

Information Notice

Application Type:	Commercial other subsidiary on premises licence
Trading Name:	Alvins
Address of Premises:	Sovereign House, Tenancy 4, 12 Falkinder Avenue, Paradise Point
Date of the Decision:	23 March 2023
Applicable Legislation:	Part 4, Division 4, Subdivision 2 of the <i>Liquor Act 1992</i> .

Brief Summary of the Reasons for the Decision

As delegate, I conducted a review of the application for a commercial other subsidiary on premises licence lodged by the applicant on 13 July 2022. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for a commercial other subsidiary on premises licence under the *Liquor Act 1992* (the Act).
2. The Queensland Police Service and local authority have no objection to the application.
3. One letter of objection was received from the community.
4. Appropriate conditions will be imposed on the licence to mitigate any potential amenity impacts.
5. The Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance should be substantiated.
6. Human rights are not limited by my decision to approve the application.

I have considered the relevant matters outlined in Part 4, Division 4 of the Act.

I took into account the objection received which outlined concerns about the potential amenity impact of the premises on residents situated in close proximity to the cafe.

In response to the objection received, I am satisfied the granting of the commercial other subsidiary on premises licence would not necessarily have an adverse effect on the amenity of the locality as:

7. The QPS and local authority have no objection to the application.
8. It is the responsibility of the licensee to ensure patron and other venue related noise does not negatively impact on local residents.
9. The OLGR has a complaints system and can take action to address any substantiated breaches of licence terms and conditions should the licensee be unable to meet their responsibilities under the Act.

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 grant the licence, subject to the following conditions:

- *Liquor may be sold or supplied only whilst the premises adheres to its principal activity of provision of prepared food to be eaten on the licensed premises.*
- *The majority of the premises (excluding the kitchen, toilets and any non-public areas) must be set up for the business of a cafe at all times the premises is open for the sale and/or supply of liquor except when the premises is being used for a bona fide function.*
- *Prepared food must be available for patrons up to one hour before the approved closing time for the sale and/or supply of liquor. This condition does not apply during the conduct of a function.*
- *Under Section 155(4)(e), approval is granted for minors to be on the licensed premises for the purpose of purchasing and/or consuming food and non-alcoholic beverages.*
- *Noise emanating from the premises including amplified and/or non-amplified noise and/or patron noise must not exceed 75 dB(C), fast response, when measured approximately 3 metres from the primary source of the noise.*
- *Non-amplified entertainers and/or speakers used to amplify noise must not be located in any outdoor area of the premises, including verandah, patio, footpath or beer garden.*
- *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 lodgement of photographs of the kitchen, bar, indoor/outdoor dining areas and toilet facilities.*
- *All the stated evidence must be produced to the Commissioner within 4 years of the issue of the provisional licence.*