

Mr Brett Tobin
Hatzis Cusack Lawyers

By email to: bt@hatziscusack.com.au

16 January 2024

Dear Mr Tobin

Application No.	APP-0011754140
Applicant	IRIS HOTELS ENFIELD OPERATIONS PTY LTD
Application for	New hotel licence (full) with minors' area authorisation
Application date	21 August 2023
Decision date	14 December 2023
Proposed licence name	Enfield Tavern
Proposed trading hours	Consumption on premises Monday to Saturday 07:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM Take away sales – bar areas Monday to Saturday 07:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM Take away sales – bottle shop Monday to Saturday 09:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
Proposed premises	626 Liverpool Road Strathfield South NSW 2136
Legislation	Sections 3, 11A, 12, 14, 15, 40, 44, 45, 48, and 121 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority
Application for a new hotel licence (full) with minors' area authorisation – Enfield Tavern

We **approve** the application above under section 45 of the *Liquor Act 2007* (the Act) — with the conditions set out in Schedule 1.

Approved manager or individual licensee

The licence cannot be exercised until the Authority or Liquor & Gaming NSW is notified that:

- the licence is transferred to an individual licensee, or an approved manager is appointed; and
- the licensee or approved manager is a suitable and qualified person.

Statement of reasons

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 Strathfield South. The broader community is the Local Government Area (LGA) of Strathfield.

Positive social impacts

The applicant seeks approval to operate a new hotel (full) licence with associated minors' area authorisation in Strathfield South, on a site which currently operates as an Ibis Motel.

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice.

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:

- identification of a crime hotspot for incidents of domestic assault in Strathfield South (classified as high-density)
- higher crime rate in Strathfield South for alcohol-related domestic assault compared with the NSW average
- the density of full licensed hotels in Strathfield South being higher than the NSW average.

However, we are satisfied that these risks are reduced by the:

- proposed premises not being located near the small low-density hotspot that exists for alcohol-related assault offences, and there being no hotspots in Strathfield South for non-domestic assault offences
- crime rates in Strathfield South being lower than NSW averages for alcohol-related non-domestic assault, alcohol-related offensive conduct and malicious damage offences
- crime rates in Strathfield being lower than the NSW average for all offences considered by the Authority
- low saturation of hotel (general bar), club and small bar licences in both Strathfield South and Strathfield compared to NSW
- indication of an above average level of relative socio-economic advantage and disadvantage in both Strathfield South and Strathfield compared to other communities in NSW
- harm-minimisation measures outlined in the plan of management and licence conditions, 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
- a community impact statement (CIS)
- 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.

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

This decision will be published on the [Liquor & Gaming NSW website](#) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you have any questions

Please contact the case manager, Andy Whitehead, at andy.whitehead@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Caroline Lamb'.

Caroline Lamb

Chairperson

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

Schedule 1 – Licence conditions to be imposed Enfield Tavern

No.	Condition to be imposed	Description
1.	6-hour closure	Section 11A of the <i>Liquor Act 2007</i> applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (6) hours between 01:00 AM and 07:00 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.
2.	Restricted trading days and NYE	Consumption on premises Good Friday 12:00 noon - 10:00 PM Christmas Day 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area) December 31 st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later Note: Trading is also allowed after midnight into the early morning of Good Friday and Christmas Day if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation. The latest time that can be specified is 5:00 AM.
3.	Restricted trading days and NYE	Take away sales Good Friday Not permitted December 24 th Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight Sunday Christmas Day Not permitted December 31 st Normal trading Monday to Saturday 10:00 AM to 12:00 midnight Sunday
4.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated October 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.
5.	Social impact	The business authorised by this licence must not operate with a greater overall level of social impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining the licence.
6.	Local accord	The licensee or its representative must join and be an active participant in the local liquor accord.
7.	CCTV	1. The licensee must maintain a closed-circuit television (CCTV) system on the licensed premises in accordance with the following requirements: 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 <i>ten (10)</i> 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: i. all entry and exit points on the premises, ii. the footpath immediately adjacent to the premises, and

No.	Condition to be imposed	Description
		<p>iii. all publicly accessible areas (other than toilets) within the premises.</p> <p>2. The licensee must also:</p> <ol style="list-style-type: none"> keep all recordings made by the CCTV system for at least 30 days, 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 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.
8.	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"> take all practical steps to preserve and keep intact the area where the act of violence occurred, 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, make direct and personal contact with NSW Police to advise it of the incident, and comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. <p>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.</p>
9.	Incident register	<ol style="list-style-type: none"> 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"> any incident involving violence or anti-social behaviour occurring on the premises, 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, any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007, any incident that results in a patron of the premises requiring medical assistance. The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector: <ol style="list-style-type: none"> make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises.

No.	Condition to be imposed	Description
		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.
10.	Minors area	Minors Area Authorisation: the entire ground floor area of the licensed premises excluding the gaming room.