



Your Ref :

Our Ref : 14238

Enquiries: Susan Millie
☎(08) 9425 1832

The Applicant
Shire of York
York Recreation and Convention Centre
PO Box 22
YORK WA 6302

Dear Sir/Madam

APPLICATION FOR A TAVERN LICENCE: YORK RECREATION AND CONVENTION CENTRE

I refer to your application lodged on 11 November 2011 for the grant of a tavern licence pursuant to section 41 of the *Liquor Control Act 1988* ("the Act") for premises situated at Lot 292, cnr of South and Ulster Roads, York to be known as the York Recreation and Convention Centre.

The application is now ready for determination and was referred to a Delegate of the Director of Liquor Licensing for determination under section 15 of the Act.

In this respect, I advise that under the Act the onus is on the applicant to establish that on the balance of probabilities, the grant of the application is in the public interest. In this regard, I note that in our letter dated 20 December 2011 in acknowledging your application you were advised as follows:

"While your Public Interest Assessment (PIA) would appear to address those matters prescribed in section 38(4) of the Liquor Control Act 1988, you may also wish to give consideration to recent precedent decisions of the Liquor Commission, where it was determined that the PIA must be supported by objective evidence. The Commission has found that assumptions, opinions, speculation and generalised statements alone will not demonstrate that the application is in the public interest. In this respect, you may wish to consider providing sufficient supporting evidence that is objective, accurate and relevant to their application to support the claims made in the PIA.

Objective evidence could include marketing research findings; a feasibility study; target market survey or letters of support. Ultimately, what objective evidence is provided in support of the application is a matter for the applicant to consider"

As you are aware objections were lodged to your applications and interventions have been lodged by the Commissioner of Police and the Executive Director Public Health.

A preliminary examination of the information lodged in support of your application reveals that you have not lodged any objective evidence as to why the application should be granted in the public interest and in the circumstances if the application proceeds to determination this may prove fatal.

Therefore your attention is drawn to the provisions of section 5(1)(c) of the Act which provides as follows:

“to cater for the requirements of customers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State.”

Again under the Act the onus is on the applicant to establish that on the balance of probabilities, the grant of the application is in the public interest. In this regard, I suggest that you give consideration to recent precedent decisions of the Liquor Commission, where it was determined that the PIA must be supported by objective evidence and I enclose a number of decisions for your information.

I also enclose herewith a pamphlet regarding a note from the Director General on applying for a liquor licence and the Director's policy guideline regarding the Public Interest Assessment (PIA). As your application has not yet been determined you have the opportunity to lodge further and better particulars, that is, evidence that the application should be granted in the public interest.

For further information and to locate any documents of reference please see our website at www.rgl.wa.gov.au

Please note that any additional information must be lodged with this department and copies served on objectors and interveners by **19 November 2012**. All parties to the proceedings will then be given the opportunity to respond. If no further information is lodged the application will be determined on the basis on the information available.

Should you have any queries regarding the above please contact me on [08] 9425 1832.

Yours faithfully

Susan Millie
A/Research & Public Interest Assessment Officer

26 October 2012

cc: Simon Saint;
cc: Roma Paton;
cc: John Saville-Wright;
cc: Meg Gray;
cc: Patricia Walters;
cc: Commissioner of Police: and
cc: Executive Director Public Health.

[enc]



Government of **Western Australia**
Department of **Racing, Gaming and Liquor**

Your Ref:

Our Ref: 14238

Enquiries: Mary Ioannidis
☎ (08) 9425 1832

The Licensee
York Recreation and Convention Centre
Shire of York Office
1 Joaquina Street
YORK WA 6302

SHIRE OF YORK	
FILE	CCP. 7
OFFICER	INITIALS
RAM	
GIFIL	
ALLISON	
11 APR 2013	
I131543	
REFERRED TO COUNCIL	
DATE	INITIALS

Dear Sir/Madam

VARIATION OF TRADING CONDITIONS: YORK RECREATION AND CONVENTION CENTRE

Please find enclosed Decision Number A222034 and the amended licence document in respect of the above matter.

Should you have any queries please contact me on [08] 9425 1832.

Yours faithfully

p.p. B. Pater

Mary Ioannidis
Research and Public Interest Assessment Officer
5 April 2013

cc: Licensing Enforcement Division

(enc)



Licence No. 6020142381

LIQUOR CONTROL ACT 1988
TAVERN LICENCE

The Licensee
York Recreation and Convention Centre
Shire of York Office
1 Joaquina Street
YORK WA 6302

Premises Name: York Recreation and Convention Centre
Premises Address: Lot 292, Cnr South and Ulster Roads, York WA 6302
Licensee: Shire of York

The licensee named above is authorised to sell liquor at the licensed premises described above, in accordance with the Liquor Control Act 1988 ("the Act"). The licensee must comply with all requirements and conditions imposed by the Act, any conditions or authorisations published by notice under section 31 of the Act, and any conditions or requirements set out below. The licence continues in force until surrendered, suspended or cancelled under the Act.

1. EXTENDED TRADING PERMITS

The following extended trading permits have been granted under section 60 of the Act. The authorisation to trade pursuant to the licence is modified accordingly.

Permit Nos: N/A

2. CONDITIONS IMPOSED UNDER THE LIQUOR CONTROL ACT 1988

TRADING HOURS

As permitted under section 98(1) of the Act, however trading may not commence before 10 a.m.

TRADING CONDITIONS

The licensee is permitted to sell and supply liquor in accordance with the provisions of section 41 of the Act as it relates to tavern licences.

Food is to be available at all times during trading hours.

Unaccompanied juveniles are permitted on the licensed premises only for the purposes of using the toilet facilities.

When a junior event is taking place at the licensed premises, notwithstanding that a juvenile may be accompanied by a responsible adult (as defined in the Act), the sale, supply and consumption of liquor is prohibited.

The sale and supply of liquor is prohibited on the licensed premises when a scheduled junior sporting event is taking place at the venue except:

- between the hours of 12 noon to 2.30pm and 5.30pm to 8.30pm when liquor may sold and supplied ancillary to a meal; or

- where the scheduled junior sporting event is taking place at the Netball Courts, the existing Indoor Sports Stadium or the Hockey Fields; or

- where the sale and supply of liquor is to persons participating in a scheduled lawn bowl event.

The establishment of a browse facility for packaged liquor is prohibited.

Packaged liquor may only be sold and supplied to patrons who are present at the licensed premises for reasons other than purchasing liquor, that is, such as to view an event, participate in an event or to attend a club or community meeting or function held at the premises.

Liquor advertising at the licensed premises may only take the form of modest signage which informs the public of product pricing or upcoming functions or events at which liquor will be available. The advertising must not be designed to actively encourage liquor consumption together with sporting pursuits or encourage rapid or excessive consumption of liquor.

Sponsorship by liquor suppliers of juvenile sporting competitions or events is prohibited.

The selling and supplying of beverages in such a way that would encourage rapid consumption of liquor (e.g. but not limited to; unadulterated spirits or liqueur in a shot glass) or drinks known as 'laybacks', 'shooters', 'test tubes', 'jelly shots', 'blasters', or 'bombs' or any other emotive title is prohibited.

No liquor is to be supplied mixed with energy drinks. For the purposes of this condition 'energy drinks' has the same meaning as formulated caffeinated beverage within the Australian New Zealand Food Standards Code with a composition of 145mg/l of caffeine or greater.

Drink options that contain light and mid strength alcohol content must be available at all times.

The following dress standard applies during the permitted trading hours:-

Jackets, or other clothing or accessory, bearing patches or insignia of any Outlaw Motor Cycle Gangs, not limited to but including the following listed Gangs, are not permitted to be worn on these premises at any time -

Coffin Cheaters
Comancheros
Club Deroes
Finks
God's Garbage
Gypsy jokers
Outlaws
Rebels
Hell's Angels
Rock Machine

ENTERTAINMENT CONDITION

1. A person resorting to, or on the premises, including the licensee or manager, or an employee or agent of the licensee or manager, shall not:-

- (a) be immodestly or indecently dressed on the licensed premises, and/or
- (b) take part in, undertake or perform any activity or entertainment on the licensed premises in a lewd or indecent manner.

2. The licensee or manager, or an employee or agent of the licensee or manager, is prohibited from:-

- (a) exhibiting or showing, or causing, suffering or permitting to be exhibited or shown, on the licensed premises any classified "R 18+", "X 18+" or "RC" classified publication, film or computer game or extract therefrom;
- (b) causing, suffering or permitting any person employed, engaged or otherwise contracted to undertake any activity or perform any entertainment on the licensed premises to be immodestly or indecently dressed on the licensed premises, or

(c) causing, suffering or permitting any person to take part in, undertake or perform any activity or entertainment on the licensed premises in a lewd or indecent manner.

3. In this condition "licensed premises" includes any premises, place or area:-

(a) which is appurtenant to the licensed premises, or

(b) in respect of which an extended trading permit granted to the licensee is for the time being in force, but does not include any part of the premises which is reserved for the private use of the licensee, manager or employees of the licensee and to which the public does not have access.

REGISTERS

The licensee must maintain on the licensed premises the following registers:

1. a register of prescribed incidents that take place at the licensed premises (section 116A of the Act and regulation 18EB refer); and

2. a register that records training compliance for all staff (section 103A of the Act and regulation 14AG refer).

These registers must be maintained in a form approved by the Director of Liquor Licensing. The licensee, or an employee or agent of the licensee of the business conducted under the licence shall, at the request of an authorised officer, produce the registers for inspection by that authorised officer.

COMPLIANCE WITH HARM MINIMISATION POLICY

The applicant has lodged a copy of the House Management Policy, Code of Conduct and Management Plan developed for these premises in accordance with the Harm Minimisation Policy. These documents must be retained on the licensed premises and produced to any Authorised Officer if required.

This licence takes effect from **5 April 2013**.



Barry A Sargeant
DIRECTOR OF LIQUOR LICENSING

DECISION OF DIRECTOR OF LIQUOR LICENSING

APPLICANT: SHIRE OF YORK
PREMISES: YORK RECREATION AND CONVENTION CENTRE
PREMISES ADDRESS: LOT 292, CNR SOUTH AND ULSTER ROADS, YORK
LICENCE NO: 6020142381

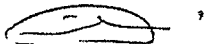
NATURE OF APPLICATION: VARIATION OF TRADING CONDITIONS

On 18 February 2013 I granted a tavern licence in respect of the York Recreation and Convention Centre, which was subject to a number of trading conditions. The licensee has sought clarification of the condition imposed on the licence restricting the sale of liquor at the licensed premises when junior sporting events are taking place at the venue.

Consequently, the condition of the licence prohibiting the sale and supply of liquor when junior sporting events are taking place at the venue is amended as follows:

The sale and supply of liquor is prohibited on the licensed premises when a scheduled junior sporting event is taking place at the venue except:

- between the hours of 12 noon to 2.30pm and 5.30pm to 8.30pm when liquor may sold and supplied ancillary to a meal; or
- where the scheduled junior sporting event is taking place at the Netball Courts, the existing Indoor Sports Stadium or the Hockey Fields; or
- where the sale and supply of liquor is to persons participating in a scheduled lawn bowl event.



Peter Minchin

DELEGATE OF THE DIRECTOR OF LIQUOR LICENSING

5 April 2013