

Information Notice

Application Type: 24-hour adult entertainment
Trading Name: Honey B's
Address of Premises: 55 Caxton Street, Petrie Terrace
Date of the Decision: 26 August 2022
Applicable Legislation: Sections 105 and 121 of the *Liquor Act 1992*

Brief Summary of the Reasons for the Decision

As Commissioner for Liquor and Gaming, I conducted a review of the application for 24-hour adult entertainment lodged by the applicant on 4 March 2022. In deciding the application, I took into account the following findings of fact:

1. The applicant is eligible to apply for 24-hour adult entertainment under the *Liquor Act 1992* (the Act).
2. No objections were lodged by the local authority or the local Member of Parliament.
3. The licensee's lack of adverse compliance history relevant to the operation of the premises, noting the licensee will remain subject to suitable conditions of licence and other procedural requirements which will continue to be monitored for adherence by OLGR.
4. The Queensland Police Service (QPS) objected to the application. The QPS believe there is no identified community benefit to the increase in trading hours at the premises. The QPS believe there is an identified risk to public safety through the interaction of patrons entering or exiting the premises with minors enroute to school, and members of the public attending church, or local venues in close proximity to the premises.
5. The application was advertised for public comment with a closing date for objections of 11 May 2022. Three letters of objections in total were received plus a petition with 33 signatures. The objectors are concerned about undue offence, annoyance, disturbance or inconvenience to local residents (including school age children passing the premises on the way to school) from alcohol abuse and associated violence.
6. The Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance is substantiated.
7. Human rights are not limited by my decision to approve the application.

I have considered the relevant matters outlined in sections 105 and 121 of the Act.

I took into account the objections received from the North Brisbane District Police and the public for the safety and exposure of passers-by including school age children during the early hours of the morning.

In response to the objections, I am satisfied that the grant of 24-hour adult entertainment would not necessarily have an adverse effect on the amenity of the locality as:

8. The premises is located in an established commercial precinct with other licensed premises operating in close proximity.
9. Although the concerns relating to the potential interaction of patrons entering or exiting the premises with minors enroute to school and members of the public attending church are acknowledged, there is little evidence to suggest this will be of significant practical concern in this instance.
10. The closest school is approximately 500 metres distant, and the licensed venue does not appear to be along a direct pedestrian route which cannot be traversed through suitable alternative means. Similarly, although the closest churches are closer to the licensed venue, at approximately 55 and 200 metres distance respectively, there does not appear to be any inherent need for persons attending the churches to directly traverse past the licensed premises.
11. In instances where members of the public do pass the licensed venue, concerns of exposure to the entertainment being conducted in the premises are suitably mitigated. The Act requires adult entertainment to be confined indoors and out of view of the passing public, while graphic advertising of the entertainment outside the venue is also prohibited.
12. There are fifteen licensed premises providing adult entertainment within 2.5 kilometres of Honey B's. Five of these premises provide 24-hour adult entertainment.
13. Safety and amenity issues are not likely to arise with the extension of the Adult Entertainment Permit as liquor trading hours will have ceased at 3:00 am. There is no evidence to suggest that allowing adult entertainment to be conducted well outside of the liquor trading hours will add appreciably to the risks associated with the specific physical environment involved.
14. The premises has no adverse compliance history of liquor or adult entertainment breaches.
15. The Act provides avenues to complain and empowers OLGR to address issues in the event non-compliance with the permit conditions or the Act should be substantiated.

After considering all of the relevant factors and information, both positive and negative, and the aforementioned findings on material questions of fact, I decided to approve the application for 24-hour adult entertainment.