

Application for Consent to Liquor Consumption on a City of Kalamunda Facility Under Lease, Licence or Special Agreement

Date of form – 7 March 2018

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:

- » Consumption of alcohol by the tenant as part of a function; or
- » Consumption of alcohol by a hirer of the premises as part of a function. (N.B. Hire out by the tenant is only permissible where the tenancy agreement is a Lease); or
- » Sale of alcohol for a small occasional function (as defined under Exemptions to the Liquor Control Act 1988) where the organiser is exempt from applying for an occasional licence.

(Please refer to Notes 1 and 2 in regard to what constitutes 'sale of liquor'.)

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 below) will apply unless specifically stipulated otherwise in the current tenancy agreement.

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

- h) 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.

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) except where the organiser is eligible for an exemption for a 'small occasional function' as defined under the Liquor Control Act 1988.

Note 2: Applications to the City as Landowner by Lessee or Licensee tenants for a permanent "Club Restricted" Liquor Licence or Tenants/Hirers for an "Occasional Function Permit" are to be made by lodging an "Application for consent to a Liquor Licence Application (Club Restricted or Occasional)".

X.....Signed by Tenant in acknowledgement of the above, including confirmation that 'sale of liquor' will not occur OR the function meets all the requirements of the 'small occasional functions' exemption as stated in the Liquor Control Act 1988.

Tenant Details

(Print Name) _____

(Club/Group Name) _____

(Position in Club) _____

Contact Details

Telephone _____ Mobile _____

Email _____

Postal Address _____

X.....Signed by Hirer in acknowledgement of the above, including that 'sale of liquor' will not occur OR the function meets all the requirements of the 'small occasional functions' exemption as stated in the Liquor Control Act 1988.

Hirer Details

(Print Name) _____

(Club/Group Name) _____ (if applicable)

(Position in Club) _____ (if applicable)

Contact Details

Telephone _____ Mobile _____

Email _____

Postal Address _____

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

2. Facility Details

Building Name:

Building No:

Address of Building / Facility:

3. Details of Function

For example – Date; Hours; Numbers attending; Type of function. N.B. If sale of alcohol is occurring, with a 'small occasional functions' exemption from an Occasional Licence, detail here how the function is compliant with the exemption.

4. Area to be used for Liquor Consumption

Please provide sketch. It is the applicant's responsibility to ensure that the area is located fully within the lease or licence area. If a plan of the premises is required please contact Property Services on either 9257 9837 or 9257 9827.