

# **Policy 103**

## **Licensed Premises within the Town of Claremont**

**Policy Title:** Policy 103 – Licensed Premises within the Town of Claremont

**Policy Number:** 103

**Prepared by:** Ben Rose, Principal Urban Planner

**Authorisation:**

**Purpose:**

To guide decision making with respect to the location and operation of premises licensed by the WA Department of Racing, Gaming and Liquor (the Department) to sell alcohol to members of the public in the Town of Claremont.

**Policy Statement:**

1. The Town recognises the intent of amendments to liquor licensing legislation made by the State in May 2007 amongst other things aimed at:
  - a. Making licensing less legalistic;
  - b. Dealing with problems of alcohol abuse in some communities;
  - c. Balancing changes in opening hours and the types and operation of liquor licenses with increased responsibilities for licensees such as mandatory staff training, management plans, and public impact assessments; and
  - d. Maintaining a sense of vitality and vibrancy in the State.
2. The Town also recognises the opportunities that changes to liquor licensing provides in terms of potentially differentiating commercial, business and entertainment areas of Claremont from other competing regional centres, as well as their use in working towards achieving the aims of the Town's Community Safety and Crime Prevention Plan aimed at introducing a variety of licensed premises in the Town Centre, as well as the objectives of the Town Centre Review in encouraging redevelopment of potentially non compatible uses such as nightclubs.
3. In terms of balancing the contribution that licensed premises can make to the vibrancy and viability of Claremont, the Town will request the Department as part of its conditions of approval to require licensees to:
  - a. Commit to the principles and endorsed guidelines of the Western Accord;
  - b. Attend meetings of the Licensed Premises Community Group hosted by the Town of Claremont.
4. The Town will monitor operation of licensed premises to the extent that it is authorised to do so in terms of maximum patron numbers, littering and noise abatement, and will make observations about matters that may be outside its jurisdiction to the Licensed Premises Community Group, for resolution wherever possible.

5. The number of inspections of licensed premises to be carried out will depend on performance, with a focus on particular premises that may be of concern, while those that have demonstrated a good track record may have a reduced level.
6. Serious or repeated problems will be reported to the Department for resolution.
7. a. The number specified within the Number of Uses Table will determine the maximum number of a particular type of premise, as defined by the type of licence granted under the provisions of the Liquor Control Act 1988, which can be developed within the Town.

Number of Uses Table

Land Use	Zone	Number Permitted
Small Bars	Town Centre	4
Small Bars	Local Centre	1 in each Local Centre

- b. The requirements specified within the Uses Restriction Table will be considered when determining an application for development approval where the proposal involves the sale of liquor in accordance with a licence granted under the provisions of the Liquor Control Act 1988, or any extension of trading in accordance with an extended trading permit granted under that Act.

Uses Restriction Table

Land Use	Restrictions
Small Bars	A small bar is not to be located within 20 metres of any other hotel, nightclub, tavern or small bar.

8. In all cases where licensees propose to make use of amplified music, the Town will request the Department to require the applicant to provide it with a noise consultants report and associated recommendations for noise attenuation measures to be installed on the premises as a condition of approval.
9. With respect to 'liquor without a meal' applications, the Town will issue Section 40 - Certificates of Local Planning Authority under the Liquor Licensing Act 1988 for properties where 'restaurant' is an approved use under its Scheme providing applicants comply with the public impact assessment tests required by the Department, and that applicants agree to participate in the Western Accord and the Licensed Premises Community Group as detailed in item 3 above.
10. In principle, The Town supports the extension of 'liquor without a meal' permits to alfresco areas, subject to any conditions that has been or is imposed by the Department in the balance of the restaurant also applying to the alfresco area, and which should include:
  - a. The restaurant kitchen to be open at all times that liquor is sold to patrons in the alfresco area, and that the full menu is available;
  - b. Liquor may only be consumed by patrons while seated at a table or a fixed structure used as a table;
  - c. The sale of liquor can only be to patrons seated at tables by restaurant staff only;
  - d. The alfresco area while in operation must always be set up and presented for dining – tables and fittings must not be removed or relocated in order to create 'talk' spaces, function areas or dance floors;
  - e. The alfresco area cannot be promoted or advertised as anything other than being part of a restaurant.

11. The Town does not support 'breakout' areas on Council property or areas under Council's care, control and management.
12. The Town will continue to monitor the impact of licensed premises via the Licensed Premises Community Group and amend its Policy as required from time to time.

**Policy Responsibility:**

Section: Regulatory Services

Person: Executive Manager Regulatory Services

**Delegated Authority:**

Chief Executive Officer

**Policy Review Date:**

August 2012