



# Policy

## Standards of Licensed Premises

### 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 33(7) of the *Liquor Control Act 1988* ("the Act") requires that where the licensing authority is to determine whether any premises are of a sufficient standard or suitable for the proper conduct of the business:

- a) the class of licence sought;
- b) the obligations imposed; and
- c) the facilities required,

must be taken as relevant and amongst the matters to which consideration should be given.

Furthermore, section 37 of the Act also emphasises the importance of the suitability of the premises by requiring that the licensing authority *shall not grant* an application for a licence unless it is satisfied that the **premises to which the application relates are of a sufficient standard and suitable for the conduct of the business.**

## Aim

This document also provides guidance as to the legislative requirements and criteria that will be used when considering the suitability of premises to be licensed under the Act.

The aim of this policy, and the associated legislative requirements, is to ensure that liquor licensed premises are designed and constructed to support good public safety outcomes.

The potential need for requirements above the National Construction Code and Public Health Act reflect the differences the consumption of alcohol in 'public' places can make to the achievement of good safety outcomes for patrons and the community more generally.

## General requirements

The following general criteria will be used to determine whether or not premises should be licensed:

- a) All buildings must conform to the requirements of all Acts of Parliament, regulations and by-laws, including the National Construction Code (formerly known as the Building Code of Australia).
- b) Applications for the grant or removal of a licence are required to be accompanied by the information detailed in the relevant lodgement guide within the application kit on the Department of Racing, Gaming and Liquor's website – please visit [Department of Racing, Gaming and Liquor WA - Application Kits](#).

- c) Premises involved in the handling of food will be subject to the requirements of the Food Safety Standard 3.2.2 and may also be subject to separate licensing requirements pursuant to the *Health Act 1911*, *Food Act 2008*, and Local Authority by-laws. Further information can be obtained from your local authority or by visiting [www.foodstandards.gov.au](http://www.foodstandards.gov.au).
- d) Licensed premises, and in some cases parts of licensed premises, *may* be classified as public buildings and be subject to the requirements of the *Health (Public Buildings) Regulations 1992* (as amended).
- e) In addition to the requirements of the *Health Act 1911* and *Food Act 2008*, the licensing authority, in taking into consideration the nature of the business to be conducted at the premises, can impose specific requirements in respect of bars, toilets and the premises' construction.
- f) Licensed premises must be completely separate and distinct venues which are able to operate independently of any other venue. Patrons cannot be permitted to enter a licensed premise through another licensed premise.

This policy is designed to focus on meeting sought outcomes, and a range of materials and technologies will be considered in determining compliance with this policy. Nevertheless, guidance is provided on the types of materials or designs that are more likely to be deemed acceptable to allow applicants to more easily understand the policy.

## Plans

Unless otherwise authorised, plans are required to conform with regulation 11 of the *Liquor Control Regulations 1989* ("the Regulations"). In particular, floor plans are to be on at least A3 size paper or larger, and drawn to a scale of 1:100.

Plans may also be lodged electronically in PDF on a disc or via email at: [plans@rql.wa.gov.au](mailto:plans@rql.wa.gov.au). If lodging plans via email, please include in the subject line the name of the applicant and proposed name of the premises.

## Finishes Generally

All finishes in licensed premises are to be of commercial quality and capable of withstanding the wear and tear expected in premises of this nature. Construction of bar counters, benches and fixtures of a like nature are to be from materials suitable for the purpose. Generally this will require a minimum of galvanised tubular steel framework with facings of a waterproof nature.

Particle or chipboard is specifically prohibited. However, marine ply or HMR board or materials of a similar nature are permitted in most circumstances, provided they are covered with a commercial surface finish in situations where it is exposed to view, ie servery tops, sleeve rails, etc. Work surfaces subject to high levels of liquor spillage (eg bar counter work surfaces and draining boards) are to be stainless steel. Where concrete is permitted as a finish, the concrete used is to be of high density and be treated with a hardening process to render it acid resistant, waterproof and non-absorbent. It is to be steel trowelled to a smooth finish.

## Kitchens - Construction

All kitchens, food preparation and associated areas and bar serveries are subject to the *Food Safety Standard 3.2.2* and the requirements of the Local Health Authority. Further information is available at [www.foodstandards.gov.au](http://www.foodstandards.gov.au)

## Toilets - Construction

- a) Separate male and female toilet facilities, which include hand-wash basins, are required for all licensed premises, with the exception of required disabled toilets.

- b) Toilets ideally should be of a masonry construction with a concrete floor, and with ducted plumbing and cisterns. If of timber or steel construction, walls are required to be strengthened. For example compressed fibro cement sheeting, of not less than 18mm thickness would be a suitable material to provide strengthening.
- c) Floor and wall surfaces (to a height of 1.8 metres and excluding airlocks) are to be of a smooth, impervious, non slip, easily washable and hard wearing nature.
- d) Location – toilets in respect of all licences (other than club restricted licences and special facility licences), shall be located on the licensed premises and entered from within, or in the case of existing premises, immediately adjacent to the licensed premises and protected from the elements.

This requirement may be varied in respect of restaurants that are part of a shopping complex and toilets are provided in the centre or complex for the use of the tenant's patrons. Nevertheless, toilets must be in close proximity of the premises and the operator (applicant/licensee) must ensure that patrons have access to toilets at all times during which the restaurant operates.

- (i) Club restricted licences – generally it is sufficient to establish that adequate toilets are available during the hours of trade.
  - (ii) Special facility licences – these premises are dealt with on a case by case basis, depending on the nature of the business to be carried on under the licence.
- e) The number of fixtures required for premises will be calculated in accordance with the requirements of the National Construction Code. Toilet requirements will be divided equally between male and female. For the purpose of calculating patron numbers disabled toilets will be counted once only as either male or female – they will not be counted twice.
  - f) Ducted plumbing (or equivalent to protect the plumbing from patron interference) is required in all hotel (including small bar and tavern), nightclub and casino category licences. Ducted plumbing does not apply to restaurants, clubs, producers, wholesalers and certain special facility licences.

*Applicants are also advised to contact their local authority to ensure that proposed toilet facilities comply with that authority's requirements in addition to these requirements (such as disabled and ambulatory requirements).*

## **Bar Serveries**

- a) Bars in hotel, casino and nightclub category premises are to be equipped with a glass washer at the ratio of 1 glass washer per 9m of bar length. Each glass washer is required to perform adequately for the purpose of sanitising glasses. Amongst other things each glass washer must be equipped with or have incorporated in it a water heater or to be supplied with water from a hot water source in either case so as to ensure that water is heated to a temperature sufficient to deliver water at a temperature of not less than 75 degrees Celsius for a minimum of 15 seconds.
- b) Furthermore, a glass washing machine may be installed in which the final rinse cycle uses cold water provided that –
  - (i) when removed from the glass washer the glasses are placed in a refrigerated cabinet; and
  - (ii) the glass washer is
    - fitted with a hot water booster capable of maintaining a hot detergent wash temperature of not less than 75 degrees Celsius for not less than 15 seconds; or
    - connected to either a 50 litre capacity hot water system by a supply pipe not exceeding 3 metres in length or to a recirculatory hot water supply both of which are capable of maintaining a water temperature of 75 degrees Celsius at all times.
- c) Glass washing facilities in all other types of licences must comply with the requirements of clause 20 of the *Food Standards Code 2008*. This will be determined on a case by case basis. Glass

washing is required to ensure the level of microorganisms are being kept to a minimum and there is no transmission of infectious disease.

- d) Bar serverly floors are to be a smooth, impervious, hard wearing and easily cleanable. Floors are to be finished so as to provide a non-slip surface, or be covered during hours of operation with suitable plastic “spaghetti matting” or similar material.
- e) Floors subject to high levels of spillage (ie. hotels, taverns, nightclubs, etc) are to be graded to a suitably trapped floor waste connected to an approved sanitary outlet. Floors are to be covered at all floor/wall junctions.
- f) Hand-basins and stainless steel sinks are to be provided in all bar serveries.
- g) Work surfaces will generally be required to be stainless steel; however, other material with suitable performance characteristics may be permitted in smaller, less frequently used bars.

## **Specific Requirements relating to:**

### *Hotel licences*

- All new premises shall be constructed to meet the requirements of the National Construction Code. They will be required to provide accommodation, finished and furnished in the manner specified in the application. Kitchen and dining room facilities of suitable sizes must be provided to meet meal requirements. In assessing ‘suitable sizes’ consideration will be given to but not limited to the number of guest rooms, the location of the premises and the number of establishments in the area that provide meals.
- Hotels must provide at least one area suitable for the consumption of liquor on the premises and facilities for the sale of packaged liquor for consumption off the licensed premises.
- Hotel restricted licences will only be expected to provide an area or areas suitable for the consumption of liquor on the premises. As with hotels, hotel restricted licences will be required to provide accommodation, finished and furnished in the manner specified in the application. Kitchen and dining room facilities of suitable sizes must be provided to meet meal requirements.

### *Tavern and Small Bar licences*

- All new premises shall be constructed to meet the same requirements as for hotels, and to meet the same expected standard with regard to the consumption and supply of liquor. However, there is no requirement to provide accommodation.

### *Restaurant licences*

- Bar serverly counters for the purpose of dispensing and serving liquor are not to exceed a maximum length of 2 metres, unless the Director of Liquor Licensing determines otherwise in a particular case. These serverly areas must not be designed so as to facilitate the consumption of liquor at that bar serverly.
- Conditions of the licence will require patrons consuming liquor to be seated at a dining table or a fixed structure used for dining.
- Customers must not be able to access liquor via self-service facilities. All liquor must be located out of reach of customers ie. fridges must be located behind bar serveries and in areas where customers do not have access. The sale and supply of liquor must only be available by customers ordering liquor from staff.

### *Liquor Store Licences*

- Liquor stores should have adequate storage and refrigeration.
- Floors in front of refrigerated display cool-rooms are to be surfaced with a smooth, non slip, impervious and non-absorbent material.

### ***Club licences***

- Club licences should have adequate social areas and facilities to cater for the needs of members.
- Bar serveries – refer to the Bar Serveries' section on page 3, some of these guideline may apply to club premises depending on the manner of trade.
- All kitchens, food preparation and associated areas and bar serveries are subject to the *Food Safety Standard 3.2.2* and the requirements of the Local Health Authority.

### ***Club Restricted Licences***

- These types of premises should have adequate social areas to cater for the needs of their members.
- Bar serveries and kitchens are required to comply with the *Food Safety Standard 3.2.2*.
- All kitchens, food preparation and associated areas and bar serveries are subject to the *Food Safety Standard 3.2.2* and the requirements of the Local Health Authority.
- Finishes in toilets are to be of a proven durable material and are subject to assessment in each case. Note:
  - (a) Club licence holders are to provide toilet facilities within the licensed premises;
  - (b) Club restricted licence holders may satisfy toilet requirements by ensuring that toilets are available for members use during the hours of trade.

### ***Nightclub Licences***

- Nightclubs must conform to the requirements of the *Health (Public Buildings) Regulations 1992* (as amended). A certificate issued by the Local Health Authority certifying the premises as a Public Building will be required prior to the grant of the licence.
- Bar serveries, toilets and kitchens, if provided, are to conform to the specified requirements for those areas.

### ***Producer's Licences (Wineries and Breweries)***

- Toilets exclusively for use by the public are required, particularly in cases where the licensee is authorised to sell and supply liquor for consumption on the licensed premises.

## **Entertainment Areas**

Nightclubs, clubs (including restricted clubs) and entertainment/function areas of licences of any other class, are required to comply with the provisions of the *Health (Public Buildings) Regulations 1992* (as amended).

Areas of licensed premises where entertainment is provided by way of live bands or recorded amplified music presented by a DJ, must also comply with the following requirements:

- a) The building is to be designed to ensure that excessive noise emissions from the activities within the property (ie. amplified music) do not adversely impact on residents/occupants of surrounding properties.
- b) The premises are to be properly constructed and sound proofed to ensure that the escape of noise does not exceed that permitted under the *Environmental Protection (Noise) Regulations 1997*.
- c) Where appropriate, a certificate from the local authority or a competent Acoustic Consultant certifying that the premises comply with that requirement may be required.

## Toilets - standard of maintenance

Ablution facilities at licensed venues must be maintained at a hygienic standard, particularly when they:

- attract large numbers of patrons; and/or
- are filled to capacity; and/or
- trade beyond 12 midnight.

These standards should be maintained even at the busiest trading times, as this is often when complaints are lodged.

Therefore, as a matter of policy, the following standards are identified as guidance for best practice:

- a) All toilet WCs and urinals (including temporary chemical toilets that may be used) must be in good working order. In general, WCs and urinals must flush and cisterns are to refill without blocking or overflowing. WCs pans and seats must be clean, intact and fully functional as should cubicle doors, privacy locks, hand basins, exhaust fans (or natural ventilation), hand drying equipment and self closing doors to ante rooms. Further, running tap water should be available in all hand basins.
- b) All floors must be as clean as possible (that is; free of liquid, paper, cigarette butts, and other debris) and all floors, walls and ceilings should be maintained free from cracks, crevices and other defects, so as to enable effective cleaning.
- c) Toilets should be stocked with sufficient consumables, such as hand soap, toilet paper and hand towels, throughout the duration of trading. Provision should be made in the female toilets for sanitary napkin disposal units. Licensees are also to consider whether there is a need to install syringe disposal units or locked bins.
- d) Licensees must monitor all toilets on a regular basis, especially after 10 pm on peak nights.
- e) Staff should know the emergency telephone number of a plumber, in order to allow them to make a call for out-of-hours assistance should the need arise. Licensees are reminded that non-functioning WCs may result in a decrease in the maximum accommodation number until such time as the units are once again operational and in good working order.
- f) An adequate quality of lighting in accordance with the provisions of the *Health (Public Buildings) Regulations 1992* must be maintained.
- g) Licensees and approved managers must abide by the maximum occupancy numbers set for their premises. Overcrowding is not only a serious offence under the *Health (Public Building) Regulations 1992*; it leads to queues for the toilets late at night. Overcrowding also disproportionately raises the risk of diseases being transmitted as a result of unsanitary conditions.
- h) Patrons should not take glasses, cans or other drink containers into toilets, as it creates a health and safety risk.

## Section 99 of the *Liquor Control Act 1988*

Section 99(1) provides that every licence is subject to the condition that the licensee:

- (a) maintain the licensed premises at a standard that is reasonable having regard to the class of licence, the locality and the expectation of the public; and
- (b) keep the premises and all fittings and fixtures in the premises thoroughly cleansed, in a hygienic condition and in good repair.

Subsection (2) provides that where the Director is of the opinion that the licensee has failed to comply with a condition referred to in subsection (1), the Director may, by notice in writing, require:

- (a) the licensee; or
- (b) where the Director considers that the licensee might reasonably have complied with a requirement notified under this subsection but has not, the owner of the premises,

to take specified action, carry out specified works, or provide specified things.

In respect of section 99 and taking into consideration the above, work orders may be imposed after an inspection by Department Inspectors, if the licensee has failed to maintain the licensed premises.

**DIRECTOR OF LIQUOR LICENSING**