



# Policy

## Extended Trading Permits/Variations - 'One-off' Events or Functions

### Disclaimer

This Policy Guideline is designed to provide accurate and authoritative 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

The *Liquor Control Act 1988* ('the Act') sets out the fundamental trading conditions for each class of licence with sections 98 to 98H of the Act providing the permitted trading hours.

Under section 60 of the Act the licensing authority may grant an extended trading permit authorising the licensee to sell and supply liquor in circumstances to which the license would not otherwise apply.

In addition, section 63 of the Act empowers the licensing authority, to vary any term or condition imposed on a licence.

An application for an extended trading permit, or to vary or cancel a condition of a licence must be considered on its own merits, and therefore, the onus is on the licensee to demonstrate the merits of their application.

This policy provides guidance as to the circumstances in which permits or variations to licence conditions may be considered.

This policy should be read in conjunction with the Director's policies on ***Extended Trading Permits - Long Weekends***, ***Extended Trading Permits - Non Members*** and ***Extended Trading Permits - Sunday Trading Non-metro Liquor Stores***.

### Extended Trading Hours

#### ANZAC Day

- RSL clubs who hold a club or club restricted licence may apply to trade between 6 am and 12 midday on ANZAC Day. These permits will be subject to normal trading conditions, that is; liquor may only be sold and supplied to members and guests.
- Hotels, taverns, small bars and certain special facility licences may seek approval for a private function being held specifically for RSL members and their guests – *no general public will be allowed entry to the function.*

#### Christmas and New Year

- Non-metropolitan liquor stores may seek approval to trade on the two Sundays preceding Christmas and the Sunday preceding New Year's Day.
- Every application for extended trading must be considered on its own merits.
- Licensees should also refer to the policy on ***Extended Trading Permits - Sunday Trading Non-metro Liquor Stores***.

## Easter

- Non-metropolitan liquor stores located in holiday and/or tourist areas, which traditionally have a large influx of visitors over the Easter Weekend, may seek to trade on Easter Sunday. Submissions in support of the application will be required. Licensees should also refer to the policy on **Extended Trading Permits – Sunday Trading: Non-metro Liquor Stores**.
- Permits will not be granted to authorise trading on Good Friday (section 60(4) of the *Liquor Control Act 1988* specifically prohibits extended trading hours on Good Friday).

## St Patrick's Day

- Traditionally Irish themed hotels, taverns, nightclubs, clubs and certain special facility licences may seek an extension of trading hours on St Patrick's Day.

## Entertainment i.e. Bands, DJ's

- Licensees in the metropolitan area may seek approval for 1 additional hour if the entertainment being provided is a live performance by an interstate or international band, DJ or artist.
- Licensees outside of the metropolitan area may seek approval if the entertainment being provided is a live performance by a band, DJ or artist who is not based in the local area.

## Private Functions/Events

- Applications will generally only be considered where a patron has approached the licensee to hold a private function, e.g. a 21<sup>st</sup> birthday party; wedding reception; fashion parade etc.
- The function should be a *private* event to which the general public will not be admitted and should be held in a specified part of the licensed premises.

## Live Broadcasts of Sporting Events

- Hotels, taverns, small bars and special facility licences may seek approval for live broadcasts of events such as the FA Cup; a World Cup; Olympic Games; AFL Grand Final; World Title boxing matches.
- Where there is a national team competing in a final, and the premises has a strong emphasis or theme that is consistent with that nation, the application will be looked at favourably. Submissions in support of the application will be required.
- Approvals for these events will be conditioned such that patrons must be there for the purpose of watching the live broadcast, and lock-out conditions may also be imposed.

## Local Festivals

- Licensees of hotels, taverns, small bars, liquor stores, nightclubs and certain special facility licences may seek approval where there is a large influx of visitors due to a local festival or special event occurring in the town. Submissions in support of the application will be required. Applications will be considered on their own merits in the context of the local event. The applicant must demonstrate a genuine need for extended hours in relation to the event.

## Event After Parties

- Where a licensee of a hotel, tavern, small bar, special facility licence or nightclub has been approached by the organisers of a major event to hold the official "after party", applications for extensions to approved hours may be considered if the licensee can demonstrate that:
  1. the application is to extend trading hours to hold a private "after party" for organisers, performers, volunteers, exhibitors etc in a specified part of the licensed premises and is at the request of the festival organiser; and
  2. the general public are not permitted entry to the "after party" function.

## Mothers Day & Fathers Day

- Hotels, taverns, small bars and certain special facility licences may seek a permit for Mothers Day and Fathers Day functions. However, the permit will generally be conditioned such that liquor may only be sold and supplied ancillary to a meal provided by the licensee.

## National Race Days

- Licensed premises with a TAB facility may seek a permit for additional trading hours to cater for patrons of the TAB facility during a race meeting.

## Sunday Trading On Long Weekends

- Please refer to the policy guideline ***Extended Trading Permits – Long Weekends*** for information.

## Function Permits

### Nightclubs

- Nightclubs may seek a permit to authorise the sale and supply of liquor at a special function being held on the licensed premises whether or not *continuous live entertainment is being provided*. For example, a matinee show of a live performer or a corporate function.

### Clubs

- Club licensees may seek a permit to authorise the sale and supply of liquor at a special occasion or function, on the licensed premises, *to persons other than members or guests of members*, that is; the general public. For example; an open day, or a function such as a wedding reception being held by a non-member. Licensees should also refer to the Policy on ***Extended Trading Permits – Non Members***.
- While the nature of the function will be taken into consideration at the time of determination, there is no restriction on the Club as to the reason for such permits.
- Generally, no more than twelve (12) approvals of this kind shall be issued in a 12 month period.

## Extended Area Approval

- Approvals may be issued to authorise a licensee to sell and supply liquor at a function away from their licensed premises provided the area is adjacent to the licensed premises. This could include a carpark, or an adjacent building. ***In this circumstance, local council consent must be obtained and lodged with the application before an application can be considered.***

Please note:

- Where a licensee has been engaged to only cater for a third party at a location not licensed, the area where liquor will be sold and supplied does not need to be adjacent to the licensed premises.
- Catering permits are not generally available to Special Facility Licence holders unless it has a "Special Facility – Catering" licence.

## General restrictions and conditions of approvals

- As a matter of policy, only one (1) additional trading hour will be approved. Special circumstances would need to be demonstrated before any additional hours will be considered in excess of one hour.
- An application for an extension of hours and/or area will be considered on its merits and will be determined on the papers. Therefore, licensees must lodge submissions in support of their application at the time of lodgement that address the following criteria;
  - a) what type of entertainment is being provided?
  - b) is food being provided?
  - c) does the licensee adopt responsible serving practices?
  - d) does the licensee have a management plan, security, staff instructions and code of practice?
  - e) what special management measures are being put in place to manage the function or event?

This list is not exhaustive and other criteria may be relevant.

## Lodging an application

A licensee seeking an approval under these provisions will be required to meet the following criteria:-

1. Lodgement of a **Form 7 – Notice of Application for Extended Trading Permit for Special Occasion or Function** or **Form 11D – Notice of Application to Add, Vary or Cancel Condition of a Licence or Permit for a Special Occasion or Function**.
2. Submissions in support of the application;
3. Any approvals and/or consents that the licensing authority considers appropriate; and
4. Payment of the prescribed application fee (plus an additional fee for each additional day).
5. For events where over 500 patrons are expected to attend a copy of the management plan for the event will be required.

**Important:** Applications must be submitted in accordance with the minimum timeframes specified in the table below. *Failure to do so is likely to result in the application being refused.*

<b>Lodgement Period</b>	<b>Not later than</b>
Up to 500 people	14 days
Between 501 and 5000 people	30 days
Over 5000 people	60 days

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) 6551 4888.

**DIRECTOR OF LIQUOR LICENSING**