



# Policy

## Extended Trading Hours - Sunday Trading on Long Weekends for Nightclubs, Hotels, Taverns, Small Bars and Special Facility Licences

### Disclaimer

This Policy is designed to provide information in regard to the subject matter covered, and with the understanding that the Director of Liquor Licensing is not passing legal opinion or interpretation or other professional advice. The information is provided on the understanding that all persons undertake responsibility for assessing the relevance and accuracy of its contents.

### *Introduction*

Under section 60 of the *Liquor Control Act 1988* ('the Act'), on application by the licensee, the licensing authority may grant an extended trading permit authorising the licensee to sell and supply liquor under the licence, according to the tenor of a permit, in circumstances to which that licence would not otherwise apply. In addition, section 63(a) of the Act empowers the licensing authority, on the application of the licensee, to vary any term or condition specifying trading hours where the permitted hours are specified in the licence which relates to those premises, ie. a special facility licence.

This document provides guidance on extended trading permits for Sunday trading on long weekends and the circumstances that the licensing authority may have regard to when considering applications for these permits.

### *Legislative Provisions*

Section 60(4)(g) of the Act states that the purposes for which an extended trading permit may be issued includes:

*'... extended hours, authorising the licensee to sell liquor under the licence at specified hours that would not otherwise be permitted hours, on such days other than a Good Friday as may be specified, which remains in force for the period specified...'*

Section 63(a) of the Act empowers the licensing authority to vary any term or condition of licence specifying trading hours.

Section 33(1) of the Act, states that the *'... licensing authority has an absolute discretion to grant or refuse an application under this Act on any ground, or for any reason, that the licensing authority considers in the public interest.'*

Notwithstanding these provisions of the Act, each application is required to be dealt with on its merits, after such inquiry as the licensing authority thinks fit.

### *Applications*

In early October each year the licensing authority will give notice of the long weekends in the following year that will be considered for additional hours of trading on the Sunday night.

Licensees wishing to apply for extended trading on those dates will be required to lodge an application for each long weekend for the following year by **31 October**. This will enable the licensing authority to appropriately consider each application.

In this regard, the licensing authority will consult with the relevant local government authority and the WA Police prior to determining the application.

To support the application, licensees will need to identify strategies for minimising harm, as well as demonstrate to the licensing authority why it is in the public interest to approve the application. In this regard, the following public interest criteria are considered relevant:-

- are persons who live or work in the vicinity of the licensed premises likely to be disturbed or inconvenienced if the permit is granted?
- what public interest is served by the extension of hours?
- what type of entertainment is the licensee considering?
- will food be provided? If not, what is the latest time food will be available?
- the responsible serving practices adopted by the licensee?
- the management plan, staff instructions and a code of practice in place for the licensed premises.
- what special management measures will be put in place to manage the function or event?
- what security and crowd control measures are in place?

This list is not exhaustive and other criteria may be considered relevant as part of the application process.

### ***Permit/Approval Conditions***

Where applications for extended trading hours are approved, those approvals will generally be subject to the imposition of the following conditions. Other conditions may be imposed where appropriate.

**1. *UNACCOMPANIED JUVENILES PROHIBITED***

Only juveniles accompanied and supervised by a responsible adult (as defined by Section 125(2)(b) of the *Liquor Control Act 1988*) are permitted to enter and remain on the licensed premises.

**2. *PACKAGED LIQUOR PROHIBITED***

The sale and supply of packaged liquor for consumption off the licensed premises is prohibited during the hours covered by the permit/licence.

**3. *CONTAINERS AND QUANTITIES***

No liquor is to be sold or supplied for consumption on the premises in any of the following ways:-

- a) In any vessels with a measurement capacity exceeding 750ml, except vessels containing premixed drinks (e.g. RTDs) which shall not exceed 375ml;
- b) in non-standard measures of spirits (i.e. no more than 50mls of spirits is permitted in any vessel).

4. **RESPONSIBLE DRINK PRACTICES**

The licensee is prohibited from selling and supplying beverages in such a way that would encourage rapid consumption of liquor (e.g., but not limited to, unadulterated spirit or liqueur in a shot glass); or drinks known as 'laybacks', 'shots', 'shooters', 'test tubes', 'jelly shots', 'blasters' or 'bombs' or any other emotive title.

5. **ENERGY DRINKS**

No liquor is to be supplied mixed with energy drinks.

*(For the purposes of this condition, **energy drink** has the same meaning as **formulated caffeinated beverage** within the Australia New Zealand Food Standards Code with a composition of 145mg/l of caffeine or greater.)*

6. **LOCK-OUT**

Persons (other than an "authorised person") are prohibited from entering or re-entering the licensed premises 30 minutes prior to the close of trading prescribed on the licence or permit.

7. **LICENSED SECURITY REQUIREMENTS**

Crowd controllers licensed under the *Security and Related Activities (Control) Act 1996*, must be on duty during the hours covered by the permit. A ratio of two (2) crowd controllers for the first one hundred (100) patrons and one (1) crowd controller for each additional one hundred (100) patrons or part thereof must be on duty.

8. **LOCAL AUTHORITY REQUIREMENTS**

The licensee is required to comply with all requirements of the local authority.

### ***Non-compliance***

Licensees should be aware that the approval of extended trading hours can be withdrawn. If a licensee fails to comply with the conditions of the permit, the licensing authority may:

1. cancel the permit under section 60(8a). Permits may be cancelled, at the absolute discretion of the licensing authority, if it is satisfied that the permit is no longer appropriate nor in the public interest;
2. cancel the approval given under section 63(a) of the Act in respect of a special facility licence;
2. issue an infringement under section 167 to the licensee and approved manager;
3. require the licensee to show cause why more restrictive conditions should not be imposed on the licence (section 64 refers); and/or
4. lodge a section 95 complaint for disciplinary action against the licensee.

### ***Application kits***

Application kits containing the lodgement guide and all the required forms can be downloaded from the Department's website at [www.rgl.wa.gov.au](http://www.rgl.wa.gov.au) or by contacting the Department on (08) 9425 1888.

**DIRECTOR OF LIQUOR LICENSING**