

12 July 2010

The current attitude to the grant of new liquor stores

In the last snapshot we queried whether the tide was turning against the grant of new licences. That issue was part answered only, in the context of two Northbridge special facility amusement venue licence applications which had been refused. Both applications were poorly presented and their prospects made all the more difficult being located in Northbridge. As Northbridge has its own special issues, one cannot draw any conclusions as to the licensing authority's overall approach to that locality, nor to the shortcomings of these two particular applications.

In the period immediately following the passage of the Liquor Control Act virtually every liquor store application was granted. During the course of this year the licensing authority has refused more liquor stores than it has granted.

Applicants were knocked back in Bunbury and Lesmurdie in the face of opposition.

A cleanskin application was refused in Whitfords due to the lack of supporting evidence, whereas another such licence was granted in Doubleview.

A liquor store licence in Safety Bay was rejected, partly for health reasons and also for the failure by the applicant to submit sufficient evidence to support the application.

A new packaged licence grant in Crossways Shopping Centre in Subiaco was made, despite the existence of a cleanskin store already operating in the Centre.

The outcome of each of these cases can be explained based on its own special facts and circumstances, although with the passage of more time one may possibly be able to discern a distinct pattern or trend. At the moment it appears each liquor store application is being decided entirely on its own considerations. There appears to be no hardening of approach or new policy developing.

If you have any queries about the application process, please do not hesitate to contact Dan Mossenson, Partner, on (08) 9288 6769 / dan.mossenson@lavanlegal.com.au or Jessica Patterson, Senior Associate, on (08) 9288 6946 / jessica.patterson@lavanlegal.com.au.