

Information Notice

Application Type: New Gaming Machine Licence and Commercial Hotel Licence

Trading Name: Dakabin Hotel

Address of the Premises: 289 Old Gympie Road, Dakabin

Date of the Decision: 29 August 2022

Applicable Legislation: Part 3, Division 3 of the Gaming Machine Act 1991 and Part 4, Division 2 and Part 4, Division 7 of the Liquor Act 1992

Brief Summary of the Reasons for the Decision

On 29 August 2022, as Delegate of the Commissioner for Liquor and Gaming, I conducted a review of the applications for a commercial hotel licence with extended trading hours and a gaming machine licence lodged by the applicant on 22 October 2021. In deciding the applications, I took into account the following findings of fact:

1. The applicant is eligible to apply for a commercial hotel licence with extended trading hours under the *Liquor Act 1992* (Liquor Act) and a gaming machine licence under the *Gaming Machine Act 1991* (Gaming Act)
2. No objections were lodged by the local authority or Queensland Police Service (QPS).
3. The Office of Liquor and Gaming Regulation's (OLGR) Compliance Division, who are responsible for ensuring compliance of premises under the provisions of the Liquor Act, offered no objection to the application.
4. One public objection was received from the community.
5. The liquor community impact statement was prepared in accordance with Commissioner's Guideline 38, noting the applicant undertook consultation with residents and businesses within 200 metres of the site, residents in the local community area and key advisers. The community impact assessment process did not identify any significant issues of concern/adverse comment in relation to the application.
6. Appropriate noise mitigation conditions will be imposed following assessment of the acoustic report when submitted, in support of the application.
7. The gaming community impact statement was prepared in accordance with the Commissioner's Guideline 2, noting the applicant undertook consultation as required under this guideline.

8. While the gaming community impact statement showed some risk of elevated potential for gambling related harm in the area, it was considered appropriate harm minimisation conditions imposed on the licence will assist in mitigating some of the potential harm.
9. There are currently no gaming venues within the LCA.
10. The applicant is an experienced hotel operator, holding both liquor and gaming licences for other venues within Queensland.
11. The applicant has provided details of their responsible gaming initiatives which have been assessed as appropriate.
12. The Liquor Act does not contemplate nil impact on the amenity of the locality. The presumption is in favour of, rather than against, granting of the application unless community impact cannot be minimised.
13. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
14. Human rights are not limited by my decision to approve the application.
15. The applicant is considered financially suitable under section 57(3)(c) of the Gaming Machine Act.

I took into account the objection received which outlined the following concerns:

16. Close proximity of the hotel to residential premises;
17. Increase in drunken/unruly behaviour in the local area;
18. Increase in noise in the area;
19. Other established gaming and liquor venues nearby which patrons can visit if they wish to partake in liquor and gaming;
20. Decrease in property values; and
21. Developers not concerned with local community and vulnerable persons.

In response to the objection received, I am satisfied the granting of the commercial hotel licence with extended hours and gaming machine licence would not necessarily have an adverse effect on the amenity of the locality, nor would it affect the public interest as:

22. No objections were received from the local authority, QPS or OLGR Compliance.
23. The premises is located in an established mixed commercial/residential precinct with other commercial premises operating in close proximity.
24. Appropriate conditions are to be imposed on the licence, including harm minimisation conditions and noise attenuation conditions which will be determined following assessment of an acoustic report.

25. It would be unfair to deny the licensee the opportunity to trade under these conditions without evidence confirming that the potential for harm cannot be minimised.
26. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance should be substantiated.

After considering all of the relevant factors and information, both positive and negative, and the aforementioned findings on material questions of fact, I decided to provisionally grant the commercial hotel licence with extended trading hours and the gaming machine licence.

With the imposition of the following conditions on the liquor licence:

- Liquor may be sold or supplied only whilst the premises adheres to its principal activity of the sale of liquor for consumption on the licensed premises, or on and off the premises.
- Liquor may not be sold for consumption off the licensed premises after 10:00pm or be taken away from the premises after 10:30pm.
- Liquor may be sold for consumption off the main licensed premises in the course of the licensee providing catering services for a function to persons genuinely attending the function for consumption by those persons at the function. This approval is subject to the condition that liquor must not be sold to a person who is unduly intoxicated. Catering to public functions is subject to approval of a commercial public event permit.
- The licensee and approved manager/s must ensure an incident register is kept on site, in a secure place. The register must be signed by all staff involved in the incident and must include:
 - a. Date and time of the incident;
 - b. Where the incident occurred;
 - c. Full descriptions of persons involved, including names where obtainable;
 - d. Reasons for removing persons from the premises;
 - e. Any details of injuries to persons.
- The licensee and approved manager/s must maintain closed-circuit television (CCTV) equipment recordings of all patrons entering and leaving the premises via the entrance and exit (including any fire exit used for removing patrons). The CCTV footage must include recordings of all interactions between patrons and crowd controllers or staff, from 8:00pm until one hour after all patrons have left the premises, or close of business, whichever is later.
- The licensee and approved manager/s must keep CCTV recordings in a secure place for at least 28 days after the recording is made. Recordings of incidents where persons are removed or injured must be kept on the premises for 1 year after the recording is made. The recordings must be produced on request by an investigator appointed under the Liquor Act 1992.

- On nights where there is entertainment, security must maintain surveillance outside the premises from 11pm, or the close of business, if earlier, until all patrons have vacated the vicinity of the area.
- Licensee and/or approved managers must ensure a minimum of two licensed security providers, licensed under the Security Providers Act 1993 are employed from 8pm until one hour after close, or until patrons have vacated the vicinity of the premises, whichever is latest:
 - a) on Friday and Saturday nights; and
 - b) when patron numbers exceed 2,000.
- The licensee, approved manager, employee and agent of the licensee must ensure special duties police are on duty in such numbers and during such times as required by the officer in charge of the local police station whenever patron numbers exceed 3,000.
- This provisional licence does not allow the sale or supply of liquor under the authority of the provisional licence.
- The issue of the licence is subject to evidence of a final inspection of the premises by an officer of the Office of Liquor and Gaming Regulation and the completion of any further requirements of the Commissioner as a consequence of that final inspection.
- The issue of the licence is subject to the lodgement of an acoustic report of which, the content and recommendations satisfy the Commissioner that any noise from the premises will not create a noise nuisance.
- The issue of the licence may be subject to the imposition of further conditions relating to noise, based on the submitted acoustic report.
- All the stated evidence must be produced to the Commissioner within four years of the issue of the provisional licence.

The following conditions have been imposed on the gaming machine licence:-

- The licensee will ensure suitably trained staff conduct 'walk-throughs' of the gaming room area at one hourly intervals. Should they observe any patrons displaying behaviours associated with problem gambling, they must maintain a record of the observations in the Responsible Service of Gambling (RSG) logbook and also record the action and engagement they undertook with the patron concerned. The logbook must be made available for inspection by an Office of Liquor and Gaming Regulation (OLGR) officer.
- The licensee will ensure the venue's RSG Policy document details the actions that staff are required to undertake should they identify a patron who is exhibiting genuine problem gambling behaviours.
- The licensee will ensure the RSG Policy document details the process staff are required to undertake should they be required to remove an excluded person from the premises.
- The licensee's RSG Policy will be available for inspection by an OLGR officer.

- The licensee must have established procedures to create and maintain an effective working relationship with their local Gambling Help provider or gambling support service and these must be made available to an OLGR officer upon request.
- A customer liaison officer must be available at the premises during the approved hours of gaming.
- Staff must not serve liquor to patrons at gaming machines after 10:00pm.
- The licensee must maintain a training program to provide ongoing responsible gambling training for all staff who provide gambling products and services to patrons at least on a semi-annual basis. Records of training undertaken by staff must be kept in a register and be made available to an OLGR officer upon request.