



Our Ref: A15/418
Your Ref: SLG:EB:111755

Mr Glenn Cook
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Dear Mr Cook

**Application for an Extended Trading Authorisation and
Multi-Occasion Extended Trading Authorisation
Royal Hotel, Condobolin**

I am writing to you about two applications made under the *Liquor Act 2007* by your client, Mr Paul Reardon, to the Independent Liquor and Gaming Authority on 5 March 2015.

The first application seeks an extended trading authorisation, while the second seeks the approval of a multi-occasion extended trading authorisation. Both applications are made with regard to the licensed premises known as "Royal Hotel", located at 71 Bathurst Street, Condobolin.

The Authority determined both applications at its meeting on 28 October 2015. After careful consideration of the applications and submissions provided by your client, the Authority decided, pursuant to section 49 of the *Liquor Act 2007*, to *refuse* both applications. This decision was advised to you informally in an email from Authority staff dated 2 November 2015.

Under section 36C of the *Gaming and Liquor Administration Act 2007*, the Authority is required to publish statements of reasons with respect to those types of decisions that are prescribed by clause 6 of the Gaming and Liquor Administration Regulation 2008.

This letter attaches a statement of reasons for the Authority's decision, which has been prepared in the context of a high volume liquor jurisdiction that requires the publication of statements of reasons as soon as practicable.

If you have any enquiries about this letter, please contact the case manager, Ms Santina Causa via email at santina.causa@ilga.nsw.gov.au.

Yours faithfully

Micheil Brodie
Chief Executive

12 JAN 2016

STATEMENT OF REASONS

INTRODUCTION

1. On 5 March 2015, the Independent Liquor and Gaming Authority (**Authority**) received an application for an extended trading application (**ETA Application**) and a multi-occasion extended trading application (**MOETA Application**) from Mr Paul Reardon (**Applicant**).
2. The Applications were made by a consultant, Glen Cook Pty Limited and concern the licensed premises located at 71 Bathurst Street, Condobolin, known as "Royal Hotel" (**Premises**).
3. The ETA Application seeks approval of a new extended trading authorisation in respect of hotel liquor licence number LIQH400110847, which, if granted, would permit the hotel business to sell or supply liquor for consumption *on* the Premises beyond the standard trading hours prescribed by section 12 of the *Liquor Act 2007* (**Act**) until 12:00 midnight on a Sunday evening, on a regular basis. The standard licensed trading hours prescribed by the Act for Sundays are between 10:00am and 10:00pm.
4. The MOETA Application seeks the grant of an alternative form of extended trading authorisation, in respect of the same licence, that would permit the hotel business to sell or supply liquor for consumption *on* the Premises beyond standard trading hours and until 3:00am, but limited to 12 occasions over any 12-month period.
5. The *OneGov* licensing database record for this liquor licence discloses that the Premises currently has the benefit of a "full" hotel licence (as distinct from a general bar hotel licence). The hotel is licensed to sell or supply liquor during the following hours:

Consumption on Premises:

Monday to Saturday	5:00am to 12:00 midnight
Sunday	10:00am to 10:00pm.

Consumption off the Premises/Takeaway sales:

Monday to Saturday	5:00am to 10:00pm
Sunday	10:00am to 10:00pm.

6. The Applicant further proposes that should the Applications be granted, the 6-hour daily closure period required by section 11A of the Act be fixed at between 4:00am and 10:00am to accommodate the extended trading hours proposed by both Applications.

MATERIAL BEFORE THE AUTHORITY

7. **ETA Application Form and accompanying Community Impact Statement (ETA CIS) filed with the Authority on 5 March 2015.** In the ETA Application Form, the Applicant discloses that the proposed Sunday licensed trading hours sought by the ETA Application are between 10:00am and 12:00 midnight on Monday through Sunday.
8. The Authority notes that the hotel is currently licensed to trade during standard trading hours for the consumption of liquor on the Premises – that is, between 10:00am and 10:00pm on a Sunday.
9. The Applicant submits that the grant of the ETA Application will have the effect of *reducing* the current licensed trading hours in that the Applicant proposes that the hotel

be licensed to open from 10:00am on Monday through Sunday, rather than at 5:00am as is currently specified on the licence.

10. The Applicant submits that the further licensed trading hours sought by the ETA Application are between the hours of 10:00pm and 12:00 midnight on Sunday evening.
11. The Applicant states in the ETA Application Form that the licence is not presently subject to the daily 6-hour closure period that is mandated by section 11A of the Act (apparently by reason that this licence was granted prior to the commencement of section 11A of the Act). Should the ETA Application be granted, the licence will become subject to the operation of section 11A of the Act.
12. The Applicant indicates on the ETA Application Form that local council development approval for use of the Premises, for planning purposes, during the extended trading hours proposed in the Applications is expected to be granted and will be provided to the Authority in March 2015.
13. The Applicant further states that no live entertainment will be provided on the Premises during the proposed extended trading hours sought by the ETA Application (from 10:00pm to 12:00 midnight on Sunday evening).
14. In the ETA Application form the Applicant contends that should the ETA be granted, the following practices will be in place to ensure that liquor is sold, supplied or served responsibly and that steps are taken to prevent intoxication on the Premises:
 - a) all staff have appropriate RSA qualifications
 - b) the licensee Mr Paul Reardon "and/or duty managers" will supervise the operation of the hotel during extended trading periods to observe patron behaviour and take any necessary steps to prevent intoxication and/or anti-social behaviour"
 - c) "all required signage will remain in place".
15. The Applicant further contends on the ETA Application form that the following measures will be taken to ensure that the extended trading period will not result in "frequent undue disturbance of the quiet and good order of the neighbourhood":
 - a) patrons "will be reminded to leave the Premises in a quiet and orderly manner"
 - b) the licensee "and/or duty managers" will "monitor patron behaviour as they exit the Premises and leave the general vicinity"
 - c) "appropriate action" will be taken "should any departing patrons disturb the peace and quiet of the neighbourhood".
16. The various contentions and submissions made by the Applicant in the ETA CIS are discussed in further detail below.
17. **MOETA Application Form and Multi-Occasion Extended Trading Authorisation Community Impact Statement (MOETA CIS) filed with the Authority on 5 March 2015.** In the MOETA Application Form, the Applicant seeks permission for the hotel to sell or supply liquor for consumption on the Premises beyond the standard trading period in the evening until 3:00am on up to 12 occasions over any 12-month period.
18. Briefly, the Applicant makes the following submissions or contentions in the MOETA Application:
 - a) the Premises is *not* located in a local government area that is specified as not eligible for a MOETA
 - b) the licence is not currently authorised to trade after midnight on a regular basis
 - c) the licence is not already subject to the mandatory daily 6-hour closure period under section 11A of the Act

- d) local council development approval for the proposed use of the hotel during extended hours is expected to be supplied to the Authority for the proposed use of the Premises during March 2015
 - e) the Premises is *not* located in a freeze precinct specified under the Act
 - f) entertainment would not normally be provided on the Premises during the proposed extended trading hours.
19. On the MOETA Application form the Applicant contends that the following practices will be in place to ensure that liquor is sold, supplied or served responsibly and that steps are taken to prevent intoxication on the Premises, should the MOETA be granted:
- a) all staff have appropriate RSA qualifications
 - b) the licensee Mr Paul Reardon "and/or duty managers" will supervise the operation of the hotel during extended trading periods to observe patron behaviour and take any necessary steps to prevent intoxication and/or anti-social behaviour"
 - c) "all required signage will remain in place".
20. The Applicant further contends on the MOETA Application form that the following steps will be taken to ensure that the extended trading period will not result in "frequent undue disturbance of the quiet and good order of the neighbourhood":
- a) patrons "will be reminded to leave the Premises in a quiet and orderly manner"
 - b) the licensee "and/or duty managers" will "monitor patron behaviour as they exit the Premises and leave the general vicinity"
 - c) "appropriate action" will be taken "should any departing patrons disturb the peace and quiet of the neighbourhood".
21. The various contentions and submissions made by the Applicant in the MOETA CIS regarding the overall social impact of granting the MOETA Application are discussed in further detail below.
22. **OneGov licence record as of 16 October 2015.** The licence record for the hotel indicates that the Premises is currently licensed for the sale or supply of liquor, for consumption on the Premises across the entirety of the standard trading hours available for a hotel under section 12 of the Act (from 5:00am to 12:00 midnight on Monday through Saturday and from 10:00am to 10:00pm on Sunday). The licence record specifies no Premises specific licence conditions restricting trade or otherwise encumbering the business with additional compliance requirements (over and above conditions operating through force of the legislation).
23. The licence has the benefit of a minors area authorisation under section 102 of the Act, which applies to much of the Premises and permitting minors to be on the Premises in the designated areas if in the company of a responsible adult. The licence record also discloses that the hotel has a gaming machine threshold (that is, the maximum number of machines that may lawfully be kept on the Premises) of **15**. The licence further records that there are currently **9** gaming machine entitlements held in respect of this venue.
24. **Submission from Mr Glenn Cook of *Glen Cook Pty Limited* on behalf of the Applicant dated 25 February 2015.** Attached to this one page letter from the Applicant's representative are the ETA Application, MOETA Application, ETA CIS, MOETA CIS and plans of the Premises.
25. Briefly, the Applicant submits through Mr Cook that:
- a) the ETA Application and MOETA Application are lodged "simultaneously"
 - b) the CIS process was "done simultaneously with CIS notifications for both Applications provided to all relevant stakeholders as required in mid-January"

- c) "no issues have been raised by any stakeholders" at this point in the application process
 - d) appropriate notices have been provided to the local Police, the local consent authority and the stakeholders consulted during the CIS process and a copy of the site notices "will be placed on display outside the hotel".
26. **Plan of the Premises.** This one page document provides a plan of the layout of the licensed area of the business operating on the Premises, with the area subject to the minors area authorisation and the substantial area of the hotel that is proposed to be in operation during extended trading hours, clearly marked in red.
27. **Notification Map.** The Applicant has attached the same map to both Applications. This map identifies the location of the Royal Hotel in relation to neighbouring premises that are located within 100 metres of the site that the Applicant states were notified of the two Applications.
28. **Notice of Determination of Development Application number 2015/12 (DA) issued by Lachlan Shire Council (Council) dated 17 June 2015** recording the grant of development consent (for the purposes of planning legislation) for the "alteration of trading hours" subject to conditions specified in Attachment 1 to the DA.
29. **Attachment 1 to the DA – Conditions of Consent attached to DA 2015/12 issued by Council dated 17 June 2015.** This document sets out requirements, for the purposes of planning legislation, as to the permitted hours of use of the Premises; the erection of signs; a condition regarding maximum capacity for signage; regulation of noise and vibration; conditions described by Council as "NSW Police Force imposed conditions" and minimum standards for CCTV coverage.
30. Notably, under the heading "Hours of Operation", the DA states:
- The following hours must be complied with:*
- *Multi Occasion Extended Trading Authorisation Licence to allow the Royal Hotel to extend its trading hours from its existing trading hours to 12am to 3am on no more than 12 occasions in any 12 month period and,*
 - *Extended trading hours licence to extend trading hours from its current 10pm close on Sunday nights to allow the premises to trade until 12am (midnight) on some Sundays.*
31. [The Authority notes that a condition of the DA regarding noise emissions prescribes that "between midnight and 7:00am, noise from a licensed venue as measured at the edge of a residential property should not exceed the background noise level". [Background noise level is determined by Council to be 5 decibels]. The condition also provides that "noise should not be audible within any habitable room of any residential premises".]
32. Schedule A to the DA contains provisions regarding "CCTV Minimum Standards" and refers to "NSW Police Force imposed conditions" including the following requirements prescribed by the consent authority that are to be complied with "while ever the hotel remains operational":
- a) The CCTV system's "camera and display"
 - b) Recording requirements
 - c) Playback
 - d) Maintenance and reporting
 - e) A CCTV Audit Checklist.
33. **Copies of the Applicant's Development Applications to Council.** These two documents detail the request made by the Applicant for the issue of development

consent in relation to the proposed use of the hotel during the period specified in the ETA Application and the MOETA Application.

34. **Copies of stakeholder notices** notifying the making of the ETA Application and MOETA Application to various stakeholders required by the liquor legislation including Police, Lachlan Shire Council and a copy of the site notice displayed on the hotel Premises.
35. **Notice of Intention to apply for the ETA Application.** The specified liquor related activity that is the subject of this application is identified as extending the licensed trading hours of the hotel on Sunday from 10:00pm to 12:00am. The notice states that "no entertainment will be provided during the proposed additional hours"; that the hotel will "continue to trade in its usual manner during the proposed additional hours" and that "maximum patron numbers are 165".
36. **Notice of Intention to apply for the MOETA Application.** The specified liquor related activity that is the subject of this application is notified as "the hotel to trade on no more than 12 occasions in any 12 month period between the hours of 12:00 midnight and 3:00am". The notice states that "no entertainment will be provided on these occasions"; that the hotel will "trade in its usual manner on these occasions" and that "maximum patron numbers are 165".
37. **Email cover submission from Senior Constable Tracey Bolam, Lachlan Licensing, of the Lachlan Local Area Command (LAC) of NSW Police dated 14 May 2015.** In this email, Police "totally" object to the MOETA Application, submitting that if the Authority is minded to grant the MOETA Application, they would "like the opportunity to add some licence conditions to the MOETA".
38. Police contend that "3:00am trade is way too late for the township of Condobolin" and that granting the MOETA Application "will only cause problems in the town, involving Police, community health, hospitals, ambulances".
39. **Submission from Senior Constable Tracey Bolam, Lachlan Licensing, of the Lachlan Local Area Command (LAC) of NSW Police dated 14 May 2015.** This one submission was submitted to the Authority on the official Authority submission form, which is three pages long.
40. The Police submission states:

Police strongly object to this Application. Condobolin is a small farming town which has four hotels and three registered clubs. There is high unemployment, and a high Aboriginal community. The Condobolin township is policed by six officers and is not a 24 hour Police station. The majority of the hotels in Condobolin do not trade past midnight. The only hotel that does has conditions on its licence relating to the late trade, but this is minimal and Police find there are problems when this hotel trades to 2am. Condobolin Police are only rostered until midnight most weekdays, 4am Friday nights and 3.30 am Saturday nights. Condobolin is an isolated town in western NSW with the 24 hour Police station being Parkes and 105km away.
41. Police further object to the Application on the basis that the licensee "has been breached for two offences on **8 June 2014**. Police specify those offences and outcomes as:
 - a) The licensee was fined \$1,100 for the offence of *licensee selling or supplying liquor outside of authorised trading hours*; and
 - b) The licensee was also fined \$1,100 for the offence of *licensee keep premises open outside authorised hours*.

42. Police also contend that on 8 June 2014 an employee was breached for "sell supply liquor outside authorised hours" (but Police do not specify the outcome of those matters).
43. With regard to the events of 8 June 2014, Police contend that they attended the hotel at 1.50 am on that date and observed the following:
 - a) the blinds in the hotel were down but people were inside
 - b) upon entry Police observed approximately 40 patrons inside the hotel, consuming alcohol
 - c) as the hotel has a "12.00am licence" the patrons were "inside the hotel nearly two hours after the correct closing time".
44. Police further contend that during 2005, "the same licensee was issued with the same infringements" [the Authority notes that Police do not provide any elaboration in relation to this contention, nor do they specify the outcome of those alleged contraventions of the Act].
45. Police then make the following concluding submission:

Police believe that if the Licensee is allowed to trade until 3am on twelve occasions throughout the year, this will result in licensing breaches. The licensee has shown that he has no regard for his licence see above licensing breaches. Condoblin township have major problems with aboriginal youth unemployment and underage drinking and drug taking. Police believe that this will escalate with this hotel being allowed to late trade.
46. Police make the alternative submission that if the Authority sees fit to grant this MOETA, Police "would like the opportunity to the opportunity to submit submissions in relation to Security, Licensee being on premises and working, alcohol being sold, glass and closing times".
47. **Report to the Authority dated 14 May 2015 from a delegate of the (then) Secretary of the NSW Department of Trade and Investment (now the Department of Justice) via the Compliance Branch of the Office of Liquor, Gaming and Racing (OLGR).** In this report, OLGR note that the Applicant is seeking to extend the licensed hours for consumption of liquor on the Premises from 10:00am to 12:00 midnight on a Sunday.
48. OLGR observe with respect to the ETA Application that "there did not appear to be a submission in relation to this [ETA] Application from either Police or Council" and that "their position is unknown".
49. OLGR note the Applicant's advice that development consent is required and that the Applicant is awaiting consent for use of the Premises during the proposed hours sought by the ETA Application.
50. OLGR provide a brief risk assessment with regard to the type of licensed premises and the location in which it operates.
51. OLGR submit that the primary purpose of this hotel licensed premises is "the sale of liquor for consumption on or away from the licensed premises".
52. OLGR note that the hotel licence is currently subject to a minors area authorisation and draw the Authority's attention to the currently licensed trading hours of the Premises for the sale or supply of liquor for on-premises and off-premises consumption.
53. With regard to prevailing licence density in the communities, OLGR submit that the radial density of liquor licences in the state town of Condoblin "is below the State average".

54. With regard to prevailing alcohol related crime rates in the communities, OLGR submit, on the basis of data sourced from the NSW Bureau of Crime Statistics and Research (**BOCSAR**) for calendar year 2014, that:
 - a) the rate of reported *alcohol related assaults* (both domestic and non-domestic) occurring in Condobolin was **896** per 100,000 persons of population compared to **311** per 100,000 persons of population for New South Wales as a whole; and
 - b) the rate of reported *alcohol related disorderly conduct* was **461** per 100,000 persons of population compared to the NSW state average rate of **100** per 100,000 persons of population.
55. OLGR further submit, apparently by reference to BOCSAR crime mapping data, that:
 - a) the Premises is located in a "low density hotspot" for the concentration of *alcohol related assault* and the rate of occurrence of incidents involving this offence in Condobolin is "almost three times higher than the State average"; and
 - b) the rate of occurrence of incidents involving *alcohol related disorderly conduct* in Condobolin is "four times higher than the State average".
56. With regard to the compliance history of the licensee, Mr Reardon, OLGR advise that a review of OLGR licensing compliance records disclose that **four** Penalty Notices and **10** Compliance Notices have been issued to the Applicant licensee Mr Paul Reardon since 2012.
57. [The Authority notes that Compliance Notices are written warnings issued by law enforcement agencies following the detection of a regulatory contravention that the agency has elected not to proceed with by way of a Court Attendance Notice or Penalty Notice.]
58. OLGR further advise that two of the Penalty Notices were issued to Mr Paul Reardon for the commissions of "prescribed offences" against section 9 of the Act:
 - a) Keeping licensed premises open outside authorised hours
 - b) Licensee sell/supply liquor outside authorised hours.
59. OLGR advise that these two prescribed offences related to an incident on Sunday 8 June 2014 whereby Police attended the Premises in response to persons causing trouble identifying approximately 40 patrons inside the hotel being served by staff and consuming liquor.
60. OLGR report that during this incident Police removed full schooners of beers from patrons, noting that it was 1:50am and outside the hotel's authorised licensed trading hours of 12:00 midnight. OLGR report that Police further noted that the licensee was not at the hotel at the time of this incident and the manager on duty was described by Police as "moderately intoxicated".
61. OLGR contend that the Penalty Notices issued in relation to those two incidents were initially *paid* with one "strike" automatically incurred against the hotel (pursuant to the "Three Strikes Scheme" in Part 9A of the Act). However, after that payment was made, the licensee elected to have the matter heard by the Court, which dealt with the matter by way of a 9-month good behaviour bond pursuant to section 10(1)(b) of the *Crimes (Sentencing Procedure) Act 1999*.
62. OLGR report that by reason that no convictions were recorded arising from that incident the licensee subsequently obtained a "refund" from the State Debt Recovery Office (**SDRO**) (with regard to the Penalty Notices). OLGR report that the "strike" that had been incurred against the licence arising from those events under Part 9A of the Act was revoked.

63. OLGR further report that their compliance records indicate that there have been further offences detected as having occurred by the licensee/Applicant against sections 108 and 109 of the Act being:
- a) six (6) offences of "extend/offer to extend cash advance and/or other credit to enable gambling" and
 - b) six (6) offences of "falsely describe cash advance as payment for goods/services"
64. Of those 12 detected incidents, OLGR advise that Penalty Notices were issued to Mr Reardon in respect of two (2) of those events, while 10 of those events were dealt with by the issue of Compliance Notices.
65. OLGR report that these 12 detected contraventions of the Act:

...relate to an incident on 9 August 2012 whereby an overnight guest of the hotel used a corporate credit card to withdraw cash on six separate occasions to play the gaming machines and staff falsely describing these cash advances as payment for goods and services.

66. OLGR conclude the report with a submission that the Director of Compliance and Enforcement "objects to the granting of this Application" on the basis of "the licensee's adverse compliance history, significant rates of alcohol related crime and no DA consent provided at the time of this report".
67. **Email submission from Mr Glenn Cook of Glen Cook Pty Limited on behalf of the Applicant dated 28 April 2015.** The Applicant here responds to a request from Authority staff by providing a signed copy of the Certificate of Advertising dated 28 April 2015 and advising that evidence of development consent for the proposed use of the Premises "will be issued in early May".
68. **Certification of Advertising** signed by Mr Paul Reardon on 28 April 2015, verifying that the parties required by the legislation to be notified of the ETA Application and MOETA Application have been notified.
69. **Email from Authority staff dated 17 August 2015** inviting the Applicant to clarify his intentions in relation to a paragraph in the MOETA Application Form that states:
- If an application for a MOETA is approved, any existing extended trading authorisation granted on a regular basis will be revoked.*
70. **Email submission from Mr Cook on behalf of the Applicant dated 18 August 2015.** The Applicant's representative replies to the Authority's email of 17 August 2015 with advice that after realising the "anomaly" in part 2 of the MOETA Application Form (with regard to the question on the form as to whether the licence is authorised to trade after midnight on a regular basis), the Applicant understands that he may apply for both an "ongoing" ETA and a MOETA concurrently and that a CIS is required in relation to both Applications.
71. The Applicant's representative submits that, based on legal advice, the Applicant presses both Applications. Mr Cook submits that the Applicant has "gone to considerable lengths and expense" to prepare two Category B CIS documents as well as lodging development applications with Council in respect of both Applications.
72. **Email submission from Mr Cook on behalf of the Applicant dated 31 August 2015.** The Applicant's representative informs Authority staff that the DA "has now been approved" and attaches a copy of DA number 2015/12 issued by Lachlan Shire Council dated 17 June 2015.

73. **Email submission from Mr Cook on behalf of the Applicant dated 9 September 2015.** The Applicant's representative contends that Ms Kerrie Burgess of OLGR has provided Mr John Green of the NSW branch of the Australian Hotels Association (**AHA**) advice which "confirms that a MOETA and an ETA can be active concurrently as the legislation which previously prevented this has been repealed".
74. Attached to this email is correspondence from Ms Burgess to Mr Green dated 7 September 2015 in which Ms Burgess states, "I can certainly confirm that a MOETA does not cancel out an existing ETA" as section 49B(5) "was repealed" and OLGR needs to "update the form". Attached to Ms Burgess's email correspondence is an extract of section 49B of the Act.
75. **Email from Authority staff dated 16 September 2015.** In this email, Authority staff inform the Applicant that the ETA Application and the MOETA Application will be considered concurrently. The Applicant is invited to comment on any aspects of the submissions received from Police and OLGR that the Applicant considers adverse to the Applications.
76. Authority staff also inform the Applicant that should the ETA Application be granted, section 11A of the Act will apply to the licence. Should the ETA Application be approved, the resulting licensed trading hours of the hotel will be:

Consumption on Premises:

Monday to Saturday	10:00am to 12:00 midnight
Sunday	10:00am to 12:00 midnight.

Consumption off the Premises/Takeaway sales

Monday to Sunday	10:00am to 10:00pm.
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77. Authority staff further invite the Applicant to consent to the following proposed conditions in the event that the Applications are granted:
- a) that for the purpose of section 11A of the Act, the 6-hour closure period will be fixed at between 4:00am and 10:00am
 - b) that the Premises "must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could be reasonably expected from the information contained in the Community Impact Statement, application and other information submitted"
 - c) that the licensed business is "to be operated at all times in accordance with the Plan of Management as may be varied from time to time after endorsement by the Local Area Commander"
 - d) that the licensee "join and be an active participant in the local liquor accord"
 - e) that liquor must not be sold or supplied between the hours of 12:00 midnight and 12:00 midday except between the hours of 12:00 midnight and 2:00am on 1 January each year and at those times when liquor is authorised to be sold or supplied under a MOETA.
78. **Email submission from Mr Cook on behalf of the Applicant dated 18 September 2015.** The Applicant's representative here advises Authority staff that the Applicant's response to the submissions made by OLGR and Police should be viewed as a response to both Applications. The Applicant also resubmits a copy of the DA for the Premises.
79. **Submission from Mr Sean Gallagher of *Shanahan Tudhope Lawyers* on behalf of the Applicant dated 1 October 2015.** Mr Gallagher advises in this 3-page submission letter that the Applicant "consents to imposition of the proposed conditions" (as specified

by Authority staff in the email dated 16 September 2015) and that the Applicant further consents to the imposition of a licence condition prescribing that the hotel shall not trade before 10:00am on any day of the week.

80. Enclosed with Mr Gallagher's submission is a copy of a *Plan of Management* prepared by the Applicant for the operation of the hotel dated September 2015, a copy of DA number 2015/12 issued by Council on 17 June 2015 and a diagram of the Premises marking in red the areas to which the ETA Application and the MOETA Application will apply, as requested by Authority staff.
81. Mr Gallagher submits that Police appear to be making three points in response to the Applications. First, that there is a "lack of Police resources". Second, that the Applicant "is not fit and proper to exercise his licence due to the history of that licence" and third, that "there is the possibility for social detriment to arise from the Applications".
82. Mr Gallagher submits that resourcing of the local Police "is not a relevant concern" to the Applications by reason that "nothing in the material suggests that there is an issue of disturbance of the quiet and good order of the neighbourhood arising from the Applications".
83. Mr Gallagher submits that the Applicant has consented to the imposition of conditions regarding CCTV requirements. He submits that the Applicant has not been provided with any indication as to whether Police intend to "cite or rely on" any individual COPS incident reports [the Authority notes that this is an apparent reference to Computerised Operational Policing System reports produced by NSW Police] and that if any COPS reports have been provided, the Applicant "should be afforded an opportunity to comment on them".
84. In response to the "alleged breaches" by the Applicant of the licensing legislation that Police have identified in their submission in relation to the offences of *licensee selling or supplying liquor outside of authorised trading hours* and *licensee keep premises open outside authorised hours*, Mr Gallagher submits that Mr Reardon has held the licence for this hotel for about "12 years" and that the two matters identified by Police were "recorded over a long period of time".
85. Mr Gallagher submits that the reason for making the Applications now before the Authority is to "avoid recurrence of such instances". Mr Gallagher further submits with regard to those recent breaches that:

...there were sufficiently special circumstances provided to the presiding magistrate in relation to the most recent event for that magistrate to deal with that matter under section 10 of the Justices Act [sic] whereby no conviction has been recorded.
86. Mr Gallagher submits that "there is no evidence that there is any previous anti-social behaviour" and contends that the Applicant has "effectively and successfully managed the hotel for over 12 years". Mr Gallagher submits that there have been "no instances of disturbances to the quiet and good order of the neighbourhood" of which the Applicant is aware.
87. Mr Gallagher submits that the two Applications before the Authority are "designed for the public benefit, in particular the MOETA, whereby regional events of importance occur a number of times a year and the extended trading hours are extended to complement those events and cater for the increased number of visitors and tourists to the towns".

88. In response to the submission from OLGR, the Applicant submits that there is "no evidence" to support the "inference" that "due to socio-economic factors a minor extension of trading hours may exacerbate racial issues". [The Authority notes that the OLGR report does not raise the relatively high proportion of persons in the local community who are of Aboriginal and Torres Strait Islander background as an issue, although Police refer to this factor in their assessment of the community.]
89. Mr Gallagher further submits that "apart from Sundays" the Applications before the Authority propose "only an occasional extension of trading hours".
90. The Applicant contends that this makes it "unlikely that a regular pattern of trade or behaviour can be built up which would lead to any issues".
91. The Applicant contends that the "surveillance conditions" imposed by Council under the DA "would ameliorate any such concerns".
92. Mr Gallagher submits in response to the "one occasion of breach in respect of gaming requirements" noted in the OLGR submission that the Applicant has exercised this licence for a "long period" and that there has been a "very limited number" of breaches recorded in relation to the hotel.
93. The Applicant characterises the gaming breaches as "related to one occurrence, although several infringements were issued".
94. The Applicant contends that granting these Applications will "provide a social benefit" by "providing an amenity to enhance the local community's ability to host and celebrate occasions of local significance".
95. The Applicant submits that "there is no reliable evidence" that granting the Applications "will lead to any disturbance of the quiet and good order of the area or any other socioeconomic issues".
96. The Applicant makes the following further submissions in support of the Applications:
 - a) the *Plan of Management* for the operation of the hotel will be implemented
 - b) Council has "approved" the Applications as per the development consent
 - c) despite the "small number of breaches" detected, the Applicant is "a longstanding operator of the hotel and is experienced and capable of exercising the licence in accordance with the proposed variations without any compliance issues"
 - d) there was a "complete absence of any suggestion of non-compliance with the licensee's obligations to the responsible service of alcohol" in the submissions on the Applications
 - e) if there is such a concern, the Applicant is "prepared to accept conditions on the approvals, such as a trial period for the Sunday extension and a review of the MOETA, after each six months".
97. ***Royal Hotel Condobolin Risk Assessment Management Plan dated September 2015.*** Briefly, this 12-page business planning document addresses the following subject matters relating to the operation of the hotel:
 - a) Code of Conduct for patrons
 - b) Responsible Service of Alcohol
 - c) Responsible hospitality practices
 - d) The conduct of promotions
 - e) Designation of who has authority to refuse service
 - f) The process of refusal of service
 - g) Discrimination and sexual harassment

- h) Requirements of frontline staff
 - i) Dealing with minors
 - j) Hotel security
 - k) Noise and amenity
 - l) Fire safety
 - m) Closing procedures
 - n) Staff training
 - o) The effects of alcohol
 - p) Workplace health and safety
 - q) Compliance with legislation.
98. The Authority notes that the *Management Plan* states that "all staff must provide responsible service of alcohol"; that "staff will assist patrons by providing advice on food and non-alcoholic beverage selections"; that "staff members will order taxis, as needed or requested by any patron"; that management staff will "ensure that each service area has a range of resources including coffee" and "provision of water" and that "meals are readily available during bar service".
99. The "responsible hospitality practices" set out in the *Management Plan* include that the business will "provide free water"; "sell light or mid-strength beverage options"; "sell a variety of soft drinks, juices and hot beverages"; "promote awareness of drink spiking issues"; "supply liquor in standardised quantities"; "serve half measures of spirits if requested"; "not serve double measures of spirits in one standard drink" and "not serve more than three (3) measures of spirits in cocktails".
100. The *Management Plan* also states that the hotel "is committed to only engaging in promotions and practices that encourage responsible consumption of alcohol"; that "any staff member has the right to refuse service or entry to any patron who displays signs of alcohol intoxication, or any person who creates discomfort for other patrons"; and that "only the licensee, a duty manager or security officer is authorised to speak with the patron and explain the reason why they will be refused service", ensuring that "all refusal of service situations are dealt with in a professional and safe manner".
101. Further measures noted in the *Management Plan* include that "Police assistance will be sought" in cases of refusal of service "where the situation escalates"; that "any incidents, such as refusal of service must be recorded on a Refusal of Service Register"; that "it is mandatory that all staff ask for acceptable proof of age for any person who looks under the age of 25 years"; that "individuals procuring drinks for minors will be removed from the Premises"; that "minors are not allowed to be within one metre from the bar" and that "minors must not be served anything from the bar" including "soft drink, food or any other non-alcoholic or alcoholic beverage".
102. In relation to security measures, the *Management Plan* states that hotel security will "ensure patrons are in the right area and abiding by liquor and gaming licensing laws"; that "all security officers employed or contracted by the Hotel will be licensed and have a current RSA Certificate" and that any incidents are to be "recorded in the Royal Hotel's security daily log".
103. In relation to complaints handling procedures, the *Management Plan* states that the business is "committed to monitoring entertainment and patron noise to comply with all prescribed regulatory noise levels" and that any complaints with regard to noise will be responded to by the Applicant "undertaking an internal audit and review of processes and complaints".

104. In relation to responsible service of alcohol practices, the *Management Plan* states that staff will remind patrons "when last drinks are to be called and when closing time is"; that staff "must not allow patrons to "double up" on drinks orders at closing time"; that all staff will be "trained beyond the mandatory provisions of the relevant legislation"; that the business will provide "continuous training of staff" and that "staff awareness is also maintained through induction training, mandatory participation in RSA courses, and ensuring a working understanding of internal policies and procedures".
105. The *Management Plan* also outlines a list of signs that "unduly intoxicated" patrons may exhibit. The document further identifies a list of illegal activities, including selling liquor to a minor or intoxicated patron; and provides a list of all relevant laws with which the hotel will comply. [The Authority notes that this document only states the title of the legislation and does not set out specific provisions.]
106. **Updated Plan of the Premises.** This one page document provides a plan or diagram of the layout of the Royal Hotel. The licensed boundary of the Premises and the "proposed areas for extended trading authorisations" are highlighted in red, while the non-restricted area in which the minors area authorisation applies is highlighted in green. [The Authority notes that the two authorisations are sought to operate across the entirety of the Premises.]
107. **Email from Authority staff dated 16 October 2015.** In this email, Authority staff inform the Applicant that in cases where no existing approved licenced area plans can be ascertained, the Applicant is required to provide the Authority a statutory declaration signed by both local licensing Police and the current licensee attaching the floor plan agreed to by both parties as constituting the current licensed premises. Authority staff advise that the reason for this is to eliminate any potential confusion by confirming that the plans submitted alongside the subject Application accurately depict the *current* licensed premises.
108. **Email from Authority staff dated 19 October 2015.** In this email, Authority staff inform the Applicant that an extension of time has been given to allow the statutory declarations in relation to the plans for the ETA Application to be submitted. The Applicant is also advised that the statutory declarations must be provided to Authority staff by "2.00pm today, at the latest" if the Applications are to be considered by the Authority at the October 2015 meeting.
109. **Statutory declaration signed by Mr Paul Reardon dated 19 October 2015** provided by the Applicant's consultant in an email dated 19 October 2015, attaching the Plans for the Premises as agreed in consultation with Police.
110. **Email submission from Mr Cook on behalf of the Applicant dated 19 October 2015.** In response to previous communication from Authority staff, the Applicant provides its consent to the following conditions being imposed upon the licence, should the Applications be granted:
- a) Section 11A of the Act applies to the licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 4:00am and 10:00am 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.
 - b) The Premises "must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could be reasonably expected from the information contained in the Community Impact Statement,

application and other information submitted in the process of obtaining the extended trading authorisation".

- c) The Premises "are to be operated at all times in accordance with the Plan of Management dated September 2015 as may be varied from time to time after endorsement by the Local Area Commander".
- d) The licensee or its representative will "join and be an active participant in the local liquor accord".
- e) Liquor must not be sold or supplied between the hours of midnight and 10:00am. This condition does not apply between midnight and 2:00am on 1 January each year and "when liquor is authorised to be sold or supplied" under a MOETA.

111. **NSW Bureau of Crime Statistics and Research (BOCSAR) crime maps based upon data from July 2014 to June 2015 detailing hotspots for the reported commission of offences in Condobolin.** This data, obtained by Authority staff from published BOCSAR sources, indicates that the Premises is situated:

- a) within a **high** density hotspot for the recorded occurrence of incidents of *malicious damage to property* events
- b) within a **high** density hotspot for the recorded occurrence of incidents of *non-domestic assault* events
- c) within a **medium** density hotspot for the recorded occurrence of incidents of *domestic assault* events.

112. **Authority licensing records** indicating the addresses of other incumbent liquor licensed premises within the town of Condobolin. Authority records disclose that there are currently:

- a) two (2) club licensed premises;
- b) four (4) "full" hotel licensed premises;
- c) one (1) limited licensed premises;
- d) two (2) on-premises licensed premises; and
- e) one (1) packaged liquor licensed premises.

113. **Authority liquor licence density data** indicating that for the Lachlan local government area (LGA) as a whole:

- a) there are **154.56** "full" hotel licences per 100,000 persons of population, well above the corresponding State average rate of **30.36**
- b) there are **77.28** club licences per 100,000 persons of population, well above the corresponding State average rate of **20.48**
- c) there are **170.02** on-premises licences per 100,000 persons of population, which is substantially higher than the corresponding State average rate of **121.31**
- d) there are **200.93** packaged liquor licensed premises per 100,000 persons of population, well above the corresponding State average rate of **32.85**.

114. **BOCSAR Report on Crime by LGA and Alcohol Related Status.** This data indicates that, for the period from July 2014 to June 2015 across the Lachlan LGA:

- a) the rate of *assault Police* incidents recording by reporting Police as *alcohol related* was **59.0** per 100,000 persons of population, well above the New South Wales average rate of **18.2** per 100,000 persons of population
- b) the rate of *domestic violence related assault* incidents that were recorded by reporting Police as *alcohol related* was **413.3** per 100,000 persons of population, well above the New South Wales average rate of **122.6** per 100,000 persons of population

- c) the rate of *non-domestic violence related assault* incidents recorded by reporting Police as *alcohol related* was **531.4** per 100,000 persons of population, well above the State wide average rate of **144.0** per 100,000 persons of population
 - d) the rate of incidents involving *offensive behaviour* recorded by reporting Police as *alcohol related* was **442.8** per 100,000 persons of population, well above the State wide average rate of **88.2** per 100,000 persons of population.
115. **BOCSAR data on proportion of incidents by offence type, day of week and time of day in the Lachlan LGA for 2014.** This BOCSAR crime data indicates that the average proportion of recorded *alcohol related assault* events is substantially elevated during the following relevant periods by comparison to other times of the week:
- a) Sunday evening between 6:00 pm and 12:00 midnight – **11.3%**
 - b) Sunday morning between 12:00 midnight and 6:00am – **11.3%**
 - c) Thursday morning between 12:00 midnight and 6:00am – **8.1%**
 - d) Saturday morning between 12:00 midnight and 6:00am – **6.5%**.
116. **Socio Economic Index for Areas (SEIFA) data published by the Australian Bureau of Statistics (ABS).** This data, prepared on the basis of the 2011 Census, indicates that the suburb of Condobolin ranked in the second decile compared to other State suburbs on the Index of Relative Socio-Economic Advantage and Disadvantage, while the Lachlan LGA ranked in the third decile compared to other local government areas in the State on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged).

LEGISLATION

117. In determining each of the Applications, the Authority has considered relevant provisions of the Act, including the objects and considerations that are prescribed by section 3, which states as follows:

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 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.*

118. The power to grant an extended trading authorisation to a licensed premises is provided by section 49 of the Act, which states, relevantly to the Application:

49 Extended trading authorisation – general provisions

- (1) **Application of section**
*This section applies in relation to the following types of licences (referred to in this section as a **relevant licence**):*
 - (a) *a hotel licence,*
 - (b) *a club licence,*
 - (c) *an on-premises licence (other than an on-premises licence that relates to a vessel),*

- (d) a packaged liquor licence,
- (e) a producer/wholesaler licence.
- (2) **Extended trading authorisation for consumption on premises**
In the case of a relevant licence (other than a packaged liquor licence) that authorises the sale or supply of liquor for consumption on the licensed premises, the Authority may, on application by the licensee, authorise the licensee to sell or supply liquor, for consumption on the licensed premises only, during any of the following periods:
 - (a) in the case of a hotel licence – a specified period between midnight (other than midnight on a Sunday) and 5 am on any day of the week (other than a Monday),
 - (b) in the case of a relevant licence other than a hotel licence – a specified period between midnight and 5 am on any day of the week,
 - (c) in any case – a specified period between 5 am and 10 am on a Sunday,
 - (d) in any case – a specified period between 10 pm and midnight on a Sunday.
- ...
- (5) **Nature of extended trading authorisation**
An extended trading authorisation operates to authorise the sale or supply of liquor on the licensed premises:
 - (a) on a regular basis (until such time as the authorisation is varied or revoked by the Authority), or
 - (b) if the authorisation so provides – on a special occasion that takes place on a specified date.
 - (c) if the authorisation so provides—on up to 12 separate occasions in any period of 12 months.
- (5A) *Despite subsection (2)(a), the Authority may, in the case of a hotel licence, authorise the licensee, on application by the licensee, to sell or supply liquor for consumption on the licensed premises during a specified period between midnight on a Sunday and 5 am on a Monday, but only on or in connection with a special occasion that takes place on a specified date.*
- (6) **Extended trading period to be specified**
In granting an extended trading authorisation, the Authority is to specify:
 - (a) the extended trading hours during which the licensee is authorised to sell or supply liquor, and
 - (b) the part or parts of the licensed premises to which the authorisation applies.
- ...
- (8) **Restrictions on granting extended trading authorisation**
The Authority must not grant an extended trading authorisation in respect of licensed premises unless the Authority is satisfied that:
 - (a) practices are in place, and will remain in place, at the licensed premises that ensure, as far as reasonably practicable, that liquor is sold, supplied or served responsibly on the premises and that all reasonable steps are taken to prevent intoxication on the premises, and
 - (b) the extended trading period will not result in the frequent undue disturbance of the quiet and good order of the neighbourhood of the licensed premises.

119. Section 49B of the Act provides special provisions relating to multi-occasion extended trading authorisations and defines a multi-occasion extended trading authorisation to be a kind of extended trading authorisation. The section states as follows:

49B Special provisions relating to multi-occasion ETAs

- (1) *This section applies to an extended trading authorisation of the kind referred to in section 49(5)(c) or 49A(3)(c) (a **multi-occasion extended trading authorisation**).*
- (2) *A multi-occasion extended trading authorisation cannot be granted in respect of licensed premises situated in such part of the State (if any) as may be prescribed by the regulations.*
- (3) *Despite any other provision of this Act, a multi-occasion extended trading authorisation cannot be granted to authorise the sale or supply of liquor on licensed premises after 3 am.*
- (4) *A multi-occasion extended trading authorisation is subject to the condition that, at least 6 weeks before liquor is sold or supplied on each occasion authorised by the extended trading authorisation, the following persons or bodies are to be notified by the licensee in the form and manner approved by the Secretary:*
 - (a) the local police,

- (b) the local consent authority,
- (c) the Secretary.

Note: The actual trading hours that operate under a multi-occasion ETA are specified in the ETA — see sections 49(6) and 49A(4).

- (5) [Repealed].

COMMUNITY IMPACT TEST

120. Under section 48(5) of the Act, the Authority *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 regard to the CIS and any other matter the Authority is made aware of during the Application process, that the overall social impact of the licence, authorisation or approval in question being granted will not be detrimental to the local or broader community.

121. Section 48(5) of the Act states as follows:

48 Community impact

- (5) *The Authority must not grant a licence, authorisation or approval to which a relevant application relates unless the Authority is satisfied, after having regard to:*
 - (a) *the community impact statement provided with the application, and*
 - (b) *any other matter the Authority is made aware of during the application process (such as by way of reports or submissions),**that the overall social impact of the licence, authorisation or approval being granted will not be detrimental to the well-being of the local or broader community.*

122. An extended trading authorisation in respect to a hotel licensed premises is deemed to be a "relevant application" by section 48(2)(c) of the Act. As a multi-occasion extended trading authorisation pursuant to section 49B is designated as a kind of extended trading authorisation, both the ETA Application and the MOETA Application are applications which require the submission of a community impact statement and which must satisfy the overall social impact test prescribed by section 48(5) of the Act.

APPLICANT CASE ON SOCIAL IMPACT

123. The Applicant states that the Premises is located within the central business district of the town of Condobolin.

124. With regard to the ETA Application, the Applicant contends that "there have been occasions in the past when local events are occurring and the Hotel has had to close at 10:00pm on a Sunday night when there has still been a number of patrons in the hotel".

125. The Applicant further contends that "it is not proposed to trade 10:00pm to midnight on Sundays every Sunday" but instead "only on those occasions when patron numbers warrant the extended trade".

126. The Applicant submits that while the hotel is trading during this 10:00pm to midnight extended trading period:

- a) the hotel will continue to strictly observe all RSA guidelines;
- b) the hotel's gaming machines will continue to operate during the proposed extended trading period;
- c) RCG guidelines will also be strictly observed; and
- d) gaming machines "are only a minor part of the hotel's operation". [The Authority notes that the Applicant does not elaborate on this contention, through a breakdown of gaming revenue compared to other sources of revenue.]

127. With regard to the proposed extended hours sought by the ETA Application (10:00pm to 12:00 midnight on Sunday only), the Applicant submits that:

...I don't believe that the proposed extended trading period will have any impact on the local community as it will only be used sporadically.

128. With regard to the MOETA Application, the Applicant contends that "there have been occasions in the past when significant local events have occurred and the Hotel has had to close at its allocated closing time".
129. The Applicant submits that granting the MOETA Application "will enable the hotel to trade 12:00am to 3:00am on no more than 12 occasions in any 12 month period".
130. The Applicant contends that:

...these occasions will be used for special local events such as the Condobolin Annual Picnic Races, the Condobolin Show, the Condo 750 Rally, the Yellow Mountain Cross Country Motor Bike Race and the Condobolin Campdraft and any other events of local significance.

131. The Applicant further contends that:
- a) the hotel will strictly comply with all requirements of the MOETA
 - b) at any time the MOETA is utilised, the hotel will "continue to strictly observe all RSA guidelines"
 - c) the hotel's gaming machines "will continue to operate on these occasions and RCG guidelines will also be strictly observed"
 - d) gaming machines "are only a minor part of the hotel's operation". [The Authority notes that the Applicant does not elaborate on this contention nor provide supporting evidence as to the breakdown of gaming machine revenue compared to other sources of revenue such as liquor, other gambling or food and beverage sales.]
132. The Applicant submits that granting the MOETA Application will have a positive benefit to the local community as it will "give locals and visitors an opportunity to celebrate special events in the safe environment of a well-run hotel".
133. With regard to the social impact of granting the ETA Application and the MOETA Application, the Applicant submits that "no issues" were raised by Council, the Department of Health, the Department of Community Services, NSW Roads and Maritime Services (**RMS**), the local Aboriginal community, neighbouring occupiers or special interest groups in response to these Applications.
134. The Applicant contends that he will "always be willing to consult with anybody who may raise issues regarding the conduct of the hotel" and as a result of "having been the licensee of the hotel for many years" he is "well aware of the importance of managing the hotel in a manner that is in harmony with the local neighbourhood".
135. The Applicant contends that he is a "well known and longstanding resident of Condobolin" with whom "any local resident or business person would feel quite at ease" in raising any issues that they may have "in relation to the conduct of the business of the hotel" in order to "work towards a satisfactory solution".
136. The Applicant submits that granting the two Applications "will provide a social benefit" by "providing an amenity to enhance the local community's ability to host and celebrate occasions of local significance".

137. The Applicant submits that there is "no reliable evidence that they [the Applications, if granted] will lead to any disturbance of the quiet and good order of the area or any other socio-economic issues".
138. The Applicant further submits, in support of the MOETA Application, that:
- a) the *Management Plan* will be implemented
 - b) Council has "approved" the Applications "as per the development consent"
 - c) despite the "small number of breaches" pertaining to the hotel, the Applicant is "a long-standing operator of the hotel and is experienced and capable of exercising the licence in accordance with the proposed variations without any compliance issues"
 - d) there was a "complete absence" in the adverse submissions received of "any suggestion of non-compliance with the licensee's obligations to the responsible service of alcohol"
 - e) if there is such a concern, the Applicant is "prepared to accept conditions on the approvals, such as a trial period for the Sunday extension and a review of the MOETA, after each six months".

REASONS FOR REFUSAL

Local and Broader Community

139. As noted in Authority *Guideline 6: Consideration of Social Impact* the Authority will identify the relevant "local" community by reference to the locality in which the proposed licensed premises is situated, while the "broader" community will usually be the local government area in which the proposed licensed premises is situated.
140. The Authority's usual practice, communicated through many published decisions applying the overall social impact test, is to assess the local community by reference to the community in the State suburb or town in which the licensed business will be located.
141. For the purposes of this decision, the Authority is satisfied that the relevant "local community" is the community within the state town of Condobolin, while the relevant "broader community" comprises the community within the Lachlan LGA.

Overall Social Impact Test

142. Determining the overall social impact upon a local and broader community of granting the Application requires a degree of speculation about what is likely to occur should the Application be granted – the likely benefits and likely negative impacts – albeit speculation that is informed by what is known about the Applicant's proposal, the material before the decision maker and relevant information concerning the local and broader communities in question.
143. Authority *Guideline 6* identifies the decision making factors and the usual sources of information that will be considered by the Authority when assessing overall social impact in relation to a local and broader community.
144. *Guideline 6* places applicants on notice that when assessing overall social impact, the Authority will have regard to the type of licensed business in question, the location of the licensed business, the trading hours sought and any measures that will be implemented by the business over and above the requirements of the legislation to mitigate harm.

145. *Guideline 6* also places applicants on notice that the Authority will consider a range of publicly available data at the level of the relevant local and broader community, including liquor licence data, BOCSAR crime and crime mapping data and ABS socio-demographic data for the relevant communities.

Positive Benefits

146. The Applicant's case for positive benefit with regard to the ETA Application is based upon the contention that there have been occasions in the past when local events are occurring and the Hotel has had to close at 10:00pm on a Sunday night when there has still been a number of patrons in the hotel.
147. The Applicant submits that granting the ETA Application would permit the Premises to continue trading "only on those occasions when patron numbers warrant the extended trade".
148. The Authority accepts that there have been occasions when Sunday night patronage is such that patrons would prefer to remain on the Premises past 10:00pm.
149. The Authority accepts that there have been such occasions and that granting the ETA Application would provide a further measure of convenience by providing those patrons who are on the Premises at 10:00pm on a Sunday evening two more hours of extended liquor, gaming and hospitality services.
150. The Authority notes however, that the Applicant has provided little by way of specificity, let alone supporting evidence, as to the numbers of patrons who are actually on the Premises at this time of the week, and how often there is demand for late trading on a Sunday night between 10pm and midnight.
151. Noting that the hotel is currently licensed to provide services to the community throughout the scope of standard trading hours on a Sunday, the Authority accepts that some modest cumulative benefit will flow to the community from granting the ETA Application, but the Authority is unable to give great weight to this contended community benefit in the absence of a clearer picture of the nature of the demand for Sunday late trading and how frequently this demand arises with respect to the hotel's liquor, gaming, other gambling or hospitality services.
152. That is, the Authority is not satisfied that the Applicant has provided a particularly persuasive case, let alone evidence or analysis, explaining how granting the ETA Application would promote the "expectations, needs and aspirations" (within the meaning of section 3(1)(a) of the Act) in respect of extended trading on a Sunday night.
153. The availability of an incumbent late trading hotel in a town with a small population such as Condobolin [the Authority notes that, as at the date of the 2011 Census, the population of Condobolin was **3,743** persons], while not decisive, is a factor that diminishes to some extent the scope for which the "needs, expectations and aspirations" of this local community (within the meaning of section 3(1)(a) of the Act) will be cumulatively advanced by granting the Applications before the Authority.
154. Notably, the Applicant has not specified whether, and if so, how the Applicant will provide services that the incumbent late trading hotel in the town does not, and hence how granting this ETA Application will develop the local liquor industry or related industries, which are statutory objects of sections 3(1)(b) and 3(1)(c) of the Act.

155. The ETA Application may have benefitted from a better articulated and substantiated positive case although, as discussed below, the Authority has substantial concerns as to the negative impact of extending the licensed hours of this hotel in this local and broader community.
156. The Applicant's case for the community benefits of granting the MOETA Application is better developed. The Applicant submits that granting this application will enable the hotel to trade from 12:00am to 3:00am on no more than 12 occasions in any 12-month period and that this will enable the hotel to cater for special local events such as:
- a) Condobolin Annual Picnic Races
 - b) Condobolin Show
 - c) Condo 750 Rally
 - d) Yellow Mountain Cross Country Motor Bike Race
 - e) Condobolin Campdraft
 - f) "any other events of local significance".
157. The Applicant further contends that granting the MOETA Application "will have a positive benefit to the local community as it will give locals and visitors an opportunity to celebrate special events in the safe environment of a well-run hotel".
158. The Authority accepts that the five events specified by the Applicant are events of local significance during which local patrons of this hotel and visitors to the town may well wish to remain on the Premises, particularly during later hours. The Authority is satisfied that during those events, this hotel's patrons will receive the convenience of late trading licensed entertainment and social interaction on up to 12 occasions throughout the year.
159. However, the Authority notes that the Applicant has provided no specific detail (let alone independent evidence) with regard to other "occasions" or "special local events", apart from the five events noted above.
160. That is, while the grant of the MOETA Application would enable trading until 3:00am on up to 12 occasions per year, the Applicant has only specified five events of local significance that the MOETA would service.
161. The Authority is satisfied that granting the MOETA Application may potentially cater for the "expectations, needs and aspirations" of the local community (for the purposes of section 3(1)(a) of the Act) and develop the local liquor industry (for the purposes of section 3(1)(b) of the Act) with respect to the 5 events specified.
162. However, the Applicant has not substantiated how community benefits will flow across all 12 extended trading periods facilitated by the MOETA.
163. The Authority has no difficulty accepting that enabling the hotel to trade until 3:00am on 12 occasions throughout the year will benefit the private business, and provide some additional community benefit through increased employment opportunities for staff at the hotel, but it is difficult to give great weight to the purported local or broader community wide benefits from granting the MOETA Application across the entire scope of the extended licensed hours sought by the MOETA Application.

Negative Impacts

164. With regard to the *type* of licensed premises under consideration, the Authority is satisfied, on the basis of the *OneGov* licence record, that the Premises has a "full" hotel licence.

165. A "full" hotel (as distinct from a general bar) poses a relatively greater potential social impact than other types of licensed businesses by reason that the *primary purpose* of a hotel licence is the sale or supply of liquor by retail. A "full" hotel may also sell liquor for consumption both on and off the premises, in addition to providing gaming machine and other gambling services.
166. Relevantly, it is the on-premises consumption of liquor that is of particular concern to the Authority in this case. The Applications, if granted, will make no change to the ability of this hotel to sell takeaway liquor, by reason that the Act provides that no licensed premises in New South Wales may sell or supply liquor for consumption off the licensed premises after 10:00pm on any night of the week.
167. As for the *scale* of the licensed premises, the Authority is satisfied, on the basis of the information provided with the Application, that the Premises is not a small venue, but may be characterised as a medium scale venue, with a maximum patron capacity of **165** persons.
168. The Authority is satisfied, on the basis of the Applications and diagrams of the Premises provided by the Applicant, that the Applicant proposes to exercise the ETA or MOETA across the entirety of the Premises should either of those Applications be granted.
169. The *location* of the Premises is problematic when assessing the overall social impact of granting the two Applications before the Authority.
170. The Authority is satisfied, on the basis of the BOCSAR Report on Crime by LGA and Alcohol Related Status, that for the period from July 2014 to June 2015 across the Lachlan LGA:
 - a) the rate of *assault Police* incidents recording by reporting Police as *alcohol related* was **59.0** per 100,000 persons of population, well above the New South Wales average rate of **18.2** per 100,000 persons of population
 - b) the rate of *domestic violence related assault* incidents that were recorded by reporting Police as *alcohol related* was **413.3** per 100,000 persons of population, well above the New South Wales average rate of **122.6** per 100,000 persons of population
 - c) the rate of *non-domestic violence related assault* incidents recorded by reporting Police as *alcohol related* was **531.4** per 100,000 persons of population, well above the State wide average rate of **144.0** per 100,000 persons of population
 - d) the rate of incidents involving *offensive behaviour* recorded by reporting Police as *alcohol related* was **442.8** per 100,000 persons of population, well above the State wide average rate of **88.2** per 100,000 persons of population.
171. That is, the broader community is already overexposed to relatively high rates of alcohol related crime in those categories.
172. In relation to the local community of Condobolin, the Authority is satisfied, on the basis of the BOCSAR crime mapping data pertaining to the Lachlan LGA for the period from July 2014 to June 2015, that:
 - a) the Premises is situated within an area of the local community that already constitutes a high density hotspot for the relative concentration of *malicious damage to property* events recorded across the broader community of the Lachlan LGA
 - b) the Premises is situated within an area of the local community that already constitutes a high density hotspot for the relative concentration of *non-domestic assault* events recorded across the broader community of the Lachlan LGA

- c) the Premises is situated within an area of the local community that already constitutes a medium density hotspot for the relative concentration of *domestic assault* events recorded across the broader community of the Lachlan LGA.
173. The Authority is satisfied, on the basis of the DA for the Premises, that Council has granted development consent for the proposed use of the Premises during extended trading hours (from a planning perspective). The Authority further notes that on the material before it, the ETA Application has not been met with any local resident opposition, but strong concerns have been articulated by local Police about the impact of late trading.
174. The Authority notes that local Police "strongly object" to the MOETA Application, in part upon the basis of the available Police resources in Condobolin. Police have specified the rostered hours of the local police station (which is not a 24 hour operation); the substantial distance to the nearest 24 hour police station; problems associated with the "only hotel" that currently trades to 2:00am; and the previous licence breaches detected in respect of this hotel.
175. The Authority notes that Police do not seem to have separately considered the ETA Application, although the stated limitations as to local Police resources (which are accepted by the Authority) are relevant to an assessment of both Applications.
176. The Authority gives weight to the local knowledge of Police and accepts that the Police resources available to service the town of Condobolin are not extensive. This is an adverse factor in respect of both Applications in that it diminishes the scope for Police to monitor, deter and provide an immediate response to public order issues, or even low level alcohol related disturbance, should those issues manifest during the extended trading hours sought in either Application.
177. The Authority accepts as generally credible the Police submission that there have been issues arising from the one incumbent late trading hotel in Condobolin, but Police have provided little by way of specificity or evidence in this regard, which reduces the weight that can be given to that adverse concern.
178. However, the BOCSAR data for the broader community and the crime mapping data for the local community provide objective support for Police concerns regarding crime and anti-social conduct in the local community.
179. The Authority does not accept the proposition, to the extent that it is made by the Applicant's solicitor, that the Authority requires individual premises-specific COPS reports for a licensed premises in order to assess overall social impact.
180. The Authority accepts as reliable the BOCSAR crime data as they apply to the local and broader community and is aware that such data are ultimately compiled by BOCSAR on the basis of individual COPS reported events. The Applicant has not established that the BOCSAR data are unreliable.
181. The Authority considers it reasonable, given the speculative nature of assessing overall social impact (at a *community* wide level) of extending this hotel's licensed trading hours, to have regard to crime trends and relative crime rates identified by BOCSAR with respect to the communities in question.
182. Data from the State's pre-eminent crime statistics agency, compiled from individual COPS reported events, rationally inform an assessment as to whether the Authority is

satisfied that the overall social impact of granting these Applications before it will not be detrimental to the relevant local or broader community in question.

183. The published BOCSAR crime data noted above from the 2014 *Report on Crime by LGA and Alcohol Related Status* satisfy the Authority that this broader community, of which Condobolin is a part, has been recently overexposed to relatively high and unsatisfactory rates of alcohol related crime.
184. The published BOCSAR crime mapping data noted above from July 2014 to June 2015 satisfy the Authority that within the context of those elevated crime rates, there is a concentration of crime and public order issues occurring at the local level of Condobolin and in the very area where the Premises is situated – particularly with regard to incidents involving *non-domestic assault* and *malicious damage to property* but also to a lesser extent *domestic assault*.
185. While reported non-domestic assault events may or may not involve conduct that is alcohol related, the 2014 BOCSAR Recorded Crime Statistics for the Lachlan LGA indicates that a large proportion of *non-domestic assault* events (**70%**) are also recorded by reporting Police as alcohol related. This proportion is comparatively high compared to the corresponding figure for New South Wales as a whole (**36.6%**).
186. The 2014 BOCSAR Recorded Crime Statistics for the Lachlan LGA also indicates that the proportion of *malicious damage to property* events that are also flagged as alcohol related is **29%**, but BOCSAR cautions that it is difficult for Police to identify the role of alcohol in property crime events where a perpetrator is not identified.
187. Nevertheless, the Authority is satisfied that the proportion of events involving *malicious damage to property* that are recorded as alcohol related is comparatively high compared to the corresponding figure for New South Wales as a whole (**10.9%**).
188. That is, the broader community as a whole performs relatively poorly for alcohol related crime by comparison to State wide rates and within that broader community the local community of Condobolin is exposed to troubling *concentrations* of reported crime in the very area that the Premises is situated and in the streets through which patrons are likely to migrate to and from the Premises during the proposed extended trading hours.
189. The Authority is satisfied, on the basis of the BOCSAR data before the Authority, that the broader community of the Lachlan LGA, of which Condobolin is a part, is already exposed to a substantially elevated proportion of *alcohol related assault* and other forms of disturbances occurring during the 12:00 midnight to 6:00am time period on Thursday, Saturday and Sunday mornings.
190. That is, the Applicant is now proposing, through the MOETA Application, to trade on up to 12 occasions per year during what is already a relatively sensitive time of the week in terms of exposure of the broader community to *alcohol related assault*.
191. By contrast, the ETA Application is sought during the 6:00pm to 12:00 midnight time period on a Sunday evening. This is a time slot during which (according to the BOCSAR data before the Authority) the broader community is currently *not* exposed to elevated rates of *alcohol related assault*. On the one hand, this absence of reported alcohol related assault on a Sunday evening is a positive aspect arising from the available crime data with respect to the ETA Application, which only seeks to extend trading on a Sunday evening.

192. However, considering the Sunday 6:00pm to midnight Sunday time period in its context, it is a time of the weekend when, following several periods of heightened risk for alcohol related assault, commencing on a Thursday morning and peaking on Friday and Saturday nights, the broader community actually receives some respite.
193. Notably, during the six hour time period immediately preceding this time of week (from 12:00 midday to 6:00pm on a Sunday) the BOCSAR Report indicates that the broader community encounters one of the highest proportions of *alcohol related assault* across the entire week – accounting for some **9.7%** of all alcohol related assaults.
194. In light of that context, and given the relatively high overall rates of alcohol related assault across the broader community compared to State wide averages, the Authority does not consider it in the public interest to further extend Sunday night licenced hotel trading in this part of this broader community.
195. The Authority does not have sufficient data or analysis before it to find whether extending the hours of the Premises regularly on a Sunday night or on 12 occasions per year until 3 am will lead to an overall increase, decrease or no change to the amount of liquor consumed across the local or broader community as a whole. New South Wales does not mandate the collection of wholesale liquor at the level of local government areas of a kind that has enabled researchers in other jurisdictions to identify a relationship between the volume of liquor sold in a local government area and assault rates. The Authority does not have before it sufficient data or analysis to find whether the total amount of alcohol related offences recorded across the local or broader communities as a whole will be impacted by granting either Application.
196. However, the Authority is satisfied that granting the Applications will more likely than not increase the scope and likelihood for alcohol related crime, disturbance or anti-social conduct involving patrons of *this* hotel to occur during the late hours proposed by the Applicant. That is, it would expand the capacity to this business to contribute along with the incumbent licensed premises to what are relative challenging circumstances with respect to anti-social conduct and alcohol related crime. The Authority is satisfied that the proposed expansion of the hotel's hours would occur in the context of a broader community that is demonstrably overexposed to alcohol related crime and a location within the local community already exposed to concentrations of violent crime and anti-social conduct.
197. In a practical sense, the Authority is satisfied that should the ETA Application or MOETA Application be granted, patrons will be consuming liquor at this hotel for longer hours into the late night and early morning than would otherwise be the case.
198. The hotel will operate during later evening hours in a location that is already situated within a high density hotspot for incidents involving *malicious damage to property* and *non-domestic assault*.
199. The Authority is satisfied that granting the ETA Application and/or the MOETA Application would more likely result in patrons migrating to or from the Premises, during later evening hours than is currently the case, from other licensed premises in the town that are required to close at the conclusion of standard trading hours.
200. Extending the licensed trading hours, as proposed by either Application, will extend the time that patrons will be consuming liquor on the Premises into the late evening and early morning, increasing the scope for this business to face further risks from patrons who are tired and affected by the consumption of alcohol for a prolonged period – either on the Premises and/or at other locations before migrating to the Premises.

201. In the alternative, whether or not late trading patrons engage in any conduct rising to the level of criminality, the Authority is satisfied that extending the evening trading hours, as proposed by both Applications, will more likely than not adversely impact local *amenity*.
202. The hotel has the capacity to accommodate some 165 patrons during the extended hours sought by the Applications. In those circumstances, the Authority is satisfied that patrons from this venue will more likely than not move through neighbouring streets of Condobolin, at various levels of intoxication, at later times of the evening than is presently the case. Foreseeable and likely amenity impacts over time include groups of patrons talking loudly, laughing, yelling, arguing, screaming, and getting into private motor transport or leaving the locality on foot.
203. Increasing the availability of late night liquor outlets provides a compounding cause for concern in this case when the local and broader community is already vulnerable or overexposed to adverse alcohol related social impacts. Adding a further late trading venue creates further challenges for the community, and in particular Police, to manage the consequences of late night liquor consumption at another venue.
204. The Authority notes that the Applicant has submitted that a positive benefit associated with granting the ETA Application and/or the MOETA Application is that the hotel's daytime licensed trading hours will be reduced. In the alternative, this may potentially be regarded as a mitigating factor when considering the negative impact of granting the Applications.
205. The Authority accepts, on the basis of the *OneGov* licence record, that the hotel is currently *licensed* to trade from as early as 5:00am on Monday through Saturday. However, the Applicant has not indicated the extent to which this hotel actually *elects* to exercise those licensed trading hours between 5:00am and 10:00am.
206. That is, the practical effect of surrendering any licensed hours between 5:00am and 10:00am has not been specified and little weight may be given to this aspect as a harm mitigation measure on the material before the Authority.
207. The Authority notes that while Police raise serious concerns with the proposed extension of late night and early morning trading hours, none of the submissions before the Authority identify *early opening* hours as problematic for these communities.
208. On the material before it, the Authority is unable to give much weight to the proposed community benefit (or in the alternative, the proposed harm mitigation measure) of implementing 10:00am opening hours.
209. The Authority is satisfied, on the basis of ABS SEIFA data based upon the 2011 Census, that the State town of Condobolin ranked in only the 2nd decile compared to other suburbs in the state on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged). The Authority is satisfied that the local community on the whole is very disadvantaged.
210. The Authority is further satisfied, on the basis of ABS SEIFA data, that the Lachlan LGA ranked in the 3rd decile compared to other local government areas in the state on the Index of Relative Socio-Economic Advantage and Disadvantage (with a decile ranking of 10 being the most advantaged). The Authority is satisfied that the broader community is relatively disadvantaged, but not to the extent of the local community.

211. The ABS data provide insights into the social capital available in the local community and its relative vulnerability to anti-social conduct arising from the abuse of liquor. Socio economic disadvantage is an adverse factor in this case, but it has not been considered in isolation. The troubling BOCSAR crime data for the local and broader community and the concerns raised by local Police as to their capacity to manage localised anti-social conduct during later hours have been given greater weight in this case than socio demographic data alone.
212. The Authority accepts the Applicant's submission (and notes the absence of any submission from OLGR to the contrary) that the hotel has not been the subject of a formal complaint under section 79 of the Act for undue disturbance to the quiet and good order of the neighbourhood.
213. This is a relevant submission in the Applicant's favour that the hotel has not, during its current (standard) licenced hours, given rise to a history of "frequent undue disturbance" to the neighbourhood of a licensed premises within the meaning of section 49(8) of the Act. The Authority has not refused these Applications by reason of section 49(8) of the Act.
214. Nevertheless, the Authority must assess the risk posed to the community of extending this hotel's hours beyond standard trading hours. The Authority must be satisfied under section 48(5) of the Act, that the overall social impact of granting these Applications *will not* be detrimental to the wellbeing of the local or the broader community.
215. The Authority is satisfied that granting the MOETA Application would result in the hotel operating during higher risk times of the day and week in this relatively vulnerable local community.
216. The Authority is satisfied that granting the MOETA Application or the ETA Application will result in the hotel hosting and/or attracting patrons who are either tired due to the late hour and/or the consumption of liquor over a longer period of time, either on the Premises and/or at other licensed venues prior to migrating to the Premises.
217. The Authority has considered the extent to which the Applicant's proposal implements measures that go above and beyond the minimum requirements of the legislation. The Authority has considered the conditions of the development consent and the business planning measures provided by the Applicant's *Management Plan*.
218. The Authority acknowledges that such controls and plans provide objective harm minimisation measures for the management of alcohol related conduct occurring on the Premises and that the *Management Plan* will also provide a source of guidance and training for staff.
219. The *Management Plan* foreshadows the use of CCTV and security guards on the Premises. The Authority accepts that these measures will be of particular use to deter and manage alcohol related misconduct or disturbance when it occurs on, or immediately outside, the Premises. However, the Authority is not satisfied that the security guards will be able to monitor and manage alcohol related misconduct or disturbance occurring in the neighbouring streets and surrounds of the Premises.
220. Furthermore, the Authority is not satisfied that the measures identified in the *Management Plan* and the additional licence conditions to which the Applicant has consented will adequately combat the range of negative alcohol related amenity impacts that the Authority considers likely to occur as a result of patrons migrating to or from this hotel in neighbouring streets during the proposed later hours. The Authority finds this

particularly problematic, accepting the advice from Police as to the limitations of the local Police presence and the response times from the nearest 24 hour station.

221. The Applicant's policies and procedures for professionally refusing service of alcohol may, *if consistently and diligently implemented*, serve to minimise the number and frequency of patrons exhibiting signs of intoxication on the Premises.
222. However, the Authority is not satisfied, having regard to the Applicant's recent contravention of licensing legislation, as detected by Police and noted in the submissions from Police and OLGR, that the *Management Plan* and *RSA Policy* provided by the Applicant will be consistently and diligently implemented during the proposed later and higher risk trading hours sought by the Applicant.
223. The Authority is satisfied, on the balance of probabilities and on the basis of the information provided by Police and OLGR, that the Applicant has been detected by law enforcement agencies as having contravened licensing legislation on all of the occasions alleged in those submissions.
224. Those reasonably recent adverse instances of detected non-compliance, considered cumulatively, undermine the Authority's confidence in the ability of the Applicant to now take on further regulatory demands from having patrons on the Premises during the later licensed trading hours sought by both Applications.
225. The Authority accepts that the Applicant is an experienced hotelier and that the licence has been held since 2003. While the Applicant does not have a poor regulatory record, he does not have a particularly good one either.
226. Contraventions of both liquor and gaming legislation are relevant when considering the public interest in extending the licensed hours of a "full" hotel that provides liquor, gaming and other gambling services.
227. The Authority has considered the Applicant's submission that the contraventions of licensing law detected by Police do not include failings with regard to the responsible service of alcohol.
228. However, the detected contraventions do include the hotel being operated outside of the hours authorised by the licence, which the Authority considers to be a fundamental form of non-compliance by this licensed business. The Authority notes the decision of the Court in dealing with this matter and the submissions of the Applicant based on that decision. It also notes, however, that the Court was responding to the commission of offences, after the event, whereas the Authority's responsibility under the Act is to look to the future and determine whether it is satisfied that granting the applications will not cause overall social detriment in the future.
229. While many of the other breaches detected by Police concerned contraventions of gaming machine requirements, they are further adverse events that diminish the Authority's confidence that this hotel and its staff should now be entrusted to extend its licensed hours and manage the increased demands of compliance that will be required by those later hours.
230. The recent adverse regulatory history raised by Police and OLGR is not, as the Applicant's solicitor has suggested, only a matter of whether the Applicant is a fit and proper person to hold a liquor licence.

231. Rather, those events raise significant doubts as to whether this Applicant/licensee has demonstrated that level of diligence with regard to regulatory compliance that would support the Applicant's case for extending the evening trading hours in the circumstances of these local and broader communities.
232. The recent history of Police detected non-compliance with licensing legislation is an adverse factor that has been taken into consideration by the Authority. It is a factor that militates against further extending the exposure of this licensed business to even greater regulatory demands as proposed by both of these Applications.

CONCLUSION

233. Having considered together the Authority's findings on positive benefits and negative impacts of granting either or both of the Applications before it, the Authority is *not* satisfied, for the purposes of section 48(5) of the Act, that the overall social impact of granting the ETA Application and/or MOETA Application for this licensed hotel premises situated in this location would not be detrimental to the wellbeing of the local and broader communities. As this test has not been satisfied, the Authority has not considered granting either Application on a "trial" basis.
234. In making this decision, the Authority has considered all of the statutory objects and considerations prescribed by section 3 of the Act, but has given weight to subsection 3(2)(a) – the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour) and subsection 3(2)(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.



Micheil Brodie
Chief Executive

DATED: 12 JAN 2016