



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

APPLICATION NO:	1-6814447778
APPLICATION FOR:	On-premises liquor licence with sale on other premises authorisation
LICENCE CLASSES:	Restaurant, tertiary institution, catering service
TRADING HOURS:	Restaurant, catering and tertiary institution: Monday to Sunday: 10:00 AM to 10:00 PM Sale on other premises authorisation: Monday to Saturday: 10:00 AM to 12:00 AM Sunday: 10:00 AM to 10:00 PM
APPLICANT:	Samantha Spadini dos Santos
LICENCE NAME:	Forum Restaurant
PREMISES ADDRESS:	Level 1, F23 Administration Building Corner of City Road and Eastern Avenue, THE UNIVERSITY OF SYDNEY NSW 2006
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 with sale on other premises authorisation
LEGISLATION	Section 45(1) of the <i>Liquor Act 2007</i>

**ILGA DELEGATED DECISION – APPLICATION FOR
ON-PREMISES LIQUOR LICENCE WITH
SALE ON OTHER PREMISES AUTHORISATION**

Forum Restaurant

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 with sale on other premises authorisation, application number 1-6814447778.

On 17 July 2018, and after careful consideration of the application and other material, the delegate decided to approve the application, subject to the following conditions:

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

2. Consumption on premises: **restaurant and tertiary institution**

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 not exercise the sale on other premises authorisation at locations/venues where there is already a current and valid liquor licence in force.
5. Where the patron capacity of any given function/event exceeds 300 patrons, the licensee must give written notice to the relevant Local Area Command (Police) and Local Council of the event no later than 30 days prior to the event.

The written notice must include:

- i. address of the premises where the function is to be held, and
- ii. name of the occupier of those premises, and
- iii. nature of the function, and
- iv. number of persons for whom the catering services are to be provided at the function,

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- v. date on which and the hours during which the function is to be held, and
- vi. a comprehensive Plan of Management and Security Management Plan.

6. Crime scene preservation

Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:

- 1) take all practical steps to preserve and keep intact the area where the act of violence occurred,
- 2) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor & Gaming NSW website,
- 3) make direct and personal contact with the NSW Police Local Area Commander or his/her delegate, and advise the Commander or delegate of the incident, and
- 4) comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (eg. crowd controller or bouncer) on or about the premises.

STATEMENT OF REASONS

1. Material before the ILGA delegate (DF18/009175)

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

- (1) Application form, lodged 29 May 2018
- (2) Application Notices
- (3) Email from applicant, dated 6 July 2018, advising of the new proposed licensee, Samantha Spadini dos Santos
- (4) Email from L&GNSW to NSW Police, dated 6 July 2018, advising of the new proposed licensee, Samantha Spadini dos Santos, and inviting comment
- (5) Email correspondence between the applicant and Department of Planning and Environment, dated 30 May 2018

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- (6) Development Consent No. SSD 7055, granted by the Minister for Planning on 22 December 2016, for the construction of a new administration building known as “F23”, with associated café
- (7) Plan of proposed licensed premises
- (8) Copies of the applicant’s National Police Certificate, dated 18 April 2018, identification, and RSA Competency Card
- (9) Certificate of Advertising Application, signed and dated 27 June 2018
- (10) ABN Lookup extract and ACNC Charity Register Summary for University of Sydney
- (11) Alcohol Operational Management Plan for Forum Restaurant
- (12) Submission from NSW Police, dated 6 July 2018
- (13) Email correspondence between Liquor & Gaming NSW and the applicant, dated 14 June 2018, 2 July 2018, 4 July 2018, 11 July 2018, and 13 July 2018

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),

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- (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 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

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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 The University of Sydney, and the "broader community" of City of Sydney LGA.

5. Analysis of Submissions and other Materials

- (1) This application is for an on-premises liquor licence with sale on other premises authorisation for Forum Restaurant, located at the University of Sydney.
- (2) The venue will serve meals to the University's staff, students and visitors.
- (3) No entertainment will be provided at the restaurant.
- (4) The restaurant is located on the first floor of the University's Administration Building, and will have a patron capacity of 60 patrons.
- (5) The applicant has also applied for a sale on other premises authorisation in order to provide catering for functions held within the University's seminar and meeting rooms, for up to 600 patrons.
- (6) The applicant has provided development consent granted by the Minister for Planning for the construction of a new administration building known as "F23", which includes a café.
- (7) I am satisfied that the statutory advertising requirements have been met.
- (8) Only one submission received, from NSW Police, who do not object to the application, but did propose one licence condition regarding crime scene preservation, which was consented to by the applicant.
- (9) No objections were received in respect of the application.

6. Overall social impact

(1) Positive benefits

The granting of the licence will supplement and enhance the food, beverage and catering services offered by Forum restaurant to Sydney University's staff, students and visitors.

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(2) Negative impacts

No objections have been received in respect of this application. The venue will operate in accordance to an Alcohol Operational Management Plan which includes measures designed to minimise any potential negative impacts.

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.

Decision Date: 17 July 2018



Wendy Yeung Wye Kong
A/Coordinator - Business Licensing
Liquor & Gaming NSW
Delegate of the Independent Liquor & Gaming Authority



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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>