



Ms Kirby Beth Powell
Licensee

By email to: beth@theluckyhotel.com.au

13 May 2024

Dear Ms Powell

Application No.	1-8825642386
Applicant	Kirby Beth Powell
Application for	Change of conditions
Application date	12 September 2023
Decision date	17 April 2024
Licence name	The Lucky Hotel Newcastle
Trading hours	On-premises consumption – whole of ground floor Monday and Tuesday 07:00 AM – 12:00 midnight Wednesday and Thursday 07:00 AM – 02:00 AM Friday 07:00 AM – 03:00 AM Saturday 07:00 AM – 02:30 AM Sunday 10:00 AM – 10:00 PM On-premises consumption – all other areas of the licensed premises Monday to Saturday 07:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM Take-away sales Monday to Saturday 07:00 AM – 12:00 midnight Sunday 10:00 AM – 10:00 PM
Premises	1C Crown Street Newcastle NSW 2300
Legislation	Sections 3, 12, 14, 15, 40, 44, 45, 48, 49, and 121 of the <i>Liquor Act 2007</i>

**Decision of the Independent Liquor & Gaming Authority
Application for a change of conditions – The Lucky Hotel Newcastle**

We **approve** the application above under section 45 of the *Liquor Act 2007* — with the conditions set out in Schedule 1.

Statement of reasons

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, 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

The venue participated in the Stage Two Newcastle Trial with no adverse findings noted during the trial period. The application seeks to revoke 3 conditions imposed by the 'Newcastle Solution' to allow trade in line with other local venues.

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 Revoked conditions have been replaced by updated conditions, or satisfactorily addressed through the updated plan of management.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:

- venue being in a high-density hotspot for non-domestic assault, alcohol-related assault, and malicious damage to property, and a low-density hotspot for alcohol-related domestic assault
- crime rates for all offence categories we considered being higher in the suburb compared to NSW
- crime rates for incidents of alcohol-related non-domestic assault and malicious damage to property higher being higher in the LGA compared to NSW
- hotel licence saturation rates in the suburb and LGA being higher than the NSW rate
- alcohol attributed hospitalisations and deaths being higher in the LGA compared to NSW.

However, we are satisfied that these risks are reduced by the:

- 5-year crime comparison data indicating that offence rates are trending downward in the suburb for malicious damage to property and stable for alcohol-related non-domestic assault
- 5-year crime comparison data indicating that offence rates are trending downward in the LGA for alcohol-related assault (non-domestic), malicious damage to property and alcohol-related disorderly conduct (offensive conduct)
- crime comparison data indicating that the rates for all offence categories we considered are lower than those rates in 2014 for the suburb and LGA
- SEIFA data indicating the relative socio-economic advantage and disadvantage in the both the suburb and LGA are above average
- harm-minimisation measures outlined in the 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 to them
- the Newcastle Stage 2 Evaluation Report.

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

This decision 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



Caroline Lamb

Chairperson

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

Schedule 1
Licence conditions to be imposed
The Lucky Hotel Newcastle

No.	Condition to be imposed	Description
1.	Take away sales	Good Friday: Not permitted December 24th: Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on Sunday Christmas Day: Not permitted December 31st: Normal trading Monday to Saturday, 10:00 AM to 12:00 midnight on Sunday
2.	Extended trading authorisation	Extended trading authorisation: Whole of the Ground floor only.
3.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated February 2024 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.
4.	Complaints register	<ol style="list-style-type: none"> 1. A complaints register is to be maintained at the premises at all times which records the following: <ol 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: <ol 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.

Licence conditions to be revoked
The Lucky Hotel Newcastle

Condition to be revoked	Description
Condition 3060 (mitigated by plan of management and other conditions)	Drink Restrictions The following restrictions and conditions will apply upon the sale of alcohol after 10:00pm (unless otherwise provided for in another condition on this licence): <ol 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 30mls of alcohol;

Condition to be revoked	Description
	<ul style="list-style-type: none"> 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>Condition 3070 (mitigated by plan of management and other conditions)</p>	<p>Sale of Cocktails Notwithstanding any other condition, the sale of cocktails is permitted until 12:00am. For the purposes of this condition:</p> <ul style="list-style-type: none"> 1. Cocktails are defined as drinks that contain spirits or liqueur (or both) mixed with other ingredients and that are not designed to be consumed rapidly, but only if: <ul style="list-style-type: none"> 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 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. c. all cocktails to be served in single serve vessels only (no jugs etc).
<p>Liquor Plan of management (replaced by condition 3 above)</p>	<p>The premises is to be operated at all times in accordance with the Plan of Management dated September 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. 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>