

NSW Independent Liquor & Gaming Authority

| | |
|------------------------------------|------------------------------------|
| Mr Ben Paton Licensee | Mr Vincent Bruno Business Owner |
| Ms Renee Paton Interested Party | Liquor & Gaming NSW |
| Leeton Shire Council | NSW Police |

2 May 2025

Dear Sir/Madam

| | |
|----------------|---------------------------------------|
| Reference No. | DOC25/123154 |
| Licensee | Mr Ben Paton |
| Licence Name | Glenlee Central Cellars |
| Licence Number | LIQP700356898 |
| Licence Type | Packaged liquor licence |
| Premises | Maple Street Leeton NSW 2705 |
| Legislation | Part 9A of the <i>Liquor Act 2007</i> |

Decision on remedial action for demerit points accumulated Mr Ben Paton, Glenlee Central Cellars (LIQP700356898)

On 25 January 2025, the Independent Liquor & Gaming Authority (the Authority) notified you of the remedial action it proposed to take for the demerit points accumulated by Mr Ben Paton, the licensee of Glenlee Central Cellars, Leeton, under the *Liquor Act 2007* (the Act).

Our decision

Following consideration of submissions received in response to the notification, we have decided to take the following remedial action:

- require** the licensee, Mr Ben Paton, to undertake Advanced Licensee training, under section 144P of the Act
- impose** an RSA Training condition, under section 144T of the Act, on the licence of Glenlee Central Cellars.

Statement of reasons

Background

On 25 July 2024, Liquor & Gaming NSW (L&GNSW) notified us that Mr Ben Paton, the licensee of

Glenlee Central Cellars had accumulated a total of two demerit points under Part 9A of the *Liquor Act 2007* (the Act).

Mr Paton accumulated two demerit points on 9 February 2024 following the issue and enforcement of a penalty notice for the offence of ‘*licensee allow liquor to be sold or supplied to minor*’.

In addition to the notification, L&GNSW provided the Authority with a submission recommending that we take remedial action in response to the accumulation of demerit points.

On 25 January 2025, we notified you and all relevant parties as required under section 144Z(1) of the Act, that we proposed to take remedial action in response to the accumulation of demerit points and invited submissions in response.

Submissions

Submissions were received from L&GNSW and the licensee of Glenlee Central Cellars.

L&GNSW, dated 12 February 2025:

- L&GNSW supports the proposed remedial action in light of the serious nature of the offence.

Licensees (Mr Ben Paton and Ms Renee Paton), Glenlee Central Cellars, dated 28 March 2025 :

- the licensees seek to have the proposed requirement for Mr Paton to complete Advanced Licensee training dismissed as he has already completed Licensee Training and a refresher Licensee Training since the incident occurred. They note that Mr Paton has a clean compliance record
- they have suggested that only the staff member who failed to check identification the day requires retraining as all staff members have undergone ‘briefing sessions’ to ensure compliance with policies regarding the identification of minors
- they have requested that the licence fee increase associated with the demerit points be waived due to the ‘significant financial hardship’ it will impose on the business.

Considerations under section 144ZA of the Act

We have also considered the relevant factors identified in section 144ZA of the Act, and note in the original submission from L&GNSW dated 25 July 2024 that:

- there is no material to indicate that the size and patron capacity of the licensed premises impacted the licensee’s ability to prevent the commission of the demerit offence
- there is no history of demerit offences having been committed by Mr Paton, other than the offence described in the submission
- there is no history of any previous prescribed complaints against the licensee
- it does not appear that other action against the licensee, outside the remedial action as set in the submission, is preferable
- Mr Paton had been the licensee since 1 October 2012. The business owner and licensee have been in place since 1 October 2012
- we are not aware of any changes to the business practices carried under the licence at the time of the submission.

Our findings

We are satisfied that:

- two demerit points have been accumulated by the licensee in a three-year period
- liquor was sold to a minor, thus breaching section 117(8) of the Act.

Having considered the available material, we find that the licensee failed to comply with his obligations under the Act to ensure that liquor is not sold or supplied to persons under the age of 18.

We consider the offence to be serious and warrant an enforceable regulatory response by way of remedial action, to prevent any similar occurrence in future.

Ensuring identification of young persons are checked is a fundamental responsibility of a licensee and staff and is an essential harm minimisation measure to reduce the risk of alcohol being sold or supplied to a vulnerable group such as minors. Failure by licensed premises to ensure minors are not served alcohol is contrary to community expectation of how licensed premises should operate and increases the risk that minors will experience alcohol-related harm.

The material we considered

We considered all the material we received about the matter, including:

- notification of the accumulation of demerit points from L&GNSW, dated 25 July 2024
- submission from L&GNSW, dated 12 February 2025
- submission from the licensees, Glenlee Central Cellars, dated 28 March 2025.

The law that applies

These sections of the *Liquor Act 2007* apply in this decision:

- Section 3: Statutory objects of the Act and other relevant considerations
- Section 117: Offences relating to sale or supply of liquor to minors
- Section 144T: Remedial action — accumulation of 2–3 demerit points
- Section 144Z: Notice of proposed remedial action
- Section 144ZA: Requirements for deciding to take remedial action.

If you are dissatisfied with this decision

If a person who is notified of the decision is dissatisfied with this decision, they may apply to NSW Civil and Administrative Tribunal (NCAT) for a review.

An application for review must be made no later 21 days after being notified of the decision.

For more information, please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney or visit the NCAT website.

This decision will be published on our website.

If you have any questions

Please contact the Office of ILGA at office@ilga.nsw.gov.au if you have any questions.

Yours sincerely



Jeff Loy

Board Member

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

Schedule 1 – Licence conditions to be imposed
Glenlee Central Cellars, LIQP700356898

| No. | Condition to be imposed | Description |
|-----|-------------------------|--|
| 1. | RSA Training | <p>The Licensee and all staff are required to undertake a responsible service of alcohol (RSA) training course conducted by an approved Registered Training Organisation (RTO). The training is required to be completed by all staff within a 2-month period of the date of the decision on remedial action.</p> <p><i>Note: this excludes staff who have completed RSA training since the prescribed offence occurred (26 October 2023).</i></p> <p>In this condition:</p> <p>‘staff’, in relation to the subject premises, means any person undertaking duties related to the sale and supply of alcohol on the licensed premises, including staff responsible for the monitoring of liquor consumption and patron behaviour.</p> |