

Mr Brett Tobin
Hatzis Cusack Lawyers

By email to: bt@hatziscusack.com.au

15 September 2023

Dear Mr Tobin

Application No. 1-8673458449
Applicant Gareth Rattley
Application for Amendment – Hotel (full) – change of conditions
Application date 3 May 2023
Decision date 28 June 2023
Licence name The Beaumont Exchange Hotel
Licence number LIQH400117469
Trading hours Consumption on premises - First floor balcony terrace
Monday to Saturday 10:00 AM – 12:00 midnight
Sunday 10:00 AM – 10:00 PM
Consumption on premises - Ground & first floor
Monday to Saturday 10:00 AM – 03:00 AM
Sunday 10:00 AM – 12:00 midnight
Takeaway
Monday to Thursday 10:00 AM – 12:00 midnight
Friday and Saturday 10:00 AM – 10:00 PM
Sunday 10:00 AM – 12:00 midnight
Premises 125 Denison St
Hamilton, NSW 2303
Legislation Sections 3, 11, 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 – The Beaumont Exchange Hotel**

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 wellbeing 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. We note that the Police did not object to the application provided certain conditions were imposed on the licence, including CCTV, crime scene preservation and maintenance of an incident register.

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 licensed premises (918 sqm) and late trading hours from Monday to Saturday
- venue being in a high-density hotspot for all offense categories usually considered by the Authority
- higher than average crime rates in Hamilton in comparison to NSW for all offence categories usually considered by the Authority
- crimes rates in the Newcastle LGA for incidents 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:

- the crime comparison data indicating that offence rates are trending down in the LGA Newcastle for alcohol-related (non-domestic assault), malicious damage to property and alcohol-related disorderly conduct (offensive conduct)
- incidents of crime data indicating that crime rates in Hamilton have remained stable
- 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
- maintaining a number of licence conditions to mitigate alcohol -related harms and disturbance
- the imposition of a number of conditions in response to specific issues, and not fully revoking the drinks restriction condition providing an opportunity to manage risks associated with alcohol consumption

- 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 to 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

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

**Schedule 1 – Licence conditions to be imposed -
The Beaumont Exchange Hotel**

No.	Condition to be imposed	Description
1.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated June 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.	Participation in the local liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
3.	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.
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> <ul 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.

No.	Condition to be imposed	Description
		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.
5.	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 Liquor Act 2007, 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.
6.	Window closure	Ground floor bi-fold windows in the Public Bar area facing Denison Street are to be kept closed after 10:00 PM every night.
7.	Complaints register	<ol style="list-style-type: none"> 1) A complaints register is to be maintained at the premises at all times which records the following: <ol style="list-style-type: none"> a) the name and number of the complainant b) the time and date on which the complaint was received c) the nature of the complaint, and d) the measures taken to resolve the complaint. 2) Details of complaints received, either in person or over the phone, must be: <ol style="list-style-type: none"> a) recorded in the complaints register, and b) reported to the duty manager. 3) A mobile or dedicated contact number for the duty manager is to be published on the hotel's website, and on a sign to be posted at the premises entrance. If requested, the duty manager's contact details must be provided to complainants. A messaging service must be in place if the dedicated contact number is unattended.
8.	Restricted service of alcohol from 10:00 PM	<p>On Friday and Saturday evenings the following drinks must not be sold or supplied on the licensed premises during the restricted service period;</p> <ol style="list-style-type: none"> 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 ready to drink beverage with an alcohol by volume content of more than 5%, <p>During the restricted service period, no more than;</p> <ol style="list-style-type: none"> i. 4 alcoholic drinks (whether or not of the same kind), or

No.	Condition to be imposed	Description
		<p>ii. the contents of one bottle of wine, may be sold or supplied on the licensed premises to the same person at any time.</p> <p>In this clause:</p> <p>ready to drink beverage means an alcoholic mixed beverage that is prepared by the manufacturer; 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.</p>

Conditions to be revoked - The Beaumont Exchange Hotel

Condition to be revoked	Description
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> .
3250 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.
3270 Restricted service of alcohol from 10 pm (replaced by imposition of condition 8)	<p>On Friday and Saturday evenings the following drinks must not be sold or supplied on the licensed premises during the restricted service period;</p> <ol style="list-style-type: none"> 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, any drink containing more than 50% spirits or liqueur, any ready to drink beverage with an alcohol by volume content of more than 5%, any drink prepared on the premises that contains more than one 30ml nip of spirits or liqueur. <p>During the restricted service period, no more than;</p> <ol style="list-style-type: none"> 4 alcoholic drinks (whether or not of the same kind), or the contents of one bottle of wine, may be sold or supplied on the licensed premises to the same person at any time. <p>In this clause:</p> <p>ready to drink beverage means an alcoholic mixed beverage that is prepared by the manufacturer; 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.</p>
3300 1 am Lockout on Saturday and Sunday (covered by pre-closure condition where the sale and supply of alcohol will cease 30 minutes prior to close.)	<p>The licensee shall implement a lockout on Saturday and Sunday mornings as follows:</p> <ol style="list-style-type: none"> The licensee must not permit patrons to enter the licensed premises after 1.00 am or before 5 am (the lockout period). For the avoidance of doubt, patrons already present in the licensed premises before the start of the lockout period may; <ol style="list-style-type: none"> leave the licensed premises at any time, or 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.

