

NSW Department of Customer Service

Liquor & Gaming NSW

Application number:	1-8306334804	
Application for:	Extended Trading Authorisation	
Trading hours:	Monday to Thursday	10AM to 12:00midnight
Restaurant:	Friday to Saturday	10AM to 2AM
Consumption on premises	Sunday	10:00 AM to 11PM
Applicant:	Mr Robin Raju	
Licence name:	Robina Function Centre	
Licence number:	LIQO660031963	
Premises address:	Shop 8, 187 Elizabeth Dr, LIVERPOOL, NSW 2170	
Issue:	Whether a delegated Liquor & Gaming employee on behalf of the Independent Liquor & Gaming Authority (ILGA) should approve or refuse an application for an Extended trading authorisation	
Legislation:	Sections 3, 11A, 48, 49, 51 and 53 of the <i>Liquor Act 2007</i>	

ILGA DELEGATED DECISION – APPLICATION FOR

Extended trading authorisation

Robina Function Centre

Under delegation issued by the Independent Liquor and Gaming Authority under section 13 of the Gaming and Liquor Administration Act 2007, a designated Public Service employee or other Public Service employee of Liquor & Gaming NSW in the Department of Customer Services, has decided to grant the application for an extended trading authorisation 1-8248799530.

On 31 August 2022 and after careful consideration of the application and other material, the delegate decided to approve the application.

Decision Date: 31 August 2022

Peter Wicks



Customer
Service

Liquor & Gaming NSW

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P. Wick

Manager Licensing
Liquor & Gaming NSW
Delegate of the Independent Liquor & Gaming Authority

STATEMENT OF REASONS

Analysis of Submissions and statutory requirements

- (1) Police submission received; I am satisfied that these can be addressed by the conditions which I have imposed on the licence.
- (2) Appropriate consent is in place for the use of the premises as an On-premises restaurant liquor licence with Extended Trading Authorisation.
- (3) I am satisfied that the applicant has provided consent to imposing the conditions contained in the licence document.
- (4) Having reviewed all the material, I am satisfied that granting these applications for an extended trading authorisation will not be detrimental to the local or broader community.

Overall social impact

(1) Positive benefits

The granting of the extended trading authorisation will provide patrons with increased choice to socialise, including to enjoy a meal and/or a social drink and other entertainment consistent with the licence within the Wollongong area.

(2) Mitigation of potential negative impacts

I am satisfied that the granting of extended trading authorisation, with the conditions imposed, will ensure that the lawful operation of the premises will not be detrimental to the local or broader community.

Conditions considered by the ILGA delegate DF22/009179

All requests to impose conditions on the licence are reviewed on a case by case basis and a merit-based assessment is conducted.

In considering whether a proposed condition has merit, delegates consider: (a) whether the need for the condition has been adequately established (b) whether the benefits of imposing the condition are likely to outweigh the costs and (c) whether the proposed condition is proportionate to the potential harm identified.

Table 1 sets out the conditions which I have decided to impose on the licence, and Table 2 sets out conditions put forwarded for consideration which I have decided not to impose, and the reasons for that decision.

TABLE 1 - Proposed conditions imposed on the licence:	
1.	The premises is to be operated at all times in accordance with the Plan of Management dated 2022 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.	<p>CCTV - The licensee must maintain a closed-circuit television 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 are required to close (or, in the case of premises that are not required to cease trading, continuously at all times), b) recordings must be in digital format and at a minimum of 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, iii) all publicly accessible areas (other than toilets) on 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, and b) ensure that the system is accessible by at least one member of staff at all times it is in operation, and c) provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.

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3.	<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.
4.	<p>The licensee must not permit any person to enter the premises, or to remain on the premises, if the person is wearing or carrying any clothing, jewellery or accessory displaying: the name of any of the following motorcycle-related and similar organisations: Bandidos, Black Uhlands, Coffin Cheaters, Comanchero, Finks, Fourth Reich, Gladiators, Gypsy Jokers, Highway 61, Life & Death, Lone Wolf, Mobshitters, Nomads, Odins Warriors, Outcasts, Outlaws, Phoenix, Rebels, Hells Angels, Scorpions, Mongols, Notorious, Muslim Brotherhood Movement; or any "declared organisation" within the meaning of the Crimes (Criminal Organisation Control Act 2009.</p> <p>b} the colours, club patch, insignia or logo of any such organisation, or</p> <p>c)the "1%" or "1%er" symbol, or d) any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, any of the organisations specified in point 1 (a).</p> <p>Any incident where a person is refused entry or removed from the premises in relation to this condition must be recorded in the incident register.</p>
5.	<p>The licensee is prohibited from carrying on, or permitting on the licensed premises, any activity that involves:</p> <ol style="list-style-type: none"> 1) The promotion of the sale or supply of liquor which include the use of the terms "shots", "shooters", "blasters", "bombs", or any other similar variation of those words that may encourage irresponsible, rapid or excessive consumption. 2) The promotion of the availability of liquor by sale or supply by verbal spruiking (promoted on or away from the premises) using the terms "shots", "shooters", "blasters", "bombs", or any other similar variation of those words that may encourage irresponsible, rapid or excessive consumption. <p>Sale or supply of liquor promoted by verbal spruiking (promoted on or away from the premises) which promotes discounted drinks or drinks at a set price that encourages irresponsible, rapid or excessive consumption.</p>

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	For the purpose of this direction "spruiking" refers to the activity of making unsolicited approaches in public areas to prospective customers for the purpose of enticing them to the licensed premises.
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Materials considered by the ILGA delegate

TABLE 2: Submissions analysis	
Stakeholder submissions	
1.	NSW Police <ul style="list-style-type: none"> Objection received with suggested conditions outlined in Table 1
2.	Local consent authority <ul style="list-style-type: none"> Did not submit
3.	Public <ul style="list-style-type: none"> Did not submit

TABLE 3: Document analysis		
Details		Dated received/comment
1.	Application form	6 June 2022
2.	Plan of proposed licensed area	7 June 2022
3.	Development consent	6 June 2022
4.	Police submission	14 June 2022

Conclusion

- (1) I am satisfied that procedural fairness was afforded to the applicant and interested parties regarding the decision whether to approve the application. All of those required to be notified of the application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision. The decision was made by the delegate having reviewed the application statement, business model and risk analysis, stakeholder submissions and other relevant material.
- (2) In making this decision under delegation from of the Authority, all statutory objects and considerations prescribed by section 3 of the Act were considered and accordingly, I have determined to grant the liquor licence application with conditions.

TABLE 4: Relevant extracts from the Liquor Act 2007**Legislative framework, statutory objects and considerations**

In determining the application, the delegate has considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which state:

3 Objects of Act

1. The objects of this Act are as follows:
 - a. to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,
 - b. to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,
 - c. to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
2. In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:

- a. the need to minimise harm associated with misuse and abuse of liquor (including the harm arising from violence and other anti-social behaviour),
- b. the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,
- c. the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

TABLE 5: Community impact test

1. Under section 48(5) of the Liquor Act 2007, the delegate must not grant a licence, authorisation or approval of a kind prescribed by section 48(2) of the Act unless the Authority is satisfied, having regards to the Community Impact Statement, where required, and any other matter the delegate is made aware of during the Application process, that the overall impact of the licence, authorisation or approval in question being granted will not be detrimental to the local or broader community.
2. The test applying under section 48(5) relates to delegated decisions in relation to:
 - a. the grant or removal of a small bar licence (where required),
 - b. a packaged liquor licence (limited to telephone/internet sales),
 - c. an application for extended trading hours to permit the sale of liquor after midnight in relation to a small bar (where required), an on premises relating to a restaurant that includes an application for a primary service authorisation, an on-premises licence relating to a karaoke

bar, a catering service or a vessel, and an application for a producer/wholesaler licence that includes an application for a drink on premises authorisation.

The Community Impact Statement provides the Authority with information about the views of relevant stakeholders and other aspects of the local community in which the proposed licensed premises is to be located. This includes, for example, the proximity of the licensed premises to hospitals or health facilities, nursing homes, schools and places of worship.

TABLE 6: Important Information:

In accordance with Clause 5 of the Gaming and Liquor Administration Regulation 2008, this decision is reviewable by ILGA.

The licence applicant and persons who were required to be notified of the application and who made a submission can apply for an application for review. An application for a review must be lodged with ILGA within 28 days of the date of the publication of this decision. An application fee applies. For original applicants, the review application fee is the same as the initial application fee. For non-original applicants, the application fee is \$100.

For ILGA reviews of delegated decisions, make an application for review via the Liquor and Gaming Application Noticeboard at: <https://www.liquorandgaming.nsw.gov.au/Pages/public-consultation/online-application-noticeboard/online-application-noticeboard.aspx>. The Review Application form can be accessed online via the Application Number hyperlink.

Further information can be obtained from the Reviews page on the Liquor & Gaming website at: <https://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/reviews-of-decisions/reviews-of-liquor-and-gaming-decisions.aspx>