



Policy

Small Bar 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

Section 41 of the *Liquor Control Act 1988* ("the Act") provides for the grant of a hotel licence. However, a hotel licence shall be referred to as a small bar licence where the licence does not require the provision of guest accommodation, the sale of packaged liquor is prohibited and the number of persons who may be on the licensed premises is limited to a maximum of 120 (including employees).

This publication provides guidance as to the intent of small bar licences and the legislative requirements associated with them. It also provides guidance as to other matters that the licensing authority may have regard to when considering applications for small bar licences.

Small Bar - *The Philosophy*

To encourage innovation and a more dynamic hospitality industry, the small bar licence is intended to allow for the creation of intimate venues that offer a unique variation to traditional bars where liquor is consumed in a responsible manner.

Regardless of the style or theme, small bars are intended to provide an intimate setting that people can, for example, patronise for tapas, pre-theatre or dinner drinks, or a late night supper.

If it is in the public interest for small bars to supply liquor as an ancillary service to some other activity such as the consumption of food or the provision of entertainment, licences can be conditioned accordingly.

Lodging an Application

Applicants for a small bar 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 containing a lodgment guide, forms, and an information bulletin, is available from the Department's website.

Further, customer services staff are available at any time during office hours to assist applicants understand the legislative requirements relating to the lodgement of an application. The Department's website address is www.rql.wa.gov.au and telephone number is (08) 9425 1888.

Pursuant to section 38(5) of the Act, if an application is not granted because the Director of Liquor Licensing finds that it is not in the public interest to do so, another application cannot be made in respect of the same premises within three years unless the Director certifies that it is of a kind sufficiently different from the application that was not granted.

Public Interest Assessment ('PIA')

Matters which the licensing authority may take into account when considering a PIA include those provided in section 38(4) of the Act, and as outlined in the Director's Policy [Public Interest Assessments](#). Particular issues relevant to these matters will differ depending on the circumstances of the proposed small bar premises.

Therefore, the specific nature of documentary evidence to be submitted in respect of these matters is likely to differ in each case. It is important, however, that the PIA outlines the proposed nature of the small bar business; provides details about the nature of the clientele; and describes the interaction of the small bar with the community surrounding it, including any harm or ill health, due to the use of liquor, that might be caused to people, or groups of people within the locality.

While it is up to the applicant to determine how much information to include in a PIA, in consideration of precedent decisions of the Liquor Commission, the PIA must be supported by objective evidence. Assumptions, opinions, speculation and generalised statements alone will not demonstrate that the application is in the public interest. Applicants should ensure that they provide sufficient supporting evidence that is objective, accurate and relevant to their application.

In decision [LC51/2011] the Commission stated: *"...an Applicant must present supporting evidence at the appropriate level to satisfy the Commission that there is a real and demonstrable consumer requirement to justify the granting of the licence...Information that would be probative to the Commission includes market surveys, petitions of substance and information that demonstrates a real consumer requirement."*

Evidence to support an application being in the public interest may include, but is not limited to:

- petitions;
- survey results; and
- letters of support and statements,

of consumers having a requirement for the type of liquor to be sold and supplied under the licence sought.

Legislative Provisions

To support the intended purpose, the Act provides that a small bar licence is subject to conditions:

- (a) prohibiting the sale of packaged liquor; and
- (b) limiting the number of persons who may be on the licensed premises to a maximum of 120 persons at any one time.**

** A lesser accommodation number may be imposed, subject to any condition that may be set by the local government authority on planning approvals.

Further, in keeping with the philosophy of promoting more vibrant, lower risk, wine bar/bistro style drinking environments, and consistent with the primary objects of the Act relating to harm minimisation and the proper development of the liquor, tourism and other hospitality industries in the State, conditions may also be imposed on the licence relating to the:

- provision of food at the premises;
- layout of premises with respect to tables, chairs and couches etc;
- nature of entertainment that may be provided on the premises;

- security and crowd control;
- lock-outs after a certain time; and
- advertising and liquor promotions.

The permitted hours under section 98 of the Act for a small bar licence are —

- (a) on a day other than a Sunday - from 6 a.m. to 12 midnight;
- (b) on a Sunday - from 10 a.m. to 12 midnight.;
- (d) on New Year's Day - from immediately after 12 midnight on New Year's Eve to 2 a.m.;
- (e) on Good Friday or Christmas Day - from 12 noon to 10 p.m., but only for liquor sold ancillary to a meal supplied by the licensee;
- (f) on ANZAC Day - from 12 noon to 12 midnight.

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. In this regard, a licensee may choose to employ a number of approved managers.

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

Mandatory Training

The Act imposes mandatory training requirements on licensees, approved managers, supervisory/bar staff and crowd controllers¹ 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 [Mandatory Training](#).

Drinking Water

Water suitable for drinking must be provided free of charge at all times when liquor is sold for consumption on the premises.

For guidance on the minimum requirements in respect of this condition, please refer to the Director's policy [Provision of Free Drinking Water](#).

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 [Incident Registers](#).

DIRECTOR OF LIQUOR LICENSING

¹ This requirement will apply to crowd controllers from 1 July 2018.