

## **DECISION OF DIRECTOR OF LIQUOR LICENSING**

**APPLICANT:** PAULINE ROBYN WILLIAMS & MITCHELL THOMAS  
GODDIN

**PREMISES:** TREEHOUSE TAPAS AND WINE BAR

**PREMISES ADDRESS:** 50B BROCKMAN STREET PEMBERTON

**APPLICATION ID:** A000187412

**NATURE OF APPLICATION:** APPLICATION FOR CONDITIONAL GRANT OF A  
SMALL BAR LICENCE

**DATE OF DETERMINATION:** 08 JANUARY 2016

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### **Introduction**

1. On 17 September 2015, an application was lodged by Pauline Robyn Williams and Mitchell Thomas Goddin ("the Applicant") for the conditional grant of a small bar licence in respect of premises situated at 50B Brockman Street, Pemberton and to be known as Treehouse Tapas and Wine Bar.
2. The application is made pursuant to ss 41, 62 and 68 of the *Liquor Control Act 1988* ("the Act").
3. Pursuant to s 67 of the Act, the application was required to be advertised by way of a notice in *The West Australian* newspaper on or before 9 October 2015; by way of a notice on the site of the premises for a period of 28 days commencing on 9 October 2015; by way of a notice to residents and businesses located within a 200 metre radius of the premises; and a general notice to educational, health care and local and regional government institutions, as well as community and church groups, within the locality.
4. No objections or interventions were lodged.
5. Pursuant to ss 13 and 16 of the Act, the application will be determined on the papers.

### **Determination**

6. On the basis of the information presented, I am satisfied that that the Applicant has complied with all necessary statutory criteria requirements and conditions precedent to the application being granted and that the application is in the public interest.
7. Accordingly, the licence is conditionally granted, within the tenor of the Applicant's intended manner of trade, subject to the following conditions:

#### **CONDITIONAL GRANT**

- (a) a Certificate under s 39 of the Act being lodged before the operation of the licence;

(b) compliance with the Local Government Act 1960, Health Act 1911 and any written law relating to the sewerage and drainage of these premise;

(c) all work being completed within 12 months in accordance with the plans and specifications dated 7 October 2015;

(d) the recommendations of the Inspector of Licensed Premises on the Schedule of Requirements dated 8 October 2015 being satisfactorily completed and the Director of Liquor Licensing being notified in writing at least 21 days prior to applicant wishing to trade under the licence;

(e) a final inspection by an Inspector of Licensed Premises being conducted to ensure that all requirements have been satisfactorily completed; and

(f) the Applicant seeking confirmation of the grant on or before **07 January 2017** pursuant to s 62(4)(c) of the Act.

**WHEN THE LICENCE COMMENCES OPERATION IT WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:-**

**TRADING HOURS**

The permitted trading hours are those prescribed in s 98(1) of the Act for a hotel licence.

**TRADING CONDITIONS**

1. The licensee is authorised to sell and supply liquor in accordance with the provisions of s 41 of the Act as it relates to a small bar licence.
2. The sale of packaged liquor for consumption off the licensed premises is prohibited.
3. The number of patrons that may be accommodated on the licensed premises, at any one time, must not exceed 50.
4. The licensed premises must always be set up with tables or fixed structures used as tables and chairs to accommodate no less than 40 patrons.
5. Food, within the tenor of the sample menu "Tapas" lodged in support of the application, must be available during trading hours.
6. All entertainment is restricted, to entertainment played at a level to enable normal conversation between persons to occur.
7. Noise emanating from the licensed premises must not exceed that permitted under the *Environmental Protection (Noise) Regulations 1997*.

**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.

**COMPLIANCE WITH HARM MINIMISATION POLICY**

The licensee 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.

**LICENCE FEES**

Pursuant to s 127(2) of the Act, the prescribed licence fee will be payable prior to the issue of the licence.

**TRADING MAY NOT COMMENCE UNDER THIS LICENCE WITHOUT THE PRIOR WRITTEN APPROVAL OF THIS OFFICE.**

8. This matter has been determined by me under delegation pursuant to s 15 of the Act.

A handwritten signature in black ink, appearing to read "Eric Romato". The signature is written in a cursive style with a horizontal line extending from the end.

Eric Romato

DELEGATE OF THE DIRECTOR OF LIQUOR LICENSING