



My Restaurant Rules

The main focus of a restaurant is for the supply and sale of substantial meals prepared on the premises for people to consume whilst at the restaurant. A restaurant liquor licence authorises the sale and supply of liquor **ancillary** to a meal to a patron seated at a dining table.

A common misconception is that a restaurant licence allows a licensee to hold standing cocktail functions (and serve finger food) at the premises. This is not the case. A restaurant that holds a liquor licence must always be set up with tables and chairs for dining and patrons must always consume liquor whilst seated at a table, or other fixed structure used as a table.

A restaurant licensee may seek a one-off extended trading permit to authorise the sale and supply of liquor at a private cocktail function being held on the licensed premises where no substantial meal is being supplied. Only where such approval is granted would a restaurant be able to hold a standing cocktail function serving only finger food such as a 21st birthday party or wedding reception. With the exception of a "Grand Opening" and New Year's Eve, permits will generally not be granted where the licensee is seeking to host a function that is open to the public. Applications will generally be considered where a patron has approached the licensee to hold a private function.

The *Liquor Control Act 1988* (WA) also enables restaurant licensees to apply for an ongoing extended trading permit to be able to serve liquor without a meal. As opposed to the one-off permit for cocktail functions, extended trading permits to sell liquor without a meal can be granted for up to five years. However, even if such a permit is granted, patrons are still required to be seated at a table, or other fixed structure to consume liquor.

Recent changes to the law mean that restaurants with less than 120 persons on the premises at any one time can apply for a permit to serve liquor without a meal and should receive their permit within 10 business days. However, restaurants with capacities greater than 120 persons will still need to meet the public interest requirements in order to obtain a permit to serve liquor without a meal.

If you have any queries on restaurant licences, extended trading permits or public interest assessment submissions, please contact Murfett Legal by telephone on +61 8 9388 3100, via our website at www.murfett.com.au or email one of the following directors:

[Jason De Silva](mailto:jason.desilva@murfett.com.au) : jason.desilva@murfett.com.au

[Kelly Parker](mailto:kelly.parker@murfett.com.au) : kelly.parker@murfett.com.au

[Peter Broun](mailto:peter.broun@murfett.com.au) : peter.broun@murfett.com.au