



Policy

Special Facility Licence - Foodhall

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

Pursuant to section 46 of the *Liquor Control Act 1988* ("the Act"), the licensing authority is empowered to grant a special facility licence for a number of prescribed purposes.

This document provides guidance as to the legislative requirements relating to special facility 'foodhall' licences and the matters that may be taken into consideration when determining an application for such a licence.

Legislative Provisions and Application Criteria

The purposes for which a special facility licence may be granted are set out in regulation 9A of the *Liquor Control Regulations 1989* ("the Regulations"). One of those prescribed purposes is "Foodhall".

In this regard, regulation 9A(12) states:

"A special facility licence may be granted for the purpose of allowing the sale of liquor at a foodhall to customers of the foodhall for consumption ancillary to a meal."

While a 'foodhall' is not defined in the legislation, it is generally considered to be a common dining area within a facility such as a shopping centre, market etc, consisting of a number of stalls or vendors selling a selection of food.

For the purposes of considering special facility licences for a foodhall, the licensing authority is of the view that a bona fide foodhall consists of at least four stalls which sell meals for consumption in a common dining area. A meal must be of sufficient substance as to be ordinarily accepted as a meal, as defined in the Act. Therefore, stalls where vendors only sell ice-cream, cakes, drinks etc would not be considered as part of the four minimum vendors when determining the application.

While a licensed stall in a foodhall is not necessarily required to sell food, the licensee must ensure that the liquor is only provided ancillary to a meal to be consumed in the common dining area. Therefore, it is the licensee's responsibility to query whether patrons have, or intend to consume, a meal. It is also the licensee's responsibility to effectively manage the consumption area that relates to the licence (generally the common seated area) in accordance with their responsibilities under the Act.

Lodging an application

Applicants for a special facility 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 lodgement guide, forms, and an information bulletin is available from the Department's website at www.rgl.wa.gov.au.

Further, Customer Service staff are available at any time during office hours to assist applicants understand the legislative requirements relating to the lodgement of an application.

In addition to information on the internet, contact can be made with the Department by telephone on (08) 6551 4888.

DIRECTOR OF LIQUOR LICENSING