

Information Notice

Application Type:	Increase in adult entertainment trading hours
Trading Name:	Kittens
Address of Premises:	Basement Level, 2 Caxton Street, Petrie Terrace
Date of the Decision:	4 January 2023
Applicable Legislation:	Sections 105 and 121 of the <i>Liquor Act 1992</i>

Brief Summary of the Reasons for the Decision

As delegate for the Commissioner for Liquor and Gaming, I conducted a review of the application for an increase in adult entertainment trading hours lodged by the applicant on 22 July 2022. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for an increase in adult entertainment trading hours under the *Liquor Act 1992* (the Act).
2. No objections were lodged by the Queensland Police Service, the local authority, OLGR compliance or the local Member of Parliament.
3. The permittee's lack of adverse compliance history relevant to the operation of the premises, noting the licensee will remain subject to suitable conditions of licence and other procedural requirements which will continue to be monitored for adherence by OLGR.
4. The application was advertised for public comment with a closing date for objections of 30 September 2022. One letter of objection was received; citing the disruptive behavior of departing patrons including loitering, conversing drunkenly and loudly, excessive noise from patron cars and motorcycles, and public urination into the gardens of nearby residents.
5. The Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
6. Human rights are not limited by my decision to approve the application.

I have considered the relevant matters outlined in sections 105 and 121 of the Act.

I took into account the objection received concerning the amenity impacts of departing staff and patrons.

In response to the objection, I am satisfied that an increase in adult entertainment trading hours would not necessarily have an adverse effect on the amenity of the locality as:

7. The premises is located in an established commercial precinct with other licensed premises operating in close proximity.
8. There are twelve licensed premises providing adult entertainment within 2.5 kilometre of Kittens. Six of these premises provide adult entertainment until 5:00am, the remaining six premises provide 24-hour adult entertainment.
9. Safety and amenity issues are not likely to arise with the extension of the Adult Entertainment Permit as liquor trading hours will have ceased at 3:00 am. There is no evidence to suggest that allowing adult entertainment to be conducted outside of the liquor trading hours will add appreciably to the risks associated with the provision of adult entertainment.
10. The premises has no adverse compliance history of liquor or adult entertainment breaches.
11. The Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance with the permit conditions or the Act should be substantiated.

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 application for an increase to the adult entertainment trading hours.