

Mr Paul Hunter
Hunter Hotel Group

By email to: [REDACTED]

4 August 2023

Dear Mr Hunter

Application No. 1-8586482740
Applicant James Cunningham
Application for Amendment – hotel (full) – change of conditions
Application date 23 February 2023
Decision date 13 June 2023
Licence name M J Finnegans
Licence number LIQH400118163
Trading hours
Consumption on premises – Public bars
Sunday to Wednesday 10:00 AM – 12:00 midnight
Thursday 10:00 AM – 01:00 AM
Friday to Saturday 10:00 AM – 02:30 AM
Consumption on premises – Bistro
Sunday to Wednesday 10:00 AM – 12:00 midnight
Thursday 10:00 AM – 01:00 AM
Friday to Saturday 10:00 AM – 02:30 AM
Consumption on premises – Dance club
Monday to Tuesday 10:00 AM – 12:00 midnight
Wednesday - Thursday 10:00 AM – 02:00 AM
Friday to Saturday 10:00 AM – 02:30 AM
Sunday 10:00 AM – 10:00 PM
Consumption on premises – Level 1 hotel service area (use of toilets on level1)
Monday to Tuesday 10:00 AM – 12:00 midnight
Wednesday - Thursday 10:00 AM – 02:00 AM
Friday to Saturday 10:00 AM – 02:30 AM
Sunday 10:00 AM – 12:00 midnight
Takeaway
Monday to Sunday 10:00 AM – 10:00 PM
Premises 21-23 Darby Street
Newcastle NSW 2300
Legislation Sections 3, 14, 15, 40, 44, 45, 48, 49, and 121 of the *Liquor Act 2007*

**Decision of the Independent Liquor & Gaming Authority
Application for a change of conditions – M J Finnegans, Newcastle**

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.

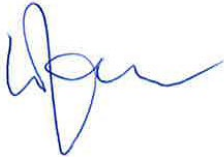
Statement of reasons

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

A handwritten signature in blue ink, appearing to read 'Philip Crawford', with a stylized, cursive script.

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 proposal would benefit the local and broader communities by providing increased convenience and choice.

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:

- size of the premises
- long licensed trading hours
- higher than average liquor licence density in the Newcastle LGA
- presence of crime hotspots in the Newcastle suburb
- higher than average crime rates in the Newcastle suburb and LGA
- higher than average level of alcohol-attributable deaths in the Newcastle LGA.

However, we are satisfied that these risks are 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 offence rates are trending downward in the Newcastle LGA for alcohol-related assault (non-domestic), malicious damage to property and alcohol-related disorderly conduct (offensive conduct)
- crime comparison data indicating that crime rates in the suburb have remained stable, with rates being lower for malicious damage to property and alcohol-related offensive assault than five years ago
- 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
- SEIFA data indicating relative socio-economic advantage in the both the Newcastle suburb and LGA are above average
- the rate of alcohol-attributable hospitalisations in the 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
- the harm-minimisation measures outlined in the updated plan of management and licence conditions as set out in Schedule 1.

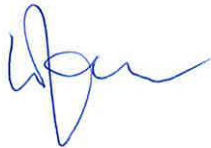
The material we considered

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

A handwritten signature in blue ink, appearing to read 'Philip Crawford', written in a cursive style.

Philip Crawford

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

**Schedule 1 – Licence conditions to be imposed
M J Finnegans**

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.	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 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 <p>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.</p>
3.	Liquor Accord	The licensee or its representative must join and be an active participant in the local liquor accord.
4.	Extended trading authorisation	Whole of the licensed premises.
5.	Drink restriction	<p>The following restrictions and conditions will apply upon the sale of alcohol after 10:00 pm:</p> <ul style="list-style-type: none"> (a) no more than four (4) drinks, or one bottle of wine, may be served to any patron at one time.

Conditions to be revoked - M J Finnegans

Condition to be revoked	Description
<p>2200 Liquor accord (replaced by imposition of condition 3)</p>	<p>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.</p>
<p>3050 Drink restriction</p>	<p>The following restrictions and conditions will apply upon the sale of alcohol after 10:00 pm:</p> <ul style="list-style-type: none"> (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 30 mls 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.
<p>4010 CCTV (replaced by imposition of condition 2)</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 to 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.
<p>4020 Plan of management (replaced by imposition of condition 1)</p>	<p>The premises is to be operated at all times in accordance with the Plan of Management dated November 2018 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>

Condition to be revoked	Description
	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.
4030	No persons are to be admitted to the premises after 01:30 AM.