

Ms Jade Hall
Liquor and Gaming Solutions

By email to: Jade@lgsgroup.com.au

14 September 2023

Dear Ms Hall

Application No. 1-8633109659
Applicant CUSTOMS HOLDINGS PTY LTD
Application for Amendment – hotel (full) change of conditions
Application date 30 March 2023
Decision date 13 June 2023
Licence name Customs House Hotel
Licence number LIQH400117922
Trading hours Consumption on premises: Whole of indoor area and the Concourse
Monday to Saturday 08:00 AM – 03:00 AM
Sunday 09:00 AM – 12:00 midnight
Consumption on premises: Other areas of the licensed premises
Monday to Saturday 08:00 AM – 12:00 midnight
Sunday 10:00 AM – 10:00 PM
Takeaway sales
Monday to Saturday 08:00 AM – 12:00 midnight
Sunday 10:00 AM – 10:00 PM
Premises 1 Bond Street
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 – Customs House Hotel**

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](https://www.liquorandgaming.nsw.gov.au) 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:

- higher than average liquor licence density in both the Newcastle suburb and LGA
- venue being in a high-density hotspot for non-domestic assault, alcohol-related assault and malicious damage to property, and in a medium-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
- rate of alcohol-attributable deaths in the LGA being higher than the NSW rate
- size (2189 sqm) and patron capacity (700) of the venue.

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 suburb and Newcastle 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 a business/retail district where visitation occurs from other suburbs within the LGA and beyond
- an updated liquor plan of management which includes measure to mitigate alcohol-related harms and disturbance such as:
 - 15 minutes cessation period prior to close for the sale and supply of alcohol
 - use of only one entrance to the venue after 11:00 PM on Friday and Saturday

- staff reminding patrons to leave the area quietly
 - a disturbance complaint procedure
- 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 - Customs House Hotel

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)	CCTV	<p>1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:</p> <ul 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: <ul 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. <p>2) The licensee must also:</p> <ul style="list-style-type: none"> a) keep all recordings made by the CCTV system for at least 30 days, 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.
4)	Drinks restrictions	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 (1) patron has more than two (2) unconsumed drinks at any one (1) time.

Conditions to be revoked – Customs House Hotel

Condition to be revoked	Description
280	<p>That the use of the premises in respect of the areas designated Concourse, Arcade, South Verandah, Waterboard, Long Room, Public Hall, Tide Surveyors Lounge, Tide Waiters Lounge, Pilots Lounge, Shipping Masters Lounge and Harbour Masters Lounge, shall be restricted to use as shown in the lease Exhibit 21 and known as 'licensed cafe'.</p> <p>That the use of the premises in respect of the areas designated Harbour Masters Clerk, Coal Fields Examiner, Customs Collector, Chief Clerks</p>

Condition to be revoked	Description
	Lounge, Customs Hall and Federal Lounge, shall be restricted to use as shown in the lease Exhibit 21 and known as 'Function Centre'.
310	There will be available at all times the premises are open for trade, waiter service in respect of the 'licensed cafe' and 'Function Centre'.
320	The sale and consumption of liquor shall be restricted to those areas designated as 'licensed cafe' and 'Function Centre'.
340	The licensee shall provide suitable staff to remind departing patrons of the proximity of residences and to request that such patrons depart quietly and not cause disturbance to such residents.
360	No application shall be made to vary these conditions until after Newcastle City Council has given consent to the proposed changes so far as such consent is relevant.
400	Alcohol will not be sold, supplied or consumed in the additional areas on the ground floor as per application No 242702.00 outside the hours of 8:00 am to 12:00 midnight Monday to Saturday and 10:00 am to 10:00 pm on Sunday without prior approval from the Authority.
450	The sale and supply of alcohol shall cease thirty (30) minutes prior to the closing time.
460 (replaced by revised condition 4)	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 (1) patron has more than two (2) unconsumed drinks at any one (1) time (a patron may purchase up to four (4) drinks at the one (1) time).
490 (nil adverse findings during trial when condition eased)	No persons are to be admitted to the premises after 01:30 am.
2200 (replaced by 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 Liquor Act 2007.
3040	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.
3070 (nil adverse findings during trial when condition eased)	The following restrictions and conditions will apply upon the sale of alcohol after 10:00pm except as otherwise provided for in condition 3080: (a) No drinks commonly known as shots, shooters, slammers or bombs or any other drinks that are designed to be consumed rapidly; (b) No mixed drinks with more than 30mls of alcohol; (c) No RTD drinks with an alcohol by volume greater than 5%; (d) No more than four (4) drinks, or one bottle of wine, may be served to any patron at one time.
3080 (nil adverse findings during trial when condition eased)	Notwithstanding any other condition, the sale of cocktails is permitted until 12:00 midnight. For the purposes of this condition: 1) Cocktails are defined as any alcoholic drink that contains spirits or liqueur (or both) mixed with other ingredients, is not designed to be consumed rapidly, and is commonly known as a 'cocktail', but only if: (a) the cocktail is listed on a document prepared by the licensee that is included in their Plan of Management and is displayed on the subject premises and itemises the cocktails that may be sold or supplied on the premises during trading hours and the amount payable for each cocktail (the cocktail list), and

Condition to be revoked	Description
	<p>(b) no cocktail listed on the cocktail list is sold or supplied on the subject premises at any time at less than the amount specified on the cocktail list.</p> <p>2) All cocktails to be served in single serve vessels only (no jugs etc)</p>
<p>3090 (replaced by condition 1)</p>	<p>The premises is to be operated at all times in accordance with the Plan of Management dated May 2020 as may be varied from time to time after consultation with NSW Police. Any proposed variations relating to service of drink and/or lock-out restrictions must be submitted to Liquor and Gaming NSW for endorsement.</p> <p>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, or Liquor & Gaming NSW inspector.</p>
<p>4010 (replaced by condition 3)</p>	<p>CCTV system</p> <p>1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:</p> <ul 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 six (6) 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: <ul 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. <p>2) The licensee must also:</p> <ul style="list-style-type: none"> (a) keep all recordings made by the CCTV system for at least 30 days, (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to 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.

Conditions not revoked – Customs House Hotel

Condition not revoked	Description
350	On Friday and Saturday nights the licensee shall provide during the evenings and for one half hour after the cessation of trade, suitable personnel to patrol the area immediately surrounding the premises.
3020	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.