

Information Notice

Application Type: Extended trading hours
Trading Name: Cowboys
Address of Premises: Tiki Village, 58 Cavill Avenue, Surfers Paradise
Date of the Decision: 7 February 2025
Applicable Legislation: Section 86 of the Liquor Act 1992

Brief Summary of the Reasons for the Decision

As Executive Director, I conducted a review of an application for extended trading hours lodged for Cowboys on 19 August 2024. In deciding the application, I took into account the following findings of fact:

- 1) The applicant is eligible to apply for extended trading hours under the *Liquor Act 1992* (the Act).
- 2) The premises is located in the Surfers Paradise (3am) safe night precinct, and therefore required to operate networked ID scanners.
- 3) The application was advertised for public comment with 57 objections received.
- 4) The Gold Coast City Council and Gold Coast District police have no objection to the application.
- 5) Compliance officers from the Office of Liquor and Gaming Regulation (OLGR) do not object to the granting of the application subject to the endorsement of additional licence conditions to manage risks associated with noise emanating from the premises and other public amenity concerns, particularly late at night.
- 6) An acoustic report was prepared for the premises in September 2016 and informed a decision on the existing licence conditions. In August 2024, a more recent acoustic report for the premises was prepared and submitted to the Gold Coast City Council in accordance with the Environmental Protection Policy (Noise) 2008 for a related application which informed a decision on additional controls for the hours of operation at the premises.
- 7) The requested hours of the application were reduced from the original application proposal and align with the hours approved ~~considered~~ by Council.
- 8) The Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
- 9) The decision is reasonable and demonstrably justifiable under the *Human Rights Act* as impact on the amenity of the locality will be minimised if the licensee complies with its licence conditions and statutory obligations under the Act.

I have considered the relevant matters outlined in section 86 of the Act.

I took into account the objections received, which outlined concerns for the negative impact of noise generated at the premises on the residents of surrounding residential and multiple high-rise complexes, and anticipated increase in antisocial behaviour from departing patrons reducing the amenity of the area.

In response to the objections received, I am satisfied the granting of the extended trading hours would not necessarily have an adverse effect on the amenity of the locality as:

1. There are no objections to the application from police, the local authority, or OLGR compliance.
2. Public concerns with noise emanating from the premises and potential for antisocial behaviour from departing patrons can be addressed with appropriate conditions to regulate noise, require licensed crowd controllers, maintain a register of complaints, and provide a telephone number to facilitate public access to the licensee.
3. It is the responsibility of the licensee to make every effort to ensure patron and other venue related noise does not negatively impact on local residents.
4. 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 approve the premises to trade with the following trading hours:

- 10:00 am to 12:00 am – Sunday to Thursday (Indoor area)
- 10:00 am to 3:00 am – Friday and Saturday (Indoor area)
- 10:00 am to 10:00 pm – Monday to Sunday (Outdoor deck)

subject to the imposition of the following additional conditions on the licence:

- *The licensee and approved manager/s must ensure crowd controllers licensed under the Security Providers Act 1993 are employed in the following ratios at all times from 11:00pm until one hour after the premises ceases to supply liquor:*
 - 1 to 100 patrons or part thereof - 1 crowd controller
 - More than 100 patrons but not more than 200 patrons - 2 crowd controllers
 - More than 200 patrons but not more than 300 patrons - 3 crowd controllers
 - More than 300 patrons but not more than 400 patrons - 4 crowd controllers
 - More than 400 patrons but not more than 500 patrons - 5 crowd controllers
 - Plus at least 1 crowd controller for every 250 patrons (or part) thereafter.
- *The licensee and approved manager/s must ensure a minimum of one (1) crowd controller licensed under the Security Providers Act 1993 maintains surveillance outside the premises for at least one hour after the premises closes for business or, if earlier, until all patrons have vacated the immediate vicinity of the premises.*
- *Conditions LL300 and LL302 apply only on nights the premises trades beyond 1:00am (the two conditions mentioned above).*
- *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 8:00 pm 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.*
 - *The licensee shall provide a contact telephone number which enables any person to make a complaint to the licensee or representative during the trading period. This telephone number must be advertised by the licensee in such a way so as to be available to any person wishing to contact the licensee or representative during the trading period.*
 - *Patrons are not permitted in any outdoor deck area of the premises after 10:00 pm.*
 - *Speakers used to amplify noise in the outdoor deck area must not be used between 10:00 pm and 10:00 am.*
 - *All windows and doors must be kept closed from 10:00 pm except for the purpose of ingress and egress through the main front door only.*
 - *Noise emanating from the premises when any door or window is open, including amplified or non-amplified noise and patron noise must not exceed the following levels, fast response, when measured approximately 3 metres from the primary source of the noise:*
 - a) *90 dB(C) between 10:00 am and 10:00 pm*
 - b) *88 dB(C) between 10:00 pm and 10:00 am.*
 - *Noise emanating from the premises when all doors and windows are closed with the exception of ingress and egress through the northeast corner main entry door, including amplified or non-amplified noise and patron noise must not exceed the following levels, fast response, when measured approximately 3 metres from the primary source of the noise:*
 - a) *103 dB(C) between 10:00 am and 10:00 pm*
 - b) *101 dB(C) between 10:00 pm and 10:00 am.*