

Information Notice

Application Type:	Commercial other subsidiary on premises licence
Trading Name:	Mistress on Moore
Address of Premises:	Shop 1, 257 Banks Street, Ashgrove
Date of the Decision:	28 March 2024
Applicable Legislation:	Part 4, Division 4, Subdivision 2 of the <i>Liquor Act 1992</i> .

Brief Summary of the Reasons for the Decision

As A/Manager, Licensing, I conducted a review of the application for a commercial other subsidiary on premises licence lodged by the applicant on 10 January 2024. 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 the local authority have no objection to the application.
3. One letter of objection was received.
4. Appropriate conditions are imposed on the licence to mitigate any potential amenity impacts.
5. The premises will be operating with restricted trading hours.
6. The Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance should be substantiated.
7. 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 objections received which outlined concerns for the negative impact of noise, controlling indoor / outdoor hours and patron numbers, safety and conflicts with residential area.

In response to the objections 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:

8. The QPS and local authority have no objection to the application.
9. It is the responsibility of the licensee to ensure patron and other venue related noise does not negatively impact on local residents.

10. 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 75dB(C), fast response, when measured approximately 3 metres from the primary source of the noise.*
- *Approval for use of the footpath dining area will be removed if approval from the relevant local authority is not renewed.*
- *Patrons are permitted to remove liquor for on-premises consumption from the main premises for consumption in the footpath licensed area only.*
- *The consumption of liquor in the footpath dining area is only authorised when patrons are seated at tables.*
- *The Licensee, Approved Manager, Employees and Agents are to ensure a minimum of a 2-metre unobstructed pedestrian thoroughfare is maintained at all times the footpath licensed area is utilised by the Licensee.*