

CP.59 Consent to Consume Liquor in or on a Council Property (Public Place)

<i>Responsible Department</i>	Chief Executive Officer Office
<i>Resolution Number</i>	C.3742
<i>Resolution Date</i>	21/08/2019
<i>Next Scheduled Review</i>	2024/2025
<i>Related Shire Documents</i>	Nil.
<i>Related Legislation</i>	Liquor Control Act (1988)

OBJECTIVE

To provide guidance with respect to considering applications to consume alcohol on Council premises.

SCOPE

It is illegal for:

- Any person to consume alcohol on unlicensed premises (e.g. a council facility) without the consent of the owner or authority in control of those premises; and
- It is illegal to sell alcohol from a Council premises without first obtaining a licence from the Department of Racing, Gaming and Liquor or the Northam Court House to licence the premise (e.g. at a function or party).

The applicant is responsible for:

- Obtaining any required approvals associated with the selling of alcohol under the Liquor Licensing Act (1988) and complying with any associated conditions;
- Ensuring that any person/s selling or providing alcohol must hold a valid Responsible Service of Alcohol (RSA) certificate (if applicable);
- The care of property and the wellbeing of people using the area within the specified time;
- Controlling any antisocial behaviour by people attending the function;
- Ensuring that non-alcoholic drinks are available to all persons at the event or function;
- Ensuring that food is available to patrons as required under this policy; and
- Producing the approval from the Shire of Northam and appropriate licence from Department of Racing, Gaming and Liquor (if applicable) on request to a Shire of Northam Employee or Police Officer.

Note: Consent given by the Shire of Northam is just that and does not replace the requirement to apply for the necessary Liquor Licence from the Department of Racing, Gaming and Liquor or the Northam Court House.

Definitions

Function means a gathering, occasion or event (including a sporting contest, show, exhibition, trade or other fair, or reception) at which it is proposed that liquor be sold or supplied to those present.

POLICY

1. The timeframe required for the licensing authority to process the application before the commencement of the event depends on the number of people anticipated to attend. Please refer to the table below:

Number of Persons	Lodge no later than:
Up to 250 people	7 days
Between 251 and 1,000	14 days
Over 5,000	60 days

Exemptions for Late Applications

The Chief Executive Officer may only issue an exemption should Officers have the capacity to process the application and/or be due to extenuating circumstances (e.g. wake etc.).

2. Where alcohol is being sold or provided as part of a ticket, an Occasional Liquor Licence is required to be obtained. The applicant must apply directly to the Department of Racing Gaming and Liquor (not the Northam Court House) when the number of patrons attending the event or function exceeds 200 persons.
3. The Chief Executive Officer may provide consent for the consumption of alcohol for a maximum time limit of:
 - 3.1. Two (2) hours with no food being required;
 - 3.2. Two (2) to five (5) hours subject to sufficient food being made available for free or for purchase or being made available through purchase of a ticket;
 - 3.3. Five (5) to eight (8) hours subject to:
 - 3.3.1. Sufficient food being available for purchase throughout the duration of the alcohol consumption or sale period; and/or
 - 3.3.2. Free finger food is to be provided; or
 - 3.3.3. A main meal is provided at no cost to the guest and/or as part of a ticket sale.

Note: Sufficient food is determined to be canteen snacks foods, takeaway foods, sausage sizzles, finger foods, grazing plates or similar.

4. Free potable drinking water is to be provided at all times during the event or function. One (1) station must be provided per two hundred (200) patrons and a station within each restricted area.
5. Once consent to consume alcohol on a Council premises has been approved, the Shire of Northam is to provide notification to the WA Police with the details of the consent (who consent been issued to, the event/function and associated date, time and location).
6. Consumption of alcohol must cease by 11:30pm for any given event or function. The event or function must cease by midnight and the premises must be cleaned and vacated by 1:00am.
7. Prior to gaining the Shire's consent for the sale or service of alcohol at an event or function, the organiser must agree with the following provisions:
 - 7.1. Certification
 - 7.1.1. Any person/s selling or providing alcohol must hold a valid Responsible Service of Alcohol (RSA) certificate (if applicable).
 - 7.1.2. All security/crowd control personnel are required to be licenced operators (if applicable).

These persons must be in attendance at all times during the event.
 - 7.2. Security / Crowd Control
 - 7.2.1 Provide information in relation to how the crowd will be managed and controlled at the event or function (e.g. the practices to be used).
 - 7.3. Enclosures
 - 7.3.1 The designated area for the sale and associated consumption of alcohol at an event must be fully enclosed by a fence or other barrier approved by the local government. All emergency exits must be signed and the exits and entrances must be manned by at least one Crowd Controller (if applicable). It is illegal to consume alcohol outside of a designated area.
8. An application will not be considered if the proposal is likely to have a significant potential impact upon the amenity of an area or affect neighbouring properties. A significant potential impact includes circumstances in which if the application were granted:
 - Undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital, child care premises or school, would be likely to occur; or
 - The amenity, quiet or good order of the locality in which the premises or the proposed premises are, or are to be, situated would in some other manner be lessened.

9. The Shire reserves the right to close the venue, property or public place at any time an officer of the Shire (or at the direction of police), deems that the safety or security of the facility or persons within or in the precinct of the facility may be compromised. In such case there will be no refund of hire fees unless the hirer can show that such action causing closure did not come about as an act of the hirer or any patron of the hirer. Bond provisions or fees may also apply for any littering or damage to the Shire's property.