

## Information Notice

**Application Type:** Commercial other subsidiary on premises licence  
**Trading Name:** Cinnamon & Co  
**Address of Premises:** 65 Hardgrave Road, West End  
**Date of the Decision:** 8 November 2022  
**Applicable Legislation:** Part 4, Division 4, Subdivision 2 of the *Liquor Act 1992*.

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### Brief Summary of the Reasons for the Decision

As Manager, Licensing, I conducted a review of the application for a commercial other subsidiary on premises licence lodged by the applicant on 27 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. Six letters of objection and a petition with eight signatures were 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 objections received which outlined concerns for the negative impact of noise generated at the premises on residents of the apartment block situated in close proximity to the rear of the restaurant.

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:

7. The QPS and local authority have no objection to the application.
8. An acoustic report, prepared by a qualified sound engineer, will be lodged for assessment to determine suitable noise conditions to minimise the impact of entertainment and patron noise on the locality.

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 meals prepared, and served to be eaten, on the licensed premises.*
- *Liquor may be sold or supplied for consumption on the licensed premises to persons who are genuinely attending a function on the licensed premises.*
- *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.*
- *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 two (2) metre unobstructed pedestrian thoroughfare between the main premises and the footpath licensed area is maintained at all times the footpath licensed area is utilised by the Licensee.*
- *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.*
- *Catering for functions away from the licensed premises must involve the provision of food prepared by the licensee when liquor is supplied.*
- *The supply of liquor is restricted to a maximum of 1.5 L of wine per takeaway meal order, whether the order is delivered or collected in-store.*
- *Liquor cannot be supplied without acceptable evidence of age of the person collecting the order being presented.*
- *Contactless and unattended delivery is prohibited where an order includes liquor.*
- *When delivering liquor with a meal, the licensee must make reasonable effort to complete the delivery before midnight.*
- *All staff and drivers involved in the sale or supply of liquor must have training in responsible service of alcohol.*

- *Staff and drivers must refuse service or not make delivery of liquor to persons who appear to be disorderly or intoxicated.*
- *Liquor must not be delivered to an address within a restricted area under the Liquor Act.*
- *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 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.*
- *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.*