



Ms Fiona Myatt
AMW Lawyers
FMyatt@amwlawyers.com.au

24 February 2022

Dear Ms Myatt

Application No.	APP-0009085506
Applicant	TGI MT DRUITT PTY LTD
Application for	On-premises licence (restaurant class) Primary service authorisation
Licence name	TGI Fridays
Premises	Shop 2006 Westfield Mt Druitt Cnr Carlisle Ave & Luxford Rd Mount Druitt NSW 2770
Trading hours	Monday to Saturday 10 am – 12 midnight Sunday 10 am – 10 pm
Legislation	Sections 3, 11A, 12, 21 – 28, 40, 44, 45, 48 and 51 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for an on-premises licence with primary service authorisation – TGI Fridays**

The Independent Liquor & Gaming Authority considered the application above, and decided on 16 February 2022 to **approve** the application under sections 24(3) and 45 of the *Liquor Act 2007*, subject to imposing conditions as set out in Schedule 1.

Approved manager or individual licensee

The licence cannot be exercised unless and until the Authority or Liquor & Gaming NSW has been notified of the appointment of an approved manager to the licence, or the licence has been transferred to an individual licensee.

Concise statement of reasons

A concise statement of reasons for this decision is attached at the end of this letter.

In the interest of efficient finalisation of determined matters in a high-volume liquor and gaming jurisdiction, the Authority will only produce a detailed statement of reasons for applications which are refused, partially approved or the subject of stakeholder objections.

A concise statement of reasons is produced for non-contested applications that have been approved by the Authority, in cases where a statement of reasons is required to be published for the application under section 36C of the *Gaming and Liquor Administration Act 2007*.

The concise statement of reasons briefly sets out the material considered by the Authority, the legislative requirements, and the Authority's key findings.

If you have any questions, please contact the case manager, Wendy Yeung, at wendy.yeung.wye.kong@liquorandgaming.nsw.gov.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'P. Crawford', enclosed in a thin black rectangular border.

Philip Crawford
Chairperson

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

Concise statement of reasons

Key facts

Application No.	APP-0009085506
Applicant	TGI MT DRUITT PTY LTD
Application for	On-premises licence with primary service authorisation
Licence name	TGI Fridays
Premises	Shop 2006 Westfield Mt Druitt Cnr Carlisle Ave & Luxford Rd Mount Druitt NSW 2770
Trading hours	Monday to Saturday 10 am – 12 midnight Sunday 10 am – 10 pm
Application date	9 September 2021
Decision	Approved under sections 24(3) and 45 of the <i>Liquor Act 2007</i>
Decision date	16 February 2022

Material considered by the Authority

The Authority has considered the following material in determining the application:

- Application material, including evidence of notification to specified stakeholders and the community about the application
- Category A community impact statement
- Premises plan setting out the proposed boundaries of the licensed premises and the primary service authorisation
- Plan of management for the licensed business at the premises
- Liquor & Gaming LiveData report
- Stakeholder submissions in relation to the application, and the applicant's response to those submissions.

Legislative requirements

The Authority has considered the application in the context of the following sections of the *Liquor Act 2007*, and the associated clauses of the Liquor Regulation 2018:

- Section 3: Statutory objects of the Act and relevant considerations.
- Sections 11A and 12: Standard trading period for liquor licences and a mandatory 6-hour period during which liquor cannot be sold.
- Sections 21-28: Specific provisions in respect of an on-premises licence.
- Section 40: Minimum procedural requirements for a liquor licence application to be validly made.
- Section 44: Submissions to Authority in relation to licence applications.
- Section 45: Criteria for granting a liquor licence.
- Section 48: Requirements in respect of a CIS, including a requirement that the Authority must not approve the application unless it is satisfied, having regard to the CIS and other available information, that the overall social impact of doing so will not be detrimental to the well-being of the local or broader community.
- Section 51: General provisions relating to licence-related authorisations.

The Authority has also had regard to its Guideline 6 in considering the overall social impact of approving the application pursuant to section 48 of the Act.

Key findings

In accordance with its Guideline 6, the Authority finds that the relevant local community for the purposes of this decision is the suburb of Mount Druitt, and the broader community is the Local Government Area of Blacktown.

Positive social impacts

The Authority notes that:

- TGI Fridays is a popular American restaurant/bar chain with outlets all over the world, including at three other locations in NSW
- the proposed licensed premises forms part of the rooftop precinct of a multi-million-dollar redevelopment of the Westfield shopping centre in Mount Druitt.

The Authority is satisfied on the material before it that the proposal set out in the application, if approved, would likely benefit the local and broader communities through the provision of increased liquor access, choice and convenience.

Negative social impacts

The Authority accepts that the proposal may, over time, contribute to an increase in alcohol-related harm in the local and broader communities, including alcohol-fuelled violence, health problems and/or social and amenity issues, having regard to the following:

- the moderate scale of the premises, with a capacity of 200 patrons
- the application for a primary service authorisation which, if approved, allows the service of alcohol without a meal
- the application was lodged concurrently with an application by the same operator for an on-premises licence for a premises with a capacity of 550 patrons in the same shopping centre
- the presence of crime hotspots in the local community
- higher than average crime rates in the local and broader community
- relative socio-economic disadvantage in the local community.

The Authority is nevertheless satisfied that these risk factors are sufficiently mitigated by the following:

- the applicant agreed to withdraw an application for an extended trading authorisation for Sunday until midnight after consultation with Police
- lower than average level of alcohol-attributable deaths and hospitalisations in the broader community
- lower than average saturation and clustering of licensed premises in the local and broader community
- absence of any objections from agency stakeholders or members of the community
- Police reported no “systemic issues” identified with the operation of three other TGI Fridays venues in NSW
- harm minimisation measures set out in the plan of management and licence conditions as set out in Schedule 1.

Decision to impose condition requiring security personnel at the premises

The Authority notes that NSW Police and Blacktown City Council recommended the imposition of a condition requiring the engagement of security personnel at the premises, however, that the applicant “disagrees in part” with the imposition of such a condition. The applicant contends that such a condition is not required on the basis that:

- the licensed premises will be managed and monitored by RSA trained staff and the approved manager
- the applicant “has been advised by Westfield that there will be 2-3 security officers in the entertainment precinct of the shopping centre during peak times.”

The Authority has given careful consideration to the submissions from NSW Police and Blacktown City Council, and the applicant's submission in response, and notes that:

- Westfield security guards may not patrol during later hours of the night, and may only patrol the shopping centre rather than inside individual stores
- the premises is likely to have a large influx of patrons given that TGI Fridays is a popular global chain
- the licence, if granted, will be endorsed with a primary service authorisation and will operate until midnight six days a week
- there are elevated crime rates in the local and broader communities
- this application was lodged in conjunction with an application by the same operator to licence a separate premises with a 550-patron capacity within the same Westfield shopping centre.

Accordingly, taking into account the circumstances above, the Authority considered it necessary and appropriate to impose a condition on the licence requiring a minimum of one uniformed licensed security personnel from 6 pm until closure on Friday, Saturday and Sunday evenings.

Overall social impacts and conclusion

Having considered the positive and negative social impacts that are likely to flow from the applicant's proposal, the Authority is satisfied that the overall social impact of approving the application will not be detrimental to the well-being of the local or broader community.

The Authority is also satisfied that the other legislative requirements for the approval of the application have been met.

The Authority finds, having regard to the above, that approving the application is consistent with the statutory objects and considerations of the Act to regulate the liquor industry in line with the community's expectations, needs and aspirations, and facilitate the balanced and responsible development of the liquor industry and related industries.

Accordingly, the Authority approves the application under sections 24(3) and 45 of the Act.



Philip Crawford
Chairperson

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

Important Information:

In accordance with section 13A of the *Gaming and Liquor Administration Act 2007* a relevant person (the Applicant or a person who was required to be notified of the prescribed Application and who made a submission to the Authority or the Secretary in respect of the prescribed Application) who is aggrieved by this decision may apply to NCAT for an administrative review under the *Administrative Decisions Review Act 1997*.

An application to NCAT must be made within 28 days of notice of this decision being published on the Liquor & Gaming NSW website <https://www.liquorandgaming.nsw.gov.au/Pages/ilga/decisions-of-interest/decisions-of-interest.aspx> and be accompanied by the fee prescribed by the regulations.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney. The NCAT website is at <http://www.ncat.nsw.gov.au/>.

Schedule 1 – Licence conditions to be imposed TGI Fridays

1. Section 11A of the *Liquor Act 2007* applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of six (6) hours between 4:00 AM and 10:00 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.

2. Restricted trading & NYE (except airport, catering, other public entertainment venue, vessel - std)

Consumption on premises

Good Friday 12:00 noon - 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)

Christmas Day 12:00 noon – 10:00 PM (liquor can only be served with or ancillary to a meal in a dining area)

December 31st Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later

Note: Trading is also allowed at other times on Good Friday and Christmas Day if authorised by an extended trading authorisation. Liquor can only be served with or ancillary to a meal in a dining area after 5:00 AM on Good Friday and Christmas Day.

3. The following drinks must not be sold or supplied on the Licensed Premises: Any drink (commonly referred to as a "shot" or a "shooter", with the exception of cocktails) that contains more than 30 mls of spirits or liqueur and that is designed to be consumed rapidly.

4. The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.

5. Crime scene preservation

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:

- 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.

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.

6. Incident register

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:

- (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 *Liquor Act 2007*,
- (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:

- (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.
- 7. The licensee must join and be an active participant in the Blacktown Local Liquor Accord.
- 8. Closed-circuit television system
 - 1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
 - (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:
 - (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:
 - (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.
- 9. The premises is to be operated at all times in accordance with the Plan of Management dated September 2021 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.
- 10. From 6:00pm until closure on Friday, Saturday and Sunday evenings, a minimum of one (1) uniformed licensed security personnel are to be on duty and their duties are to include regular patrols of the premises to ensure no patrons cause any disturbance to the quiet and good order of the venue and surrounds.
- 11. The licensee must ensure whenever security personnel are engaged; a register stating the security officer's full name, security licence number, start date and time, finish date and time and signature is kept and produced to police upon request.
- 12. The Licensed Premises are not to be themed or operated as a Nightclub with no DJ styled booth, disco lighting systems or dance floor at any time on the premises.
- 13. The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00 am and 12:00 midnight at the boundary of any affected residence.
 The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 7:00 am at the boundary of any affected residence.
 Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between 12:00 midnight and 7:00 am.
 Interior noise levels which, although restricted in accordance with the above condition, still exceed safe hearing levels, are in no way supported or condoned by the Authority.