

Mr Lukas Thodas
The Grand Newcastle

By email to: manager@thegrandnewcastle.com.au

14 September 2023

Dear Mr Thodas

Application No. 1-8622655942
Applicant THE GRAND NEWCASTLE GFH PTY LTD
Application for Amendment – hotel (full) change of conditions
Application date 22 March 2023
Decision date 13 June 2023
Licence name Grand Hotel
Licence number LIQH400117574
Trading hours Consumption on premises: Ground floor, Basement
Monday to Saturday 05:00 AM – 03:00 AM
Sunday 10:00 AM – 10:00 PM
Consumption on premises: Other areas of the licensed premises
Monday to Saturday 05:00 AM – 12:00 midnight
Sunday 10:00 AM – 10:00 PM
Takeaway sales
Monday to Saturday 05:00 AM – 12:00 midnight
Sunday 10:00 AM – 10:00 PM
Premises Church & Bolton Streets
Newcastle NSW 2300
Legislation Sections 3, 12, 14, 15, 40, 44, 45, 48, 49, 53, and 121 of the *Liquor Act 2007*

**Decision of the Independent Liquor & Gaming Authority
Application for a change of conditions – Grand 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.ilga.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

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 Newcastle. 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:

- higher than average liquor licence density in both the Newcastle suburb and LGA
- venue being in a high-density hotspot for alcohol-related assault, medium-density hotspot for malicious damage and a low-density hotspot for domestic and non-domestic assault
- higher crime rates in the Newcastle suburb compared to NSW for all offence categories usually considered by the Authority, and higher in the Newcastle LGA for alcohol-related domestic and non-domestic assault and malicious damage
- rate of alcohol-attributable deaths in the LGA being higher than the NSW rate.

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 the rates for all four categories usually considered by the Authority are lower than those rates in 2013 for the suburb and Newcastle LGA
- indication of relative socio-economic advantage in both the suburb and the Newcastle LGA being above average
- the rate of alcohol-attributable hospitalisations in the Newcastle LGA being lower than the NSW rate
- possible skewing of crime statistics and licence densities due to the suburb having a relatively low population and also because the venue is located within a business/retail district where visitation occurs from other suburbs within the LGA and beyond
- the liquor plan of management which includes measure to mitigate alcohol-related harms and disturbance such as:
 - specific outdoor patrols by security around nearby streets
 - security to direct patrons to one exit upon leaving the premises
 - drinks restriction prohibiting serving of shots or shooters, and restricting amounts able to be purchased after 10:00 PM
 - a self-imposed lock-out of 01:30 AM on Friday and Saturday nights
 - use of a complaint register that aligns with the ILGA-approved condition

- a taxi butler service
- the imposition of licence conditions (including some that previously were not imposed on the 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

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

Schedule 1 – Licence conditions to be imposed Grand 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)	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. <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>
5)	CCTV	<ol style="list-style-type: none"> 1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:

No.	Condition to be imposed	Description
		<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.

Conditions to be revoked – Grand Hotel

Condition to be revoked	Description
380	No person shall be permitted to enter the premises after 01:30 am.
3030 (replaced by imposition of condition 1)	<ul style="list-style-type: none"> 1) The licensee must file with the Independent Liquor and Gaming Authority (Authority), by not later than two (2) months after 30 August 2018, a revised version of the Plan of Management for the premises that has been reviewed in consultation with NSW Police. This plan shall be marked on its front page as "Revised plan of 2018". 2) The premises is to be operated at all times in accordance with the Plan of Management as revised pursuant to clause 1 above, and as may be varied from time to time after consultation with NSW Police. 3) 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 & Gaming NSW Inspector, or any other person authorised by the Authority.
3050 Drinks restrictions (nil adverse findings during the trial period)	<p>The following restrictions and conditions will apply upon the sale of alcohol after 10:00 pm:</p> <ul style="list-style-type: none"> a. No drinks commonly known as shots, shooters, slammers or bombs or any other drinks that are b. designed to be consumed rapidly; c. No mixed drinks with more than 30 mls of alcohol; d. No RTD drinks with an alcohol by volume greater than 5%; e. No more than four (4) drinks, or one bottle of wine, may be served to any patron at one time.