



Policy

Residential Premises - Licensing Requirements

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

Applications for the grant of a liquor licence in respect of a residential premises, are treated with considerable caution by the licensing authority. However, in some circumstances, it may be appropriate that a residential premises be licensed.

This publication provides guidance as to the legislative requirements associated with the grant of a licence and it also identifies the matters that the licensing authority may have regard to when considering applications in respect of a residential premises.

Lodging an Application

Applicants for a liquor licence must lodge with the Department of Racing, Gaming and Liquor, certain statutory information prior to an application being considered.

To assist applicants in lodging their application, an application kit relevant to the particular licence type and containing a lodgment guide, forms, and an information bulletin, is available from the Department's website. Further, Customer Service staff are available at any time during office hours to assist applicants to understand the legislative requirements relating to the lodgement of an application.

It should be noted that section 38 of the *Liquor Control Act 1988* (the Act) requires that all applicants for the grant of a licence demonstrate, through a Public Interest Assessment (PIA), that the grant of their application is in the public interest. These PIA submissions are to be provided at the time the application is lodged with the Department. For information on the PIA, please refer to the Director's policy titled [Public Interest Assessment](#).

The Department's website address is www.rgl.wa.gov.au or on telephone (08) 6551 4888.

Other relevant factors in determining application

In addition to the information set out in the Department's Lodgement Guide, the following factors are also considered in determining whether or not the application should be granted:

- (a) the sale or supply of liquor for consumption on the premises (including tastings), is not to take place at the residential premises;
- (b) the written approval of the local government authority for the operation of the business from the residential premises and any conditions that may be imposed on that approval;
- (c) the operation of the business under the licence from the residential premises is administrative only with liquor being stored at and supplied from another location (as approved under section 4(6));
- (d) the premises are suitable (that is: they are able to be defined and are a separate part of the premises and not utilised for any other purpose); and
- (e) the applicant can demonstrate that they will be occupying the premises, to the exclusion of others, as required under section 37(5).

For further information regarding the standard of premises, please refer to the Director's policy titled [Standards of Licensed Premises](#).

An applicant seeking to have a residential premises licensed, should be aware that once a licence has been granted in respect of a residential premises, the licensee cannot sell or vacate that premises until it has surrendered the licence or applied to have the licence removed to an alternative premises.

Other Legislative Obligations

Approved Manager

Section 100(2a) of the Act requires that an approved manager must be present at the licensed premises at any time when business is conducted at those premises.

For further information on the requirements relating to approved managers, please refer to the Director's policy titled [Managers at Licensed Premises](#).

Mandatory Training

The Act imposes mandatory training requirements on licensees, approved managers, supervisory staff, bar staff and crowd controllers in relation to the management of licensed premises and the responsible service of alcohol. There is also a requirement for licensees to maintain a training register that records employee information and their training compliance.

For further information on the mandatory training requirements and the register, please refer to the Director's policy titled [Mandatory Training](#).

Incident Register

The licensee is required to maintain a register of the incidents, of the prescribed kind, that take place at the licensed premises.

For guidance on the minimum requirements in respect of this register, please refer to the Director's policy titled [Incident Register](#).

DIRECTOR OF LIQUOR LICENSING