverns, three special facility licences, two hotels, two restaurants and a cellar door, so far this year.



Restaurants, beware!

Restaurant licensees must ensure that their business is at all times predominantly a supplier of substantial meals, in compliance with requirements associated with restaurant licences under the Act and conditions of the licence, including the supply of liquor being subordinate to the supply of meals at all times.

The licensing authority recently issued a restaurant licensee with a notice to show cause under the Act why a long list of restrictive conditions should not be imposed on the licence to address drinking on the premises in circumstances not suitable for a restaurant licensed premises and other alleged breaches. One of the proposed conditions involves a requirement that liquor only be supplied 30 minutes before or after a meal.

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Moody Cow Brewery to keep on mooing

This month the Liquor Commission handed down a long-awaited decision in respect of s117 complaints by neighbours of the Moody Cow Brewery in the Ferguson Valley regarding alleged noise and disturbance related issues. The complaints were dismissed.

The Commission found positively in respect of the actions of the licensee and stated that those actions were actually "indicative of the licensee having regard to the environment in which the business operates and endeavouring to...balance interests of the business...and...the neighbourhood".

In respect of most of the complainants, the Commission found their evidence to be "far from persuasive".

The Commission went on to conclude that the noise disturbances alleged are, neither "individually or collectively, unduly offensive, annoying, disturbing or inconvenient".

This Commission's decision confirmed the determination previously made by the Director of Liquor Licensing in respect of the same complaints.

The full decision is available [here](#).

Answer: The example signage on the previous page does not comply fully with the Liquor Control Act as it fails to provide actual details of "the licensee's requirements for a standard of dress". Where a licensee has dress requirements of patrons, those requirements must be "conspicuously displayed at each entrance to any part of the premises where the requirements" apply.

SFLs

Special facility licences are very... special! Under the current law they are difficult to obtain and potentially harder to vary. People seeking a new SFL or to vary one should handle the application carefully to avoid a disappointing result.

FORGED EVIDENCE IDENTIFIED BY THE DIRECTOR IN UNSUCCESSFUL LIQUOR STORE APPLICATION

In the recent decision of the Director of Liquor Licensing in respect of the application for Cellarbrations at Northbridge, the Director noted the following:

"In questioning the probative value of the applicant's consumer surveys, the Commissioner [of Police] provided a statement from one of the supposed respondents who stated that he did not complete the survey form as submitted, and his signature on the survey form has been forged."

The Director did not make formal findings in relation to the forgery and it is not known if action has subsequently been taken against the applicant.

The outcome of the application for the new liquor store licence was a refusal and the Director found:

- "the applicant's evidence to be unconvincing and, in part, flawed".
- that in respect of one particular matter, the "applicant's submissions on this issue do not make sense".
- "that the stated benefits to the community from the grant of the application are marginal at best, and significantly diminished by the presence of numerous packaged liquor outlets in the locality".
- "on the balance of probability, that over time, the grant of the application is likely to contribute to the existing high rate of alcohol-related harm and ill-health in the locality, and I find that this likely increase poses an unacceptable risk".

The full decision can be read by clicking [here](#).



OUR TEAM

Your business 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.



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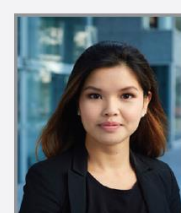
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