

Office of Liquor and Gaming Regulation



Information Notice

Application Type: Commercial Hotel Licence

Trading Name: Mano's Bar and Grill

Address of the Premises: Shops 2 and 3, 19-21 Tedder Avenue, Main Beach

Date of the Decision: 2 April 2025

Applicable Legislations: Part 4, Division 2 of the *Liquor Act 1992*

Brief Summary of the Reasons for the Decision

As delegate of the Commissioner for Liquor and Gaming, I conducted a review of the application for a commercial hotel licence lodged by the applicant on 3 September 2024. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for a commercial hotel licence under the *Liquor Act 1992* (Liquor Act).
2. The premises has been licensed as a commercial other subsidiary on premises (meals) licence with amplified entertainment for many years.
3. No objections were lodged by the local authority or Queensland Police Service (QPS).
4. The officers of the Office of Liquor and Gaming Regulation's (OLGR) Compliance Division, who are responsible for assessing compliance of the licensee under the provisions of the Liquor Act, offered no objection to the application (subject to certain conditions to be endorsed on the licence).
5. A petition with 121 signatures and 24 public objections were received from the community.
6. Appropriate noise mitigation conditions which are endorsed on the current licensed restaurant will be imposed in support of the application.
7. The premises will be operating with restricted trading hours in the internal bar area.
8. The 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 advisors. The community impact assessment process did not identify any significant issues of concern/adverse comment in relation to the application.
9. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
10. A decision to grant the application is justifiable and reasonable under the *Human Rights Act 2019*.

I took into account the objections received which outlined the following main concerns:

- Noise
- Traffic/Parking
- Patron behaviour
- Associated uses of a commercial hotel licence

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

11. No objections were received from the local authority or QPS, nor were any concerns raised by OLGR Compliance who are tasked with monitoring the venue.
12. Appropriate noise mitigation conditions are to be imposed on the licence.
13. The premises has been licensed as a commercial other subsidiary on premises (meals) licence with amplified entertainment for many years, and currently operates aspects of a commercial hotel licence, the only exception being the premises ability to supply take-away liquor and the ability to apply for a gaming machine licence.
14. The Liquor Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance should be substantiated.

After considering 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 imposition of the following conditions:

- 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.
- Under Section 155(4)(e) approval is granted for minors to be on the licensed premises up to 8:00pm without a responsible adult and without consuming a meal.
- 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.
- 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-premise 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.
- Noise emanating from the premises including amplified and/or non-amplified noise and/or patron noise must not exceed the following levels, fast response, when measured approximately 3 metres from the primary source of the noise with the southernmost front windows closed:
 - 10:00am to 10:00pm - 88dB(C)
 - 10:00pm to 12:00am - 83dB(C)
- At all other times, 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.
- Any amplified entertainment including entertainment provided by live artists/performers must only be played through the in-house wall mounted speakers.
- 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.
- Management must purchase and maintain in good working order, a noise meter. The noise meter is to be utilised for the purpose of taking readings, at a distance of approximately 3 metres from any source of noise, while entertainment is being conducted at the premises to ensure noise levels do not exceed those imposed on the licence.
- The licensee must ensure that a Register of Complaints is kept and maintained at the premises to record details of all complaints showing the name of the complainant, time and date of the complaint and the details of any remedial action taken by the management to rectify the problem.
- The Register of Complaints is to be made available to OLGR Investigators for inspection immediately upon request.