



Ms Jade Hall
Liquor and Gaming Solutions

By email to: jade@lgsgroup.com.au

5 August 2023

Dear Ms Hall

Application No. 1-8640397655
Applicant Alexander Colin Crelley
Application for Amendment – hotel (full) – change of conditions
Application date 5 April 2023
Decision date 28 June 2023
Licence name Kent Hotel
Licence number LIQH400117698
Trading hours Consumption on premises – Whole of the licensed premises, excluding the Upper Floor Balcony and Footpath dining area
Monday to Saturday 05:00 AM – 03:00 AM
Sunday 10:00 AM – 12:00 midnight
Consumption on premises – Other areas of the licensed premises
Monday to Saturday 05:00 AM – 12:00 midnight
Sunday 10:00 AM – 12:00 midnight
Takeaway
Monday to Thursday 05:00 AM – 12:00 midnight
Friday to Saturday 05:00 AM – 10:00 PM
Sunday 10:00 AM – 12:00 midnight
Premises 59-61 Beaumont St,
HAMILTON NSW 2303
Legislation Sections 3, 12, 14, 15, 40, 44, 45, 48, 49, and 121 of the *Liquor Act 2007*

**Decision of the Independent Liquor & Gaming Authority
Application for a change of conditions – Kent Hotel, Hamilton**

We **approve** the application above under section 45 of the *Liquor Act 2007* — with the conditions to be imposed and revoked as set out in Schedule 1.

Statement of reasons

The statement of reasons will be published on the [Liquor & Gaming NSW website](https://www.liquorandgaming.nsw.gov.au/independent-liquor-and-gaming-authority) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you have any questions

Please contact the case manager, Glenn Barry, at Glenn.Barry@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Philip Crawford', with a stylized, cursive script.

Philip Crawford

For and on behalf of the **Independent Liquor & Gaming Authority**

STATEMENT OF REASONS

Our decision

We have considered the objects of the *Liquor Act 2007* (the Act) and the relevant legislative provisions and have approved the application under section 45 of the Act and impose and revoke conditions as listed in Schedule 1 under section 53 of the Act.

Overall, we are satisfied that the social impact of approving the application will not be harmful to the well-being of the local or broader community.

The decision achieves the aim of the Act to regulate the liquor industry to meet the community's expectations, needs, and aspirations, while also promoting a balanced and responsible development of the industry.

Our main findings

The local community for the purposes of this decision is Hamilton. The broader community is the Local Government Area (LGA) of Newcastle.

Positive social impacts

We are satisfied that the conditions as proposed are modernised and suitable. Revoked conditions have been replaced by updated conditions, or satisfactorily addressed through the updated plan of management.

Negative social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- size of the premises (1081.6 sqm) and late trading hours from Monday to Saturday
- higher than average liquor licence density in Hamilton and the Newcastle LGA
- venue being in a high-density hotspot for all offense categories usually considered by the Authority
- higher than average crime rates in Hamilton for all offence categories usually considered by the Authority
- crimes rates in the Newcastle LGA for the offences of alcohol-related domestic assault, alcohol-related non-domestic assault and malicious damage to property being higher than the NSW average
- higher than NSW average level of alcohol-attributable deaths in the Newcastle LGA.

However, we are satisfied that these risks may be reduced by:

- nil adverse findings for the venue relating to the eased conditions and their participation in the Stage Two trial
- crime comparison data indicating that incident rates over the last 10 years are trending downward in the Newcastle LGA for all categories usually considered by the Authority
- SEIFA data indicating relative socio-economic advantage in both Hamilton and the Newcastle LGA are above average
- the rate of alcohol-attributable hospitalisations in the Newcastle LGA being lower than the NSW rate
- the harm-minimisation measures outlined in the updated plan of management and licence conditions (including some that are not on the current licence) as set out in Schedule 1.

The material we considered

We considered the following material when making our decision:

- the application material — including evidence that stakeholders and the community were notified about the application

- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a development consent for the premises
- statistics from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics on the socio-economic status, liquor licence density, alcohol-related crimes rates and health issues in the local and broader communities
- stakeholder submissions and the applicant's response them
- the Newcastle Stage 2 Evaluation Report.

We also considered [Guideline 6](#) to assess the likely social impact to the local and broader community.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'P. Crawford', is positioned above the printed name.

Philip Crawford

For and on behalf of the **Independent Liquor & Gaming Authority**

Schedule 1 – Licence conditions to be imposed Kent Hotel

| No. | Condition to be imposed | Description |
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| 1. | Plan of management | The premises is to be operated at all times in accordance with the Plan of Management dated May 2023 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority. |
| 2. | Liquor Accord | The licensee or its representative must join and be an active participant in the local liquor accord. |
| 3. | Requirement to maintain an incident register | <ol style="list-style-type: none"> 1) The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident: <ol style="list-style-type: none"> a. any incident involving violence or anti-social behaviour occurring on the premises, b. any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises, c. any incident that results in a person being turned out of the premises under section 77 of the <i>Liquor Act 2007</i>, d. any incident that results in a patron of the premises requiring medical assistance. 2) The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector: <ol style="list-style-type: none"> a. make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and b. allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises. 3) The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made. |
| 4. | Crime scene preservation | <p>Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:</p> <ol style="list-style-type: none"> 1) take all practical steps to preserve and keep intact the area where the act of violence occurred, 2) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website, 3) make direct and personal contact with NSW Police to advise it of the incident, and 4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. 5) In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (eg. crowd controller or bouncer) on or about the premises. |

| No. | Condition to be imposed | Description |
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| 5. | CCTV | <p>1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:</p> <ul style="list-style-type: none"> a. the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times), b. recordings must be in digital format and at a minimum of ten (10) frames per second, c. any recorded image must specify the time and date of the recorded image, d. the system's cameras must cover the following areas: <ul style="list-style-type: none"> i) all entry and exit points on the premises, ii) the footpath immediately adjacent to the premises, and iii) all publicly accessible areas (other than toilets) within the premises. <p>2) The licensee must also:</p> <ul style="list-style-type: none"> a. keep all recordings made by the CCTV system for at least 30 days, b. ensure that the CCTV system is accessible at all times the system is required to operate pursuant to sub-clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and c. provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings. |
| 6. | Pre-closure procedures | <p>On Friday and Saturday evenings the Licensee must conduct the following pre-closure procedures 15 minutes prior to closure:</p> <ul style="list-style-type: none"> (i) Sale and supply of alcohol must cease, and water and food continue to be served or made available. <p>On Friday and Saturday evenings the Licensee must conduct the following pre-closure procedures 30 minutes prior to closure:</p> <ul style="list-style-type: none"> (i) Live entertainment must cease, and music, if any, must be limited to background levels and must not be audible outside the venue. (ii) Lighting must be set at levels to indicate that the venue is in a staged close down procedure. (iii) Announcements must be made within the licensed premises to advise patrons of: the need to respect neighbours by departing the area quickly and quietly, the availability of free water, transportation options, the presence of CCTV monitoring and that any anti-social behaviour will be reported to police. These announcements must be made at 15 minute intervals until the last person has left the licensed premises. |
| 7. | Drinks restriction | <p>Restricted service of alcohol from 10:00pm on Friday and Saturday and any day preceding a public holiday.</p> <p>No drinks commonly knowns as shots, shooters, slammers or bombs or any other drinks that are designed to be consumed rapidly.</p> |

Conditions to be revoked - Kent Hotel

| Condition to be revoked | Description |
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| 220 (replaced by imposition of condition 1) | The licensee is to ensure compliance with the plan of management for the hotel dated 09 DEC 2005. A copy of the plan is to be provided to the Local Area Commander at Newcastle Police Station. A copy of the plan will be kept on the premises and upon reasonable request will be made available to members of the NSW Police and duly appointed Licensing Inspectors of the Office of Liquor, Gaming and Racing. Any amendments of the plan is to be notified to the police within seven (7) days. |
| 2200 (replaced by imposition of condition 2) | The licensee must participate in the precinct liquor accord that applies to the Newcastle/Hamilton precinct designated by the Director-General of Communities NSW under section 136B of the <i>Liquor Act 2007</i> . |
| 3240 Plan of Management (replaced by imposition of condition 1) | The licensee will maintain the Plan of Management (Plan) for the licensed premises, the contents of which were settled by the licensee with due regard to and following reasonable consultation with the Local Area Commander of NSW Police and lodged with the Director of Compliance Office of Liquor, Gaming and Racing within 3 months of the Authority's review decision in relation to the premises dated 20 August 2010. The licensee will lodge with the Director of Compliance any amendment to this Plan within 14 days of making such amendment. |
| 3260 Restricted service of alcohol from 10 pm (covered by imposition of updated drink restriction - condition 7) | On Friday and Saturday evenings the following drinks must not be sold or supplied on the licensed premises during the restricted service period; (i) any drink (commonly referred to as a "shot") that contains no more than 30ml of spirits or liqueur and that is designed to be consumed rapidly, (ii) any drink containing more than 50% spirits or liqueur, (iii) any ready to drink beverage with an alcohol by volume content of more than 5%, (iv) any drink prepared on the premises that contains more than one 30ml nip of spirits or liqueur. During the restricted service period, no more than; (i) 4 alcoholic drinks (whether or not of the same kind), or (ii) the contents of one bottle of wine, may be sold or supplied on the licensed premises to the same person at any time. In this clause: (i) ready to drink beverage means an alcoholic mixed beverage that is prepared by the manufacturer; (ii) restricted service period in relation to the licensed premises, means the period between 10.00 pm and such later time (if any) at which the licensed premises are required to cease trading. |
| 3270 Orderly Precinct Strategy Requirements (covered by updated plan of management) | The licensee is to implement the following "Orderly Precinct Strategy" requirements: (i) A person shall not be permitted entry to the licensed premises if it is known or should be reasonably apparent to staff or security contractors who are tasked with supervising entry to the premises that the person: a) has at any time during the previous 6 hours unlawfully consumed alcohol in a public place. b) has at any time during the previous 6 hours exhibited anti-social or aggressive behaviour in the vicinity of that premises, at any of the Affected Hotels, or any other place within the Hamilton central business district. |

| Condition to be revoked | Description |
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| | <p>c) (c) has at any time during the previous 6 hours been argumentative, disorderly or abusive to the staff or patrons of that premises.</p> <p>(ii) If it becomes known or should be reasonably apparent to any of the licensee's staff or security contractors that any such person described in sub condition (i) above has otherwise gained entry to the premises, the licensee's staff or security contractors shall take prompt and reasonable steps to remove that person from the premises.</p> <p>(iii) The licensee shall display a sign on the exterior of the premises advising patrons of the circumstances in which they will be refused entry and the times when a lockout is in effect.</p> <p>(iv) Free water stations shall be placed on every bar within the licensed premises.</p> <p>(v) On Friday and Saturday evenings no liquor is to be taken off or carried away from the licensed premises after 10 pm.</p> <p>(vi) Signs must be prominently displayed in every bar area of the licensed premises, in lettering not less than 50 mm in height, advising patrons of the need to reduce noise and impact upon the local neighbourhood.</p> |
| <p>3290</p> <p>1 am Lockout on Saturday and Sunday</p> <p>(no adverse findings against the venue in regard to this condition being eased during the Stage Two trial. The updated plan of management includes strategies surrounding management of patrons entering and leaving the premises during the late trading period every day)</p> | <p>The licensee shall implement a lockout on Saturday and Sunday mornings as follows:</p> <p>(i) The licensee must not permit patrons to enter the licensed premises after 1.00 am or before 5 am (the lockout period).</p> <p>(ii) For the avoidance of doubt, patrons already present in the licensed premises before the start of the lockout period may;</p> <p>(a) leave the licensed premises at any time, or</p> <p>(b) remain on the licensed premises while the licensed premises are authorised to trade, but are not permitted to re-enter the licensed premises during the lockout period.</p> |
| <p>3300</p> <p>Pre-closure procedures</p> <p>(replaced by imposition of condition 6)</p> | <p>On Friday and Saturday evenings the Licensee must conduct the following pre-closure procedures</p> <p>30 minutes prior to closure:</p> <p>(i) Sale and supply of alcohol must cease, and water and food continue to be served or made available.</p> <p>(ii) Live entertainment must cease, and music, if any, must be limited to background levels and must not be audible outside the venue.</p> <p>(iii) Lighting must be set at levels to indicate that the venue is in a staged close down procedure.</p> <p>(iv) Announcements must be made within the licensed premises to advise patrons of: the need to respect neighbours by departing the area quickly and quietly, the availability of free water, transportation options, the presence of CCTV monitoring and that any anti-social behaviour will be reported to police. These announcements must be made at 15-minute intervals until the last person has left the licensed premises.</p> |
| <p>3310</p> <p>Rubbish collection</p> <p>(covered by updated plan of management)</p> | <p>During the period between one hour after closure and 7 am, the licensee shall arrange for one (1) rubbish collection to take place with a view to ensuring that all bottles and other drink containers are collected from the immediate environs of the licensed premises, including the adjoining</p> |

| Condition to be revoked | Description |
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| | footpath, gutters and roads up to a distance of 10 metres in every direction from the perimeter of the licensed premises |
| 3320 Dispersal of patrons (covered by updated plan of management) | <p>On Friday and Saturday evenings, security officers must make reasonable efforts after midnight to encourage patrons not to linger within the perimeter of the licensed premises as they depart and to ensure that all patrons have left the environs of the licensed premises 30 minutes after closure.</p> <p>This obligation does not apply with regard to any person who seeks the assistance of hotel staff or security contractors by reason that they fear harassment or violence and/or any person who is participating in the operation of a secured taxi rank.</p> |
| 3330 Information to staff (covered by updated plan of management) | <p>Within 14 days after the commencement of these conditions (or upon their engagement, whichever is the latter), the licensees must ensure that every member of staff and any security contractor is notified in writing of the conditions disclosed in this letter; the need to apply responsible service of alcohol practices at the licensed premises; details of available transport; the location of the 50 metre vicinity that applies to any excluded persons; and the location of any Alcohol Free Zones in Hamilton.</p> |

Conditions not to be revoked - Kent Hotel

| Condition <u>not</u> to be revoked | Description |
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| 3250 RSA Monitor (Retaining the condition ensures that the additional RSA supervision is mandated and remains a mitigating factor; considering that the no lock-out and restricted drinks conditions are revoked) | <p>On Friday and Saturday evenings from 11.00 pm until closure the licensee will retain an employee or contractor whose sole function shall be to supervise and monitor responsible service of alcohol practices at the bar and to observe the responsible consumption of alcohol throughout the licensed premises.</p> |
| 3280 No stockpiling of drinks (Retaining the condition ensures that a mitigating factor is in place considering that the no lock-out and restricted drinks conditions are revoked and varied respectively.) | <p>The licensee shall ensure, by adequate supervision methods throughout the licensed premises, that no patron is stockpiling drinks. "Stockpiling" means that any one person has more than 2 unconsumed drinks at any one time (a patron may purchase up to 4 drinks at one time).</p> |