

# THE HOSPITALITY MESSENGER

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

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**LAVAN** LEGAL  
Leaders in Law

## \* Reminder \*

As the busy summer trade starts, licensees are reminded of the obligation to record incidents.

The following "prescribed" types of "incidents" must be recorded in the required manner:

- (1) a person is refused entry because the person is —
  - (1.1) drunk; or
  - (1.2) behaving in an offensive manner, including violent, quarrelsome, disorderly or indecent behaviour;
- (2) a person who has been refused entry then —
  - (2.1) repeatedly attempts to gain entry to the premises; or
  - (2.2) behaves in an offensive manner, including violent, quarrelsome, disorderly or indecent behaviour;
- (3) a person is required to leave or is removed from the premises;
- (4) a juvenile or suspected juvenile fails to produce evidence of age when required to do so;
- (5) a document produced by a juvenile or suspected juvenile as evidence of age is suspected to be forged, false or counterfeit;
- (6) a person engages in indecent behaviour;
- (7) a person is drunk;
- (8) a person (including a person employed or engaged in the business) is injured;
- (9) anyone complains about noise or any other matter related to the business.



## City of Wanneroo changes for liquor stores and taverns

The City has adopted a new eight page policy to:

1. Clarify the role and responsibility of Council when dealing with applications for liquor stores and taverns.
2. Provide a framework for the assessment of development applications for liquor stores and taverns.
3. Set out a process for Council to follow when considering intervening in liquor licensing proceedings.

The stated objective of the policy is to "minimise the impact of liquor stores and taverns on the amenity of surrounding areas."

Applicants for liquor store or tavern licences in the City of Wanneroo will now need to address the policy and submit a detailed Management Plan.

The policy outlines how and when the council may participate in licensing applications as an intervener or objector.

Access the new Policy [here](#).

## SMALL BAR INDUSTRY AWARDS

As a proud sponsor of the Small Bar Association, Lavan Legal congratulates the following venues that were recognised at the recent Small Bar Awards for their outstanding contribution to the industry this year:



**SBA**

Varnish on King, Critics Choice  
Helvetica Bar, People's Choice  
Oyster Bar Mandurah, Best Regional Bar  
Alfred's Pizzeria, Best New Bar

*Looking for premises in the Perth CBD for your new venue? We know of a fabulous, newly refurbished, iconic heritage space that is available in a prime location. We can put you in contact with the owner.*

*Contact Jessica on the details below.*

## Tips for event and function approvals and Sunday ETPs

*"Aaaaahhhhhh!!!! My event is just two days away and I still don't have licensing approval despite lodging my application months ago."*



Sound familiar?

Even when you lodge your one-off ETP or occasional licence application within the required time frame, or even well before then, the date of lodgement does not dictate when it will be determined.

Despite the obligation to lodge one-off ETP and occasional licence applications by certain deadlines, the licensing authority actually determines applications in chronological order according to the date of the event/function and not when lodged.

It is prudent to liaise closely with the licensing authority throughout the processing of such applications to help expedite determination where possible and to know what trading conditions will be imposed. Some conditions may require time and effort to prepare for and comply with.

## When is a licensee not a licensee?

In recent weeks we have come across two different situations where our clients were innocently mistaken regarding the true licensee of their business. Such misunderstanding has the potential to be dealt with as a breach of the liquor legislation and result in penalties.

The licensee is the party or parties to whom the licence is granted and in whose name the licence is held.

That may sound simple enough, but is often misinterpreted.

If a licence is held in the name of "Perth Company Pty Ltd", then the entity "Perth Company Pty Ltd" is the licensee. Any reference to the licensee must state exactly: Perth Company Pty Ltd.

If the licence is held in the names of "Perth Company Pty Ltd and Perth Company 2 Pty Ltd", then the licence is held jointly by "Perth Company Pty Ltd and Perth Company 2 Pty Ltd" as joint licensees. Any reference to the licensee must state exactly: Perth Company Pty Ltd and Perth Company 2 Pty Ltd. It would be wrong to refer to one company on its own as licensee.

Neither the directors nor shareholders of either company are themselves, as individuals, the licensee in those examples.

Be sure to correctly refer to the approved licensee on your invoices, letterhead, email signature and other things.

Click [here](#) to read about "the latest restaurant industry trends and insights impacting Aussie dining culture"

*Perth is home to the world's second best hotel!*

Travel publisher, Conde Nast, recently announced COMO the Treasury in the Perth CBD as being a world leader in hotel services and facilities, second only to one other in Ireland.

Lavan Legal is delighted with having obtained licensing approval for the COMO.



## DRGL on the move

The Department of Racing, Gaming and Liquor and the Liquor Commission of Western Australia are moving offices. From 14 November 2016 the Department and Commission will be located at Gordon Stephenson House, 140 William Street, Perth.

The new front counter will be located on Level 2. The main switchboard number will be (08) 6551 4888.

## 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' businesses and will be happy to visit yours.



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