

NSW Independent Liquor & Gaming Authority

Liquor & Gaming NSW	NSW Police
Wollongong City Council	Taylor Redfearn Licensee Figtree Hotel

26 May 2025

Dear Sir/Madam

Reference No.	DOC25/147228
Licensee	Miss Taylor Redfearn
Licence Name	Figtree Hotel
Licence Number	LIQH400122160
Premises	47 Princes Hwy, Figtree NSW 2525
Legislation	Part 9A Division 5 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority
Application to remove demerit point - Miss Taylor Redfearn,
Figtree Hotel, (LIQH400122160)

On 18 February 2025, the Independent Liquor & Gaming Authority (**the Authority**) notified you of the application to remove a demerit point from Taylor Redfearn (**the applicant**), the licensee of the Figtree Hotel, (LIQH400122160) (**the venue**), under the *Liquor Act 2007* (**the Act**).

Our decision

Following consideration of submissions received in response to the notification, we have decided to remove the demerit point under section 144ZE(1)(a) of the Act — with the condition set out in Schedule 1.

Statement of reasons

Background

On 21 November 2024, the Authority received an application from the licensee of the Figtree Hotel seeking the removal of a demerit point under section 144ZD(1)(a) of the Act.

The venue incurred one demerit point on 9 May 2023, in accordance with section 144H of the Act, for the category 1 demerit offence, *licensee permit intoxication on licensed premises*, in contravention of section 73(1)(a) of the Act.

On 18 February 2025, we notified all relevant parties of the application and invited submissions in response.

Submissions

Submissions were received from the applicant, Liquor and Gaming NSW (**L&GNSW**), the Wollongong City Council (**Council**) and NSW Police (**Police**). We have considered the submissions, which are detailed below:

On 6 March 2025, the applicant:

- advised that the act or circumstances that were the basis of the demerit offence in respect of which the demerit point was incurred did not result in serious harm to anyone
- implemented measures to reduce the risks that contributed to the commission of the demerit offence in response of which the demerit point was incurred
- provided policies and guidelines of the venue, that address the prevention of intoxication
- confirmed that no further Category 1 demerit offence or Category 2 demerit offence was committed since the venue incurred the initial demerit point on 9 May 2023
- increased the venue's participation in local Liquor Accord meetings.

Dated 13 March 2025, L&GNSW:

- did not oppose to the proposed demerit point removal
- advised there is no evidence to indicate whether 'serious harm' occurred as a result of the incident
- confirmed the licensee completed the following training courses on 28 January 2025: Licensee Training Refreshed, advanced Licensee Training Refreshed, Responsible Service of Alcohol (RSA) Refreshed, Responsible Conduct of Gambling (RCG) Refreshed
- confirmed that the imposition of the demerit point was the only action taken in response to the incident as well as the lack of adverse compliance history with respect to the licensee since the point was incurred
- no indication that the licensee has committed any further demerit offences.

Dated 12 March 2025, Council reviewed their records and advised that nothing of relevance was found in relation to the application.

Dated 23 March 2025, Police:

- did not object to the application, however recommended the imposition of a Plan of Management condition
- recognised strategies implemented to strengthen compliance at the venue, with the recommendation for those to be included in a Plan of Management (POM) as a licence condition
- advised that since 10 December 2022, Police conducted 50 Business Inspections at the premises, detecting 2 breaches under sections 24 and 46 of the Gaming Machines Regulation 2019 on 29 December 2023, resulting in a compliance notice to rectify breaches detected
- noted the premises being a late trading venue, trading until 3AM which is known as the high-risk period for licensed premises.

The applicant was provided a copy of the submissions and invited to comment. The applicant did not comment on the submissions from L&GNSW and Council, however provided a response to the Police submission which is detailed below.

Dated 9 April 2025, the venue:

- highlighted that Police conducted 50 Business Inspections and found fault with the venue's systems on only one occasion
- highlighted that Police acknowledged the Hotel has comprehensive strategies in place
- is committed to continuing with these strategies without the need for a POM condition
- stated that the purpose of safeguarding the premises from poor trading practises is not relevant based on the venue's positive trading history

In the course of considering the application and in light of the Police submission, we were concerned about the relatively long trading hours (Mondays to Saturday from 5AM – 3AM, Sundays 10AM – 12AM) and the high-risk nature of the premises as indicated by Police.

However, we also noted that the venue implemented measures, and training courses, to manage and reduce the risks that contributed to the commission of the demerit offence in respect of which the demerit point was incurred. We also considered the lack of adverse compliance history with respect to the licensee since the point was incurred.

On balance, we were minded to approve the application, however we also considered the imposition of a POM condition on the licence in the interest of harm minimisation associated with the misuse and abuse of liquor. We subsequently issued a notice of proposed imposition of licence condition to the applicant on 22 April 2025, in line with our obligation under section 53(4) of the Act.

We advised the applicant that we were minded to approve the application, however were considering whether to impose a POM condition on the licence under section 53 of the Act.

On 13 May 2025, the applicant provided a submission in response to the notice and:

- advised that the venue and licensee would agree to the imposition of the proposed POM condition
- confirmed that they would not seek to make any other submissions on the basis that the Authority is minded to approve the application to remove the demerit
- asked to be given two day's notice in the event of a refusal, to reconsider their response and make a further submission.

Considerations under section 144ZE of the Act

We have also considered the relevant factors identified in section 144ZE(2)(b) of the Act, and note that:

- no remedial action was taken by the Authority in response to the demerit point being incurred
- the licensee of the licensed premises has implemented measures, and undertaken training courses, to manage or reduce the risks that contributed to the commission of the demerit offence in respect of which the demerit point was incurred
- the licensee has not committed any category 1 or category 2 demerit offences since the demerit was incurred
- The *Liquor Regulation 2018* prescribes other matters the Authority must consider including:
 - the submissions received from L&GNSW, Police and Council, which reflect that they do not object to the removal of the demerit point; and
 - the licensee increased the venue's participation in the local liquor accord meetings, with key takeaways shared with the team after each meeting, to ensure alignment with industry standards and remain focused on customer safety.

Our findings

We are satisfied that the factors under section 144ZE(2) of the Act have been met as outlined above. Having considered the evidence and information before us, we have decided to **remove** the demerit point under section 144ZE(1)(a) of the Act — with the condition set out in Schedule 1.

Under section 144ZF of the Act, the Authority may reinstate the demerit point if the Authority is satisfied that the demerit point was removed on the basis of false, misleading, inaccurate or incomplete information provided by the licensee.

The material we considered

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

- the application to remove a demerit point
- stakeholder submissions in response to the application
- the applicant's submission in response to our notice of proposed imposition of licence condition.

Opportunity for review

The applicant and anyone who was notified of the application and made a submission, may apply to NCAT for a review of the decision.

An application for review must be made no later 21 days after the person receives the notice.

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 condition to be imposed - Figtree Hotel

No.	Condition to be imposed	Description
1.	Liquor plan of management	<p>1) The licensee must engage a person who holds a class 2A security licence, or is otherwise suitably qualified, to prepare a plan of management (POM) for the licensed premises and submit the POM to the Authority for approval within 2 months from 26 May 2025. The plan should be systems based and adopt a continuing approach to address the following:</p> <ul style="list-style-type: none"> a) Compliance with licence conditions and liquor laws. b) The responsible service of alcohol. c) Minimising disturbance to the neighbourhood particularly addressing effective management of patrons: <ul style="list-style-type: none"> i) who are approaching intoxication, intoxicated, violent, quarrelsome or disorderly, ii) queuing to gain entry to the premises, and iii) within and departing the premises. d) Effective management and deployment of venue staff particularly addressing: <ul style="list-style-type: none"> i) maintaining an incident register, ii) security and patron safety, iii) crime scene management procedures, and iv) induction and training. e) Appropriate responses to concerns raised by NSW Police or residents affected by the operation of the licensed premises. <p>2) The premises is to be operated at all times in accordance with the Plan of Management dated <date to be inserted upon delivery of the updated POM> 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.</p>