

## DECISION OF DIRECTOR OF LIQUOR LICENSING

**APPLICANT:** FLIPSIDE PTY LTD  
**PREMISES:** MRS BROWN BAR  
**PREMISES ADDRESS:** 241 QUEEN VICTORIA ST, NORTH FREMANTLE  
**LICENCE NO:** 12242  
**NATURE OF MATTER:** CONDITIONAL GRANT OF A SMALL BAR LICENCE

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This is an application by Flipside Pty Ltd ("the applicant") for the conditional grant of a small bar licence for premises to be known as Mrs Brown Bar and situated at 241 Queen Victoria Street, North Fremantle. The application is made pursuant to sections 41 and 62 of the *Liquor Control Act 1988* ("the Act").

Pursuant to section 67 of the Act, the application was required to be advertised on the site of the premises between 4 March 2008 and 31 March 2008; by way of a notice published in the West Australian on 4 March 2008; and by way of a Notice to Residents and Businesses, distributed within a 200 metre radius of the premises.

No objections were lodged against the application.

Pursuant to sections 13 and 16 of the Act, I have decided to determine the application on the written submissions of the parties.

In this respect, section 38 of the Act places the onus on the applicant to satisfy the licensing authority that the grant of the licence is in the public interest.

**THE CASE FOR THE APPLICANT**

In order to discharge the onus on the applicant under section 38(2), a Public Interest Assessment ("PIA") was lodged by the applicant on 22 February 2008. The PIA is summarised below:

- Given North Fremantle's unique geographical position, with the suburb's boundaries defined by the river and ocean, and limited thoroughfare from adjacent suburbs, the 'locality' for the purposes of this application refers to the suburb of North Fremantle (postcode 6159) rather than the broader local government area of Fremantle;
- The applicant proposes a small (up to 70 patrons), 'low impact' lounge bar. The name 'Mrs Brown' is a reference to its location on Queen Victoria Street and its historical use as an antique centre;

- The aim of the premises is to create a relaxed setting where alcohol, along with food and coffee, can be enjoyed in a civilised, neighbourhood environment with an emphasis on people and conversation;
- Low lighting and comfortable seating scattered throughout three small rooms will create an intimate, lounge-room feel;
- It is proposed to have background music only and there will be no amplified live entertainment;
- Beverage offerings will consist of wine (predominantly Australian) by the glass or bottle, a small range of beer of all strengths by the bottle, a limited range of spirits, coffee/tea and soft drinks;
- Substantial meals will be available for patrons of the bar from the adjacent restaurant, Flipside, which is also operated by the applicant. Patrons will be able to order and pay for meals at the bar, which will subsequently be delivered to their table;
- In addition, bar snacks such as cheese and bread platters to be prepared in-house by bar staff will be available until closing time;
- The bar will be pitched, in terms of ambience, product and price point, at patrons in the 28-60 year old age group. The target market will enjoy a glass of wine, good food and conversation in a comfortable, seated environment.

In relation to the matters outlined in section 38(4)(a) of the Act ('harm or ill health'), the applicant submits:

- Given the locality and the low impact nature of the proposed premises, any risk of harm or ill health arising from the granting of this small bar licence will be virtually non-existent;
- The median age of North Fremantle is 43, with the main proportion of the population (44.8%) in the 25-54 year old age group. Of the 60.8% of residents who are employed full-time, 38.4% are professionals. 88.3% of residents speak English at home and the median family income is \$1983, which compares favourably with the Perth median of \$1298 (ABS 2006 Census Data);
- It appears, on examining ABS data, that 'at risk' groups are not prevalent in the community in any numbers that would constitute a risk;
- The target market, price point and product offer should all combine to ensure that any impact on at-risk groups in the locality will be minimal;

- The small size and intimate seating of the bar will not encourage the congregation of large groups and binge drinking.

In relation to the matters outlined in section 38(4)(b) and (c) of the Act ('amenity' and 'offence, annoyance, disturbance or inconvenience'), the applicant submits:

- While North Fremantle historically provided housing for local port workers and their families, its locality close to the river and the beach has led to gentrification with a gradual decline in industrial and commercial usage. The suburb still retains a strong village atmosphere and residents are proud of the area's unique heritage;
- The proposed location is in a mixed use zone on Queen Victoria Street between Stirling Highway and Tydeman Road intersections. This stretch of Queen Victoria Street has been identified as the local centre for North Fremantle. Through local government development controls there is a commitment to ensure that the local centre serves as a vibrant community hub. Mrs Brown will further enhance the vibrancy of the area and add to its village-like atmosphere;
- The City of Fremantle has supported the application by changing the use of the premises to permit the establishment of a small bar;
- Queen Victoria Street is truncated from the main residential area of the locality by Stirling Highway, which minimises the residential areas that could be affected by activities associated with a licensed premises;
- While there are some residential dwellings on Burns Street, Jewel Parade and Queen Victoria Street, with no amplified live entertainment and an emphasis placed on conversation, noise within the premises will be kept to a minimum;
- The premises are largely constructed of limestone and, with walls up to 500mm thick in some places, it is submitted that noise disturbance will not be an issue;
- It is anticipated that the patrons will largely consist of mature local residents who will be respectful of their fellow neighbours and unlikely to participate in anti-social behaviour;
- Appropriate crowd control will be engaged if evidence suggests that it is required on busy nights;
- Mrs Brown will add positively to activity on the street outside normal retail trading hours and its operation will act as an 'activity generator' in accordance with Crime Prevention Through Environmental Design principles and enhance security and reduce theft in the area at night;

- In the area there are two hotels, four licensed restaurants and three independent bottle shops. There is also an established live music venue known as 'Mojo's', two doors down from the proposed premises. None of these premises offer the same intimate hospitality experience proposed by the applicant;
- The proposed premises is well serviced by public transport with a bus stop and a train station close by. On-street parking is available, and Mrs Browns' patrons will be entitled to access 25 private off-street parking spaces adjacent to the property, under the terms of the applicant's lease.

In summary, the applicant states:

*We submit that Mrs Brown will be a welcome addition to the hospitality offer, streetscape and social fabric of North Fremantle. The proposal has the support of the community and the City of Fremantle and we submit that the granting of a small bar licence will be consistent with the objects of the Liquor Control Act and in the public interest.*

## CONCLUSION

I am satisfied, on the balance of probabilities, that pursuant to section 38(2) of the Act, the grant of the application is in the public interest. There is to be no live or amplified music at the premises; the playing of music is restricted to background music only. The wines on offer must be predominantly Australian wines. The number of patrons permitted to be on the premises at any time is seventy.

This application is conditionally granted subject to the following:-

- staff who will occupy supervisory positions successfully complete the nationally accredited unit of competency (THHBFB09B) "Provide responsible service of alcohol" within four weeks of the issue of the licence;
- all servers of liquor successfully complete either the nationally accredited unit of competency (THHBFB09B) "Provide responsible service of alcohol" or the non-accredited abridged course from one of the approved training providers in respect of this abridged course, within four weeks of the issue of the licence;
- a Certificate of Local Government under section 39 of the Act being lodged;
- compliance with the *Local Government Act 1960*, *Health Act 1911* and any written law relating to the sewerage and drainage of these premises;
- all work being completed within twelve (12) months in accordance with the plans and specifications lodged;

- the applicant seeking confirmation of the grant on or before 29 April 2009 pursuant to section 62(4)(c) of the Act;
- the recommendations of the Inspector of Licensed Premises on the schedule of requirements accompanying the letter dated 5 March 2008 being subject to this office being notified in writing that the required work has been completed 21 days prior to the proposed opening day; and
- a final inspection by an Inspector of Licensed Premises being conducted to ensure that all requirements have been satisfactorily completed.

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

**TRADING HOURS**

The permitted trading hours in accordance with section 98 of the Act will be as follows:-

- Monday to Saturday – 6 am to 12 midnight;
- Sunday – 10 am to 10 pm;
- New Year's Eve (where it falls on a Sunday ) – 10 pm to 12 midnight;
- New Year's Day – up to 2 am from immediately after 12 midnight on New Year's Eve;
- Good Friday or Christmas Day – 12 noon to 10 pm, where the liquor is sold ancillary to a meal supplied by the licensee; and
- ANZAC Day – from 12 noon until 12 midnight.

**TRADING CONDITIONS**

The applicant will be permitted to sell and supply liquor in accordance with the provisions of section 41 of the Act as it relates to tavern licences.

**ENTERTAINMENT CONDITION**

1. 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;

(b) take part in, undertake or perform any activity or entertainment on the licensed premises in a lewd or indecent manner;

(c) exhibit or show, or cause, suffer or permit to be exhibited or shown, on the licensed premises any classified "R" moving picture or extract therefrom;

(d) cause, suffer or permit 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

(e) cause, suffer or permit any person to take part in, undertake or perform any activity or entertainment on the licensed premises in a lewd or indecent manner.

2. 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.

### **FREE DRINKING WATER**

Pursuant to section 115A of the Act, at all times that liquor is sold and supplied for consumption on the licensed premises, the licensee shall make available to patrons, potable drinking water free of charge. As a minimum, this condition is to be met by way of water dispensers located at or near all bar service areas. The water must be refreshed regularly, with clean glasses or disposable cups being available for use.

### **INCIDENT REGISTER**

Pursuant to section 116A of the Act and Regulation 18G, the licensee must maintain a register of incidents that take place at the licensed premises. This incident register must be retained in the form approved by the Director of Liquor Licensing and must be made available at the request of an authorised officer.

### **TRAINING REGISTER**

Pursuant to Regulation 14AE, the licensee shall maintain a training register that records training compliance for all staff. This training register must be retained in the form approved

by the Director of Liquor Licensing and must be made available at the request of an authorised officer.

### **AUSTRALIAN WINES**

The wines on offer must be predominantly Australian wines.

### **MUSIC**

There is to be no live or amplified music at the premises. The playing of music is restricted to background music only.

### **NUMBERS LIMITATION**

The number of patrons permitted to be on the premises at any time is seventy (70).

### **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. Additionally, the licensee shall ensure that the premises' House Management Policy and Code of Conduct are displayed in a prominent position on the licensed premises.

### **LICENCE FEES**

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

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

Barry A. Sargeant  
DIRECTOR OF LIQUOR LICENSING  
30 April 2008



Department of Racing, Gaming & Liquor  
Government of Western Australia

Your Ref:

Our Ref: 12242

Enquiries: Chris Kelly  
☎ (08) 9425 1832

Flipside Pty Ltd  
Mrs Brown Bar  
10 Rule St  
NORTH FREMANTLE WA 6159

Dear Sir/Madam

**CONDITIONAL GRANT OF A TAVERN LICENCE: MRS BROWN BAR**

Enclosed is a copy of the decision in respect of the above premises.

Should you have any queries regarding this please contact me on [08] 9425 1832.

Yours faithfully

Chris Kelly  
RESEARCH & PUBLIC INTEREST ASSESSMENTS OFFICER

30 April 2008

cc: Police - South Metro District Office

cc: Licensing Enforcement Division  
Western Australia Police  
Cambridge House  
Level 2, 297 Hay Street  
PERTH WA 6000

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