



Ms Jade Hall
Liquor and Gaming Solutions

By email to: Jade@lgsgroup.com.au

3 October 2023

Dear Ms Hall

Application No. 1-8633109694
Applicant Greg Logan Mathew
Application for Amendment – hotel (full) – change of conditions
Application date 9 March 2023
Decision date 28 June 2023
Licence name Argyle House
Licence number LIQH400117108
Trading hours Consumption on premises
Monday to Saturday 05:00 AM – 03:30 AM
Sunday 10:00 AM – 10:00 PM
Takeaway
Monday to Saturday 05:00 AM – 12:00 midnight
Sunday 10:00 AM – 10:00 PM
Premises 311 Wharf Rd,
Newcastle NSW 2300
Legislation Sections 3, 12, 14, 15, 40, 44, 45, 48, 49, 53, and 121 of the *Liquor Act 2007*

**Decision of the Independent Liquor & Gaming Authority
Application for a change of conditions – Argyle House**

We **approve** the application above under section 45 of the *Liquor Act 2007* — with the conditions to be imposed and revoked as set out in Schedule 1.

Statement of reasons

The statement of reasons will be published on the [Liquor & Gaming NSW website](#) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you have any questions

Please contact the case manager, Glenn Barry, at Glenn.Barry@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

Philip Crawford
For and on behalf of the **Independent Liquor & Gaming Authority**

STATEMENT OF REASONS

Our decision

We have considered the objects of the *Liquor Act 2007* (the Act) and the relevant legislative provisions and have approved the application under section 45 of the Act and impose and revoke conditions as listed in Schedule 1 under section 53 of the Act.

Overall, we are satisfied that the social impact of approving the application will not be harmful to the well-being of the local or broader community.

The decision achieves the aim of the Act to regulate the liquor industry to meet the community's expectations, needs, and aspirations, while also promoting a balanced and responsible development of the industry.

Our main findings

The local community for the purposes of this decision is Newcastle. The broader community is the Local Government Area (LGA) of Newcastle.

Positive social impacts

We are satisfied that the conditions as proposed are modernised and suitable. Revoked conditions have been replaced by updated conditions, or satisfactorily addressed through the updated plan of management.

Negative social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- long trading hours, the relatively large patron capacity as well as the size of the premises (990 sqm)
- venue being in a high-density hotspot for non-domestic assault, alcohol-related assault and malicious damage to property, and in a low-density hotspot for domestic assault
- higher crime rates in the Newcastle suburb compared to NSW for all offence categories usually considered by the Authority, and higher in the Newcastle LGA for alcohol-related domestic and non-domestic assault and malicious damage to property
- higher hotel licence saturation rates in comparison to NSW for both the Newcastle suburb and LGA
- rate of alcohol-attributable deaths in the Newcastle LGA being higher than the NSW rate.

However, we are satisfied that these risks may be reduced by:

- nil adverse findings for the venue relating to the eased conditions and their participation in the Stage Two trial
- crime comparison data indicating that the rates for all four categories usually considered by the Authority are lower than those rates in 2013 for the Newcastle suburb and LGA
- crime comparison data indicating that offence rates are trending down in the Newcastle LGA for alcohol-related non-domestic assault, offensive conduct, and malicious damage to property
- indication of above average socio-economic advantage in both the suburb and the Newcastle LGA
- the rate of alcohol-attributable hospitalisations in the Newcastle LGA being lower than the NSW rate
- possible skewing of crime statistics and licence densities due to the suburb having a relatively low population and also because the venue is located within the Newcastle CBD where visitation occurs from other suburbs within the LGA and beyond
- an updated liquor plan of management which includes measures to mitigate alcohol-related harms and disturbance such as:

- 15 minutes cessation period prior to close for the sale and supply of alcohol
- LA10 noise restriction
- staff reminding patrons to leave the area quietly
- security and / or RSA marshals to be employed during extended trading hours
- procedures to identify and manage minors on the premises
- not revoking certain conditions relating to supervision of patrons
- the imposition of licence conditions as set out in Schedule 1.

The material we considered

We considered the following material when making our decision:

- the application material - including evidence that stakeholders and the community were notified about the application
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a development consent for the premises
- statistics from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics on the socio-economic status, liquor licence density, alcohol-related crimes rates and health issues in the local and broader communities
- stakeholder submissions and the applicant's response them
- the Newcastle Stage 2 Evaluation Report.

We also considered [Guideline 6](#) to assess the likely social impact to the local and broader community.

Yours sincerely



Philip Crawford
For and on behalf of the **Independent Liquor & Gaming Authority**

Schedule 1
Licence conditions to be imposed - Argyle House

No.	Condition to be imposed	Description
1)	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated April 2023 as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.
2)	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
3)	Maintain an incident register	<ol style="list-style-type: none"> 1) The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident: <ol style="list-style-type: none"> a) any incident involving violence or anti-social behaviour occurring on the premises, b) any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises, c) any incident that results in a person being turned out of the premises under section 77 of the <i>Liquor Act 2007</i>, d) any incident that results in a patron of the premises requiring medical assistance. 2) The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector: <ol style="list-style-type: none"> a) make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and b) allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises. 3) The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.
4)	CCTV	<ol style="list-style-type: none"> 1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: <ol style="list-style-type: none"> a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times), b) recordings must be in digital format and at a minimum of ten (10) frames per second, c) any recorded image must specify the time and date of the recorded image, d) the system's cameras must cover the following areas: <ol style="list-style-type: none"> i. all entry and exit points on the premises, ii. the footpath immediately adjacent to the premises, and iii. all publicly accessible areas (other than toilets) within the premises. 2) The licensee must also: <ol style="list-style-type: none"> a) keep all recordings made by the CCTV system for at least 30 days,

No.	Condition to be imposed	Description
		<ul style="list-style-type: none"> b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to sub-clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.
5)	Crime scene preservation	<p>Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:</p> <ul style="list-style-type: none"> 1) take all practical steps to preserve and keep intact the area where the act of violence occurred, 2) retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website, 3) make direct and personal contact with NSW Police to advise it of the incident, and 4) comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred. <p>In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (eg. crowd controller or bouncer) on or about the premises.</p>
6)	Complaints register	<ul style="list-style-type: none"> 1) A complaints register is to be maintained at the premises at all times which records the following: <ul style="list-style-type: none"> a) the name and number of the complainant b) the time and date on which the complaint was received c) the nature of the complaint, and d) the measures taken to resolve the complaint. 2) Details of complaints received, either in person or over the phone, must be: <ul style="list-style-type: none"> a) recorded in the complaints register, and b) reported to the duty manager. 3) A mobile or dedicated contact number for the duty manager is to be published on the hotel's website, and on a sign to be posted at the premises entrance. If requested, the duty manager's contact details must be provided to complainants. A messaging service must be in place if the dedicated contact number is unattended.

Conditions to be revoked – Argyle House

Condition to be revoked	Description
370	That the sale and supply of alcohol shall cease thirty (30) minutes prior to closing time.
410 (no adverse findings for the venue during the Newcastle Trial – Stage 2)	No persons are to be admitted to the premises after 01:30 am.

Condition to be revoked	Description
2200 (replaced by imposition of condition 2)	The licensee must participate in the precinct liquor accord that applies to the Newcastle/Hamilton precinct designated by the Director-General of Communities NSW under section 136B of the <i>Liquor Act 2007</i> .
3010	The extended trading authorisation is restricted to the licensed area of the premises that was approved under application number 1-613461139.
3030	That all minors are removed from the licensed premises by 10pm.
3050	That any minor on the premises must be wrist banded, to indicate that they are a minor.
3060 (replaced by imposition of condition 1)	<ol style="list-style-type: none"> 1) The licensee must file with the Independent Liquor and Gaming Authority (“the Authority”), by not later than two (2) months after 30 August 2018, a revised version of the Plan of Management for the premises that has been reviewed in consultation with NSW Police. This plan shall be marked on its front page as “Revised plan of 2018”. 2) The premises is to be operated at all times in accordance with the Plan of Management as revised pursuant to clause 1 above, and as may be varied from time to time after consultation with NSW Police. 3) A copy of the Plan of Management is to be kept on the premises, and made available for inspection on the request of a police officer, council officer, Liquor & Gaming NSW Inspector, or any other person authorised by the Authority.
3080 (no adverse findings for the venue during the Newcastle Trial – Stage 2)	<p>The following restrictions and conditions will apply upon the sale of alcohol after 10:00 pm:</p> <ol style="list-style-type: none"> a) No drinks commonly known as shots, shooters, slammers or bombs or any other drinks that are b) designed to be consumed rapidly; c) No mixed drinks with more than 30 mls of alcohol; d) No RTD drinks with an alcohol by volume greater than 5%; e) No more than four (4) drinks, or one bottle of wine, may be served to any patron at one time.
3090 (covered by the plan of management)	Within 14 days of revising the Plan of Management the licensee shall cause every current member of staff (including employees and contractors) to be notified in writing of that Plan along with a current licence record maintained by Liquor and Gaming NSW. In the case of new staff, notification of the most recently updated version of the Revised Plan and the licence record shall be provided within 14 days of the commencement of employment or engagement, as the case may be.

Conditions not revoked – Argyle House

Condition not revoked	Description
380 (Retaining the condition ensures that a mitigating factor is in place considering that the cessation period will be reduced to 15 minutes, and that the no lock-out and restricted drinks conditions will also be revoked.)	That the licensee shall ensure, by adequate supervision methods throughout the premises, that no patron is stockpiling drinks. For this purpose stockpiling shall mean that any one patron has more than two (2) unconsumed drinks at any one time (a patron may purchase up to four (4) drinks at the one time).

Condition not revoked	Description
<p>3070 (Retaining the condition ensures that the additional supervision remains a mitigating factor considering that the no lock-out and restricted drinks conditions are recommended are going to be revoked)</p>	<p>If the premises trades after 12:00 midnight, from 11:00 pm until closure the licensee will retain an employee whose sole function shall be that of a supervisor of responsible service of alcohol practices at the bar and to observe the responsible consumption of alcohol throughout the premises.</p>