

Information Notice

Application Type:	Commercial hotel licence
Trading Name:	Empire Hotel Townsville
Address of the Premises:	29 - 31 McIlwraith Street, South Townsville
Date of the Decision:	15 October 2022
Applicable Legislations:	Sections 59 to 61 of the Liquor Act 1992

Brief Summary of the Reasons for the Decision

As the Commissioner for Liquor and Gaming, I conducted a review of the application for a commercial hotel licence lodged on 1 April 2022. 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* (the Act).
- 2) The application was advertised for public comment with one objection being received.
- 3) No objections were lodged by the Townsville City Council, Queensland Police Service (QPS) or the local Member of Parliament.
- 4) The Office of Liquor and Gaming Regulation's (OLGR) Compliance Division, who are responsible for ensuring compliance of premises under the provisions of the Act, offered no objection to the application (subject to conditions to be endorsed on the licence).
- 5) Appropriate conditions have been imposed on the licence to reduce the likelihood of amenity issues being linked to the operation of the premises.
- 6) A full community impact statement (CIS) was lodged. The applicant conducted community consultation in compliance with Guideline 38.
- 7) The Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
- 8) 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 applicant complies with its licence conditions and statutory obligations under the Act.

I have considered the relevant matters outlined in Part 4, Division 2 of the Act.

In response to the objection received, I am satisfied the granting of a commercial hotel licence is unlikely to significantly impact on local amenity as:

- 9) There are no objections to the application from police, the local authority, or OLGR compliance.
- 10) The sole public objector is the owner of a neighbouring property and does not live in the area.
- 11) There are four other commercial hotels operating within 200 metres of the premises. The addition of another hotel is unlikely to have a significant impact on local amenity.
- 12) An acoustic report, prepared by a qualified sound engineer, is being assessed to determine suitable noise conditions to minimise the impact of entertainment and patron noise on the locality.
- 13) 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 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.*
- *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.*
- *This provisional licence does not allow the sale or supply of liquor under the authority of the provisional licence.*
- *The issue of the licence may be subject to the imposition of further conditions relating to noise, based on the submitted acoustic report.*
- *All the stated evidence must be produced to the Commissioner within 4 years of the issue of the provisional licence.*