

Application for Consent to a Liquor Licence (Club Restricted or Occasional) by a Tenant of City of Kalamunda facilities under Lease, Licence or Special Agreement

Date of form – 3 November 2017

1. Introduction and Terms

This form is to be completed and submitted to the **City of Kalamunda (Property Services Team)** by formal tenants of a City building seeking the City's consent to either:

- » An Application for a formal Liquor Licence (Club restricted or Occasional) of a Leased/Licensed Premises Area by a **tenant**; or
- » An Application for a formal Liquor Licence (Occasional) by a **hirer** of the Leased/Licensed Premises area as part of a function. (NB Hire out by the tenant is only permissible where the tenancy agreement is a Lease.)

Occasional Licences as part of a function – Approval of a request for an Occasional Licence does not constitute an Event Approval. An Event Permit may be required and this can be applied for through the City of Kalamunda Events Team. They can be contacted on 9257 9953 or at events@kalamunda.wa.gov.au. The City of Kalamunda Events Team provides FREE advice and guidance to the organisers of community and public events.

Note 1: It is deemed to be 'sale of liquor' when liquor is given away and the person has paid for admission to the premises or for seating in the premises or has made or has been asked to make a donation of money by collection or otherwise. "Sale of Liquor" will require the tenant or hirer to obtain an Occasional Function Permit from the Department of Racing, Gaming and Liquor (Licensing Division).

Note 2: Applications to the City as Landowner by Lessee or Licensee tenants or hirers (if applicable) for consent to the consumption of Liquor on the premises (i.e. not "sale of liquor") are to be made by lodging an "Application for consent to Liquor Consumption".

If the current tenancy agreement in place is not a standard lease agreement under the City's Community Groups Lease Policy (28/2/2013), then:

- » the terms of the City's standard Community Groups Lease Policy Agreement (refer Section 2 below) will apply unless specifically stipulated otherwise in the current tenancy agreement.

Liquor Licences require formal Health and Planning approval from the City of Kalamunda as the Local Government Authority. These processes are treated separately and independently. Enquiries should be made to:

- A) the City's Health Services and Planning Departments for clarification of the respective Local Government procedures.
- B) The Department of Racing, Gaming and Liquor (RGL) for clarification of requirements generally.

The Tenant is responsible for obtaining both Health Services approval (Section 39 Certificate) and Planning approval (Section 40 Certificate) and for meeting all requirements of RGL (including Section 99 – Maintenance of Premises), the City's Health Services and Planning, including building works.

x.....Signed by Tenant in acknowledgement

x.....Signed by Hirer in acknowledgement

2. Standard Community Groups Lease Agreement (28/2/2013)

In terms of the City of Kalamunda standard Community Groups Lease Agreement (28/2/2013):

- a) The Lessee may hire out the Premises on a casual basis only provided:
 1. such use is consistent at all times with the Permitted Purpose; and
 2. the Lessee ensures any hirer complies strictly with the relevant terms of the Lease.
- b) "casual hire" means any hire of the Premises by the Lessee to a third party for a period of no more than 48 hours in any calendar month and does not include any formal transfer, assignment or sublease of the Premises.
- c) The Lessee may only use the Premises for the Permitted Purpose and must not permit a person to use the Premises for any purpose which is not permitted under any local or town planning scheme, local laws, statutes or any law relating to health.
- d) The Permitted Purpose is shown on the Schedule to the Lease document.
- e) The Lessee must not permit a person to do any thing on the premises which causes a nuisance, damage or disturbance to the Lessor or to owners or occupiers of adjoining properties.
- f) The Lessee will not sell or supply liquor from the Premises or allow liquor to be sold or supplied from the Premises without the prior written consent of the Lessor and then only in accordance with the provisions of the Liquor Control Act 1988, Health (Food Hygiene) Regulations 1993, Liquor Licensing Regulations 1989 and any other relevant written laws that may be in force from time to time.
- g) City of Kalamunda Community Lease Policy 28 February 2013

The operating hours the City will consider will generally be limited to:

MONDAY	14:00	-	22:00
TUESDAY	14:00	-	22:00
WEDNESDAY	14:00	-	22:00
THURSDAY	14:00	-	22:00
FRIDAY	14:00	-	MIDNIGHT
SATURDAY	MIDDAY	-	MIDNIGHT
SUNDAY	MIDDAY	-	22:00
PUBLIC HOLIDAY	MIDDAY	-	22:00

- h) The Tenant remains responsible for the Premises at all times. The Tenant acknowledges that at all times, including when the Premises are hired to a third party, they remain responsible for the Premises, including without limitation any damage that may be caused or occurs during any hire period.
- i) The Tenant is responsible for all aspects of the hire of the premises including, among other things, documenting the hire arrangement in a manner acceptable to the Tenant, ensuring that adequate public risk insurance is in place and charging a deposit or bond against damage to the property.
- j) The City accepts no responsibility to the Tenant or the Hirer to become involved in disputes between the Tenant and a Hirer.

3. Additional Notes

- a) Where works to the building are required to satisfy any conditions imposed for progressing a Liquor Licence (Club Restricted or Occasional), the City may also require the tenant to complete an "Application to Undertake Improvements or Alterations" form and be subject to the associated procedure for considering such a request.
- b) Approval of the application will not constitute agreement by the City of Kalamunda to contribute to any of the costs of the works identified as being required to satisfy the City's Health Services, Planning or RGL.
- c) Approval of the application will not constitute approval of events. Please refer to the City of Kalamunda Events Team on 9257 9953 or at events@kalamunda.wa.gov.au for information in regard to events.
- d) The City of Kalamunda will not reimburse any costs nor will it be responsible for defective workmanship or any costs for rectification of defective or unsatisfactory work.
- e) If a consent is given to a Club Restricted Licence, generally the term of the approval for the Liquor Licence will be for a maximum of the remaining current term of the lease or licence (i.e. a fresh approval may be required when an additional term is available under the lease or licence).
- f) The Tenant is responsible for keeping RGL informed in regard to changes to the building structure (regardless of whether the changes are City or Club initiated) as well as providing RGL with a copy of any new lease/licence arrangement entered into from time to time.
- g) Where there is more than one tenant, the other tenant(s) will be required to apply for and gain all necessary approvals for their own Liquor Licence. Referral should be made to RGL to answer any queries about the possibility of accessing another club's Liquor Licence.
- h) It is the Tenant's responsibility to confirm that the proposed area for the Liquor Licence and the structure is appropriate for the planned use, with all costs being the responsibility of the Tenant.
- i) Should the Tenant or the Hirer (as applicable) wish to seek longer opening hours than set out in the City's Standard Community Groups Lease Agreement, the City will seek comment from the neighbouring area and may refuse the request for the extended hours, at its sole discretion, on the basis of the feedback received.
- j) It is also the Tenant's responsibility to maintain the area to support retention of a Liquor Licence. The City may from time to time request the Tenant to provide evidence that a Liquor Licence is held.
- k) The Tenant will be responsible for any damage that may occur to the facility as a result of the holding of a Liquor Licence and will compensate the City fully for any costs incurred in remedying such damage.
- l) Where a Health Services Approval or a Planning Approval are required, the Tenant is responsible for completing the relevant forms and providing these to the City so that the City can, if necessary, sign the forms as landowner.

4. Facility Details

Building Name:	
Building No:	
Address of Building / Facility:	

5. Details of Function (for Occasional Licence – not required to be completed if applying for a Club restricted Licence)

For example – Date; Hours; Numbers attending; Type of Function.

NOTE – The City of Kalamunda Events Team provides FREE advice and guidance to the organisers of community and public events. They can be contacted on 9257 9953 or at events@kalamunda.wa.gov.au.

6. Area to be used for Liquor Consumption (Club Restricted and Occasional Licence)

(Please provide a sketch. Additional plans or other technical drawings may be attached. Plans of the existing premises may be available by request through Property Services. Generally the site plan should be drawn on a scale of no less than 1:500 showing the area for inclusion in the Liquor Licence. The Tenant is responsible for confirming that the Liquor Licence area proposed is located within the Leased/Licensed Premises area.

N.B. Generally a Liquor Licence will only be considered for areas under a formal Lease/Licence. Where a Liquor Licence is proposed which exceeds the Leased Premises area, the additional area will need to be the subject of a separate application to the City's Community Development Team (Recreation Services or Community and Cultural Services) as, if approved, a separate formal agreement will need to be entered into to meet the requirements of RGL.

7. Obligations on the Facility User

The Facility User must hold a current Contents Insurance policy that incorporates personal liability cover for the duration of the lease/licence or agreement, as well as during the duration of any construction, installation, improvements or additions. Submission of the request does not constitute approval for a Liquor Licence or for any changes to the premises required by respective authorities.

8. Tenant and Hirer details and acknowledgement

Tenant Details

(Print Name) _____

(Club/Group Name) _____

(Position in Club) _____

Contact Details

Telephone _____ Mobile _____

Email _____

Postal Address _____

X.....Signed by Tenant in acknowledgement of the above, including support for the request from Hirer.

Hirer Details

(Print Name) _____

(Club/Group Name) _____ (if applicable)

(Position in Club) _____ (if applicable)

Contact Details

Telephone _____ Mobile _____

Email _____

Postal Address _____

X.....Signed by Hirer in acknowledgement of the above.

For further information contact the City of Kalamunda Property Services Team on 9257 9999.

Please return this form to:

2 Railway Road, Kalamunda WA 6076

PO Box 42, Kalamunda WA 6926

Telephone: (08) 9257 9999 Fax: (08) 9293 2715

Email Address: enquiries@kalamunda.wa.gov.au

Website: www.kalamunda.wa.gov.au