

Ms Jade Hall
Liquor and Gaming Solutions

By email to: Jade@lgsgroup.com.au

18 August 2023

Dear Mr Curtis

Application No.	1-8622549165
Applicant	Paul John Curtis
Application for	Amendment – hotel (full) – change of conditions
Application date	22 March 2023
Decision date	27 June 2023
Licence name	Newcastle Hotel
Licence number	LIQH400117361
Trading hours	Consumption on premises Monday to Saturday 05:00 AM – 05:00 AM 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	139 Maitland Road Islington NSW 2296
Legislation	Sections 3, 12, 14, 15, 40, 44, 45, 48, 49, and 121 of the <i>Liquor Act 2007</i>

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

We **approve in part** 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) 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



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 Islington. The broader community is the Local Government Area (LGA) of Newcastle.

We note that the venue has been issued with several warning notices over the past four years relating to the sale and supply of alcohol with no food available, promotions encouraging excessive alcohol consumption and noise disturbances. There is some concern around the consistency and ability of the licensee to comply with their responsibilities under liquor legislation.

Positive social impacts

In consideration of the compliance history, the Authority resolved to partially approve the application. 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.

The partial approval addresses the concerns around excessive alcohol consumption and importantly enables conditions relating to crime scene preservation, CCTV and incident register to be imposed on the licence for the first time and become mitigation measures. The drink restriction condition has been varied and the revocation of the lock-out condition (3290) has been refused.

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:

- long licensed trading hours
- venue being located in a high-density hotspot for alcohol-related non-domestic assault and malicious damage to property, and a medium density hotspot for alcohol-related assault
- higher than average crime rates in Islington for all categories usually considered by the Authority compared to NSW rates
- higher than average liquor licence density in Islington and the Newcastle LGA
- higher than average level of alcohol-attributable deaths in the Newcastle LGA.

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

- SEIFA data indicating relative socio-economic advantage in the Newcastle LGA being above average and average for Islington
- the rate of alcohol-attributable hospitalisations in the LGA being lower than the NSW rate
- the imposition of new licence conditions including crime scene preservation, CCTV and incident register
- maintaining the LA10 noise restriction and RSA supervision conditions on the licence
- varying the drink restriction condition to mitigate the consumption of drinks that are consumed rapidly during late trading periods, while still allowing the venue to provide drinks such as cocktails and jugs
- not revoking condition 3290 (lockout provisions)

- the harm-minimisation measures outlined in the updated 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
- 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 'Philip Crawford', with a stylized, cursive script.

Philip Crawford

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

Schedule 1 – Licence conditions to be imposed Newcastle 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 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.	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.
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. <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>

No.	Condition to be imposed	Description
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 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.	Complaints register	<p>1) A complaints register is to be maintained at the premises at all times which records the following:</p> <ul 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. <p>2) Details of complaints received, either in person or over the phone, must be:</p> <ul style="list-style-type: none"> (a) recorded in the complaints register, and (b) reported to the duty manager. <p>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.</p>
7.	Drink restriction	<p>Restricted service of alcohol from 10:00pm on Friday and Saturday and any day preceding a public holiday:</p> <ul style="list-style-type: none"> (a) No drinks commonly knowns as shots, shooters, slammers or bombs or any other drinks that are designed to be consumed rapidly

Conditions to be revoked – Newcastle Hotel

Condition to be revoked	Description
230 Plan of management (replaced by imposition of condition 1)	The licensee shall, within two (2) months of the imposition of these Conditions, file with the Court and serve on the Police a Plan of Management designed to prevent the possession, use and supply of prohibited drugs on the Premises (the Plan). The licensee shall consult with the Police in the preparation of the Plan, in particular as to the Cameras and security at the Premises. The Licensee is to ensure compliance with the Plan. A copy of the Plan will be kept on the premises and upon reasonable request shall be made available to members of the New South Wales Police and duly appointed Licensing Inspectors of the Department of Gaming and Racing. Any amendment to the Plan shall be notified to the Police within seven (7) days of such amendment.
2200 Liquor accord (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 Liquor Act 2007.
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 Drinks restrictions (replaced by imposition of condition 7)	<p>Restricted service of alcohol from 10 pm</p> <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> <ul 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 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. <p>During the restricted service period, no more than;</p> <ul style="list-style-type: none"> (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. <p>In this clause:</p> <ul style="list-style-type: none"> • 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.

Conditions not revoked – Newcastle Hotel

Condition not revoked	Description
3290 Lockout provisions	<p>1 am Lockout on Saturday and Sunday</p> <p>The licensee shall implement a lockout on Saturday and Sunday mornings as follows:</p> <ul style="list-style-type: none"> (i) The licensee must not permit patrons to enter the licensed premises after 1.00 am or before 5am (the lockout period).

Condition not revoked	Description
	<p>(ii) For the avoidance of doubt, patrons already present in the licensed premises before the start of the lockdown 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 lockdown period.</p>