



**NSW Department of Industry
Liquor & Gaming NSW**

APPLICATION NO:	APP-0003437430
APPLICATION FOR:	On-premises liquor licence with sport facility, restaurant, karaoke venue, and catering service classes
TRADING HOURS:	Monday to Thursday: 10:00 AM to 11:00 PM Friday to Saturday: 10:00 AM to 12:00 AM Sunday: 10:00 AM to 12:00 PM
APPLICANT:	Mr Ian Dwayne Price
LICENCE NAME:	Tenpin Bathurst
PREMISES ADDRESS:	184 Morrisset Street WEST BATHURST NSW 2795
ISSUE:	Whether a delegated Liquor & Gaming employee on behalf of the Independent Liquor & Gaming Authority (ILGA) should grant or refuse an application for an on-premises liquor licence
LEGISLATION	Section 45(1) of the <i>Liquor Act 2007</i>

**ILGA DELEGATED DECISION – APPLICATION FOR
ON-PREMISES LIQUOR LICENCE**

Tenpin Bathurst

Under delegation issued by the Independent Liquor and Gaming Authority under section 13 of the *Gaming and Liquor Administration Act 2007*, a designated Public Service employee or other Public Service employee of Liquor & Gaming NSW in the Department of Industry, has decided to grant the application for an on-premises liquor licence, application number APP-0003437430.

On 07 June 2018, and after careful consideration of the application and other material, the delegate decided to approve the application, subject to the following conditions:

Conditions imposed:

1. Section 11A of the *Liquor Act 2007* applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 4:00 AM and 10:00 AM during each consecutive period of 24 hours. The licensee must comply with

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this 6-hour closure period along with any other limits specified in the trading hours for this licence.

2. **Consumption on premises: restaurant, sport facility, karaoke venue**

Good Friday 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)

Christmas Day 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)

December 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later

Note: Trading is also allowed at other times on Good Friday and Christmas Day if authorised by an extended trading authorisation. Liquor can only be served with or ancillary to a meal in a dining area after 5:00 AM on Good Friday and Christmas Day.

3. **Consumption on premises: catering service**

Good Friday Normal trading

Christmas Day Normal trading

December 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later

4. The licensee must erect a sign at the player seating area stating "Liquor must not be taken beyond this point".
5. The licensee must cause drinking vessels, including cans and bottles, in which liquor has been served to be cleared from tables, seats and floors, within a reasonable time, after patrons vacate these areas.
6. The licensee or a nominated staff member who is over the age of eighteen (18) years old, is to patrol the licensed area regularly at those times that liquor is being sold, supplied or consumed, to ensure that liquor is not being supplied to or consumed by minors.
7. The licensee must ensure that no amusement machines, pinball machines or other similar electronic or mechanical machines are located within the premise's licensed area, with the exception of three "claw" machines.
8. The licensee must ensure that liquor is not sold, supplied or consumed in those parts of the premises which comprise the bowling lanes and the bowlers approach.
9. Only liquor sold or supplied under the authority of the licence is permitted on the licensed premises. The licensee must not permit patrons to bring liquor onto the premises.

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10. The licensee must ensure that containers of liquor are opened prior to serving.
11. No shots, shooters, slammers, bombs, or any alcoholic drinks mixed with an energy drink, that are designed to be consumed rapidly, are to be sold or supplied.
12. The sale and supply of bottles of spirits is prohibited.
13. The licensee must ensure signs are permanently displayed in each karaoke room stating "Liquor must not be sold or supplied to persons under the age of eighteen (18) years".
14. Liquor must not be sold, supplied or consumed in any karaoke room in which a minor is present, unless the minor is accompanied and in the presence of a responsible adult as defined under the Liquor Act 2007.
15. The door to each individual karaoke room must have a glass insert placed in it and kept clear at all times for the purposes of supervision of persons using the room.

16. Closed-circuit television system

- 1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
 - a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),
 - b) recordings must be in digital format and at a minimum of six (6) frames per second,
 - c) any recorded image must specify the time and date of the recorded image,
 - d) the system's cameras must cover the following areas:
 - i. all entry and exit points on the premises,
 - ii. the footpath immediately adjacent to the premises, and
 - iii. all publicly accessible areas (other than toilets) within the premises.
- 2) The licensee must also:
 - a) keep all recordings made by the CCTV system for at least 30 days,
 - b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and

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- c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

STATEMENT OF REASONS

1. Material before the ILGA delegate (DF17/017074)

The decision made by the delegate had the application and other relevant material:

- (1) Application form, lodged 29 September 2017
- (2) Application Notices
- (3) Plan of proposed licensed premises
- (4) Copies of the applicant's National Police History Check, dated 28 September 2017, identification, and RSA Competency Card
- (5) Plan of Management for the Venue
- (6) Certificate of Advertising Application, signed and dated 12 January 2018
- (7) Development Application No. 119/84, granted on 12 December 1984 for the construction of a 16-lane Ten Pin Bowling Centre
- (8) Modification Development Application No. 119/84, granted on 25 March 1985
- (9) Modification Development Application No. 119/84, granted on 14 November 1985 modifying the approved operating hours of the premises to 8:00 AM to 11:00 PM Monday to Thursday, and from 8:00 AM Friday to 12:00 PM Sunday, and all day on public holidays (not including school holidays)
- (10) Correspondence from Bathurst Regional Council to the applicant, dated 27 February 2018, confirming the approved trading hours for the premises
- (11) ASIC Current Company Extract for the business owner, PRICE VENTURES PTY LTD
- (12) Submission from NSW Police Force, dated 6 November 2017
- (13) Email correspondence between Liquor & Gaming NSW and the applicant, dated 19 October 2017, 13 November 2017, 29 January 2018, 31 January 2018, 7 February 2018, 8 February 2018, 22 February 2018, 1 March 2018, 8 March 2018, 1 May 2018, 31 May 2018, and 7 June 2018

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2. Legislative framework, statutory objects and considerations

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

3 Objects of Act

- (1) The objects of this Act are as follows:
 - (a) to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,
 - (b) to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,
 - (c) to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.
- (2) In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:
 - (a) the need to minimise harm associated with misuse and abuse of liquor (including the harm arising from violence and other anti-social behaviour),
 - (b) the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,
 - (c) the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

3. Statutory tests

- (1) In determining an application for a licence, under section 45(3) of the *Liquor Act* 2007, the delegate must also be satisfied that:
 - a. the applicant is a fit and proper person to carry on the business or activity to which the proposed licence relates,
 - b. practices will be in place as soon as the licence is granted 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 that those practices will remain in place, and
 - c. if development consent is required under the *Environmental Planning and Assessment Act* 1979 (or approval under Part 4 Division 4.1 or Part 5.1 of that

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Act is required), to use the premises for the purposes of the business or activity to which the proposed licence relates – that development consent or approval is in force.

4. Community impact test

- (1) Under section 48(5) of the *Liquor Act 2007*, the delegate must not grant a licence, authorisation or approval of a kind prescribed by section 48(2) of the Act unless the Authority is satisfied, having regards to the Community Impact Statement, where required, and any other matter the delegate is made aware of during the Application process, that the overall impact of the licence, authorisation or approval in question being granted will not be detrimental to the local or broader community.
- (2) The test applying under section 48(5) relates to delegated decisions in relation to:
 - a. the grant or removal of a small bar licence (where required),
 - b. a packaged liquor licence (limited to telephone/internet sales),
 - c. an application for extended trading hours to permit the sale of liquor after midnight in relation to a small bar (where required), an on premises relating to a restaurant that includes an application for a primary service authorisation, an on premises licence relating to a karaoke bar, a catering service or a vessel, and an application for a producer/wholesaler licence that includes an application for a drink on premises authorisation.
- (3) The Community Impact Statement provides the Authority with information about the views of relevant stakeholders and other aspects of the local community in which the proposed licensed premises is to be located. This includes, for example, the proximity of the licensed premises to hospitals or health facilities, nursing homes, schools and places of worship.
- (4) Local and Broader Community - for the purposes of this decision, the delegate is satisfied that the relevant “local community” is the community within the suburb of West Bathurst, and the “broader community” of Bathurst LGA.

5. Analysis of Submissions and other Materials

- (1) This application is for an on-premises liquor licence for Tenpin Bathurst, a bowling alley, with café, club room, multi-purpose party rooms equipped with karaoke facilities, and outdoor area. The venue has a patron capacity of up to 500 patrons.
- (2) I am satisfied that appropriate development consent which permits the proposed activity is in place.

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- (3) I am satisfied that the statutory advertising requirements have been met.
- (4) A single submission was received in respect of the application, from Police, who do not object to the application. Police did, however, raise concerns in respect of the boundaries of the licensed area, which were duly addressed by the applicant.

6. Overall social impact

(1) Positive benefits

The granting of the licence will enable the applicant to supplement and enhance the services offered at the venue.

(2) Negative impacts

The applicant has consented to a range of licence conditions designed to ameliorate any potential negative impacts of the granting of the liquor licence. The applicant has prepared a comprehensive responsible service of alcohol policy to be implemented at the venue t

7. Conclusion

- (1) I am satisfied that procedural fairness was afforded to the applicant and interested parties regarding the decision whether or not to grant the application, as all of those required to be notified of the application were provided with the opportunity to make written submissions and all submissions received were considered and helped inform this decision.
- (2) In accordance with section 45(3)(a) of the Act I am satisfied that the proposed licensee is a fit and proper person to carry on the business or activity to which the proposed licence relates.
- (3) Having considered the venue management plan and related material, under section 45(3)(b) of the Act, I am satisfied that practices will be in place at the premises as soon as the licence is granted that ensure, as far as reasonably practicable, that all reasonable steps are taken to prevent intoxication on the premises, and that those practices will remain in place.
- (4) Consistent with section 45(3)(c) of the Act requiring development consent from the local council, I am satisfied that the required development consent or approval is in force.
- (5) In making this decision under delegation from of the Authority, all statutory objects and considerations prescribed by section 3 of the Act were considered and accordingly, I have determined to grant the liquor licence application with conditions.



Department
of Industry

Liquor & Gaming

Decision Date: 07 June 2018

A handwritten signature in black ink, appearing to read 'W. Yeung'.

Wendy Yeung Wye Kong

A/Coordinator

Business Licensing

Liquor & Gaming NSW

Delegate of the Independent Liquor & Gaming Authority

Important Information:

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

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

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

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