

## Information Notice

**Application Type:** Approved extended trading hours (liquor) and variation of liquor licence conditions

**Trading Name:** Hotel Stanthorpe

**Address of the Premises:** 43 Lock Street, Stanthorpe

**Date of the Decision:** 5 October 2021

**Applicable Legislations:** Sections 86 and 111 - *Liquor Act 1992*

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### Brief Summary of the Reasons for the Decision

On 5 October 2021, as delegate of the Commissioner for Liquor and Gaming, I conducted a review of the application for approved extended trading hours (liquor) and variation of liquor licence conditions lodged by the applicant on 10 March 2021. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for approved extended trading hours and a variation of licence under the *Liquor Act 1992* (Liquor Act).
2. No objections were lodged by Southern Downs Regional Council.
3. The Office of Liquor and Gaming Regulation's (OLGR) Compliance Division, who are responsible for ensuring compliance of premises under the provisions of the Liquor Act, offered no objection to the application (subject to conditions to be endorsed on the licence).
4. Two objections were received from the community as a result of advertising the applications.
5. Appropriate conditions will be imposed on the licence to reduce the likelihood of alcohol-fuelled violence, as appropriately supported by evidence linked to the operation of the premises.
6. The Liquor 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 sections 86 and 111 of the Liquor Act.

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

8. Approval of extended trading hours will have an adverse effect on the local community as it will lead to alcohol-fuelled violence and misuse and will cause broader socio-economic issues.
9. Patrons would exit from the premises intoxicated and would be refused entry at other licensed venues. Unruly patrons are causing an unfair inconvenience to other licensed venues, security staff and the local police.
10. Glassware is smashed on the road and roundabout by patrons from the premises.
11. Management does not adhere to responsible service of alcohol and serves unruly patrons.

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

12. OLGR Compliance and the council have no objection to the applications.
13. The extension of the hours for the onsite bottle shop can be supported as it is not likely to impact the amenity of the locality and demonstrated need has been evidenced.
14. The Act does not contemplate nil impact on the amenity of the locality. The presumption is in favour of, rather than against, granting of the application unless community impact cannot be minimised.
15. The police objection has been carefully considered. However, consistent with the matter of *Australian Leisure and Hospitality Group Pty Ltd vs Commissioner for Liquor and Gaming (2016) QCAT 90*, incident data relevant to the premises supports the variation application (with some modification), not the maintenance of the existing conditions.
16. The licensee has a responsibility to ensure its activities do not impact neighbouring residents. If issues cannot be resolved directly with the licensee, there is a complaint process available for the community and for OLGR to take appropriate action if it is required.
17. The decisions to grant the applications are reasonable and demonstrably justifiable as detailed conditions endorsed on the licence require the licensee to employ security and maintain a CCTV system to reduce likelihood of alcohol-fuelled violence. Accordingly, the decisions are compatible with the *Human Rights Act 2019*.

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 applications for approved extended trading hours and variation of liquor licence conditions, subject to the following:

Approved liquor trading hours amended to:

- 10:00am to 12:00am, Sunday to Thursday (main premises)
- 10:00am to 2:00am. Friday and Saturday (main premises)
- 9:00am to 12:00am, Monday to Sunday (onsite bottleshop)

and conditions 1427188, 1427190, 1427192, 1427194 are removed and the following conditions imposed on the licence:

- LL302 - On Friday and Saturday evenings, the licensee and approved manager/s must ensure a minimum of one (1) crowd controller licensed under the *Security Providers Act 1993* maintains surveillance outside the premises for at least one hour after the premises closes for business or, if earlier, until all patrons have vacated the immediate vicinity of the premises.
- LL305 - The licensee and approved manager/s must ensure an incident register is kept on site, in a secure place. The register must be signed by all staff involved in the incident and must include:
  - a. Date and time of the incident;
  - b. Where the incident occurred;
  - c. Full descriptions of persons involved, including names where obtainable;
  - d. Reasons for removing persons from the premises;
  - e. Any details of injuries to persons.
- LL306 - The licensee and approved manager/s must maintain closed-circuit television (CCTV) equipment recordings of all patrons entering and leaving the premises via the entrance and exit (including any fire exit used for removing patrons). The CCTV footage must include recordings of all interactions between patrons and crowd controllers or staff, from 8:00pm until one hour after all patrons have left the premises, or close of business, whichever is later.
- LL308 - The licensee and approved manager/s must keep CCTV recordings in a secure place for at least 28 days after the recording is made. Recordings of incidents where persons are removed or injured must be kept on the premises for 1 year after the recording is made. The recordings must be produced on request by an investigator appointed under the *Liquor Act 1992*.
- LL309 - The licensee and approved manager/s must ensure signage is displayed at each entry to the premises in a way that is likely to make the patrons aware that closed circuit television equipment is installed.
- 8637334 - The licensee and approved manager/s must ensure crowd controllers licensed under the *Security Providers Act 1993* are employed in the following ratios at all times from, 10:00pm on Friday evenings and 8:00pm on Saturday evenings, until one hour after the premises ceases to supply liquor:
  - 1 to 100 patrons or part thereof - 1 crowd controller
  - More than 100 patrons but not more than 200 patrons - 2 crowd controllers
  - More than 200 patrons but not more than 300 patrons - 3 crowd controllers
  - More than 300 patrons but not more than 400 patrons - 4 crowd controllers
  - More than 400 patrons but not more than 500 patrons - 5 crowd controllers
  - Plus at least 1 crowd controller for every 250 patrons (or part) thereafter.
- LL274 - 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.

- LL004 - Liquor may not be sold for consumption off the licensed premises after 12midnight or be taken away from the premises after 12:30am.

Craig Turner

Delegate of the Commissioner for Liquor and Gaming