

Northern Territory Licensing Commission

Reasons for Decision

Premises:	Annie's Place Town and Country Tavern The Rock Bar
Licensees:	Annie's Place (NT) Pty Ltd Town and Country Tavern Pty Ltd Blaxland Star Pty Ltd as Trustee for The Rox Bar Unit Trust
Licence Numbers:	81403495 80317647 80818127
Proceedings:	Application for a Temporary Variation to Liquor Licence Conditions to Allow Additional Trading Hours for World Cup games.
Commission Member:	Richard O'Sullivan (Chairman) Philip Timney (Legal Member) Helen Kilgariff (Member)

Background

- 1) The Northern Territory Licensing Commission ("the Commission") received three applications from licensed premises in Alice Springs for variation to their licences to enable them to remain open and serve liquor to patrons wishing to watch early morning World Cup soccer games.
- 2) The three applications were from Annie's Place, Town and Country Tavern and The Rock Bar
- 3) Prior to this, on 9 June 2010 the Commission handed down a decision in relation to applications from six Darwin Licensees for temporary licence variations to allow licensed premises to have extended trading hours to cater for the 2010 World Cup. In that decision the Commission advised:

"The Commission understands that applications for licence variations from Alice Springs Licensees will be submitted for its consideration and it advises that such applications will also need to meet the general prerequisites as outlined above."

- 4) The prerequisites included the need for Licensees to prove they had a history of sports telecasting (i.e. the variation sought to allow telecasting of World Cup games with the service of alcohol is not inconsistent with the current practices of the premises) and contained General Conditions of Trading outlined in the decision of 9 June 2010 as follows:

"The 2010 FIFA World Cup is an important sporting and television event already attracting significant attention. Liquor Licensees seeking temporary variations to their licence conditions need to demonstrate that they will minimise the risk to the amenity, public order, harm and patron intoxication of extended trading."

Licence variation for such events should have a principal focus on sport and not the consumption of alcoholic beverages. Each application is treated on its merits by the Commission in accordance with the Liquor Act."

In general terms a long run interest by Licensees in providing sports telecasting and viewing facilities and a record of seeking to provide such services in the market will be critical. Licensees who cannot demonstrate the following are therefore unlikely to have variation to their licence approved based on the FIFA World Cup event:

- *Venues that are already set-up and have installed equipment to show sporting events, with appropriate room layouts and equipment, including plasma screens and large screens that have previously been used to show sporting events.*
- *Venues located near and around the main tourist accommodation precincts.*
- *Venues that market to and attract tourists and backpackers to their premises and are likely to attract these patrons to watch their national teams play live.*

General Conditions of Trading

Based on general guidelines advised by the Commission and the more detailed framework developed by the Department of Justice, the Commission is favourably disposed to grant applications which meet the criteria outlined below in terms of the extended hours requested, general condition for the above extended hours and number of games to be covered by the licence variation.

Extended hours:

- *5.30am requested for specific Round 1 games;*
- *6.00am for specific Round 2, Quarter Finals, Semi Finals and Final games;*
- *An additional half an hour for patrons to remain on premises post game completion to allow "drink up", without service of alcohol.*

General Conditions for the above extended hours:

- *There shall be a 3:00am soft close. No liquor shall be sold between 3:00am and 3:30am, during which time the Licensee shall clear tables. Lighting shall be increased to normal levels and there shall be no amplified music. Customers are permitted to remain on premises.*
- *From 3.30am, the only form of audio or visual entertainment will be the live World Cup Soccer broadcast. The venue shall operate, and have the appearance of operating, as a sporting entertainment venue and not as a music entertainment venue.*
- *From the time it commences, live commentary of the game must be played and clearly audible within the premises. The Licensee shall ensure that the Licensee's audio visual equipment (on which the game is shown) cannot be seen or clearly heard outside of the premises.*
- *A lock-out shall be imposed from 3:50am. During the lock-out, no pass-outs shall be issued and customers shall not take alcohol outside of the area specified for the event (including into the designated smoking areas).*
- *After 3.50am, the front entrance to the premises shall be screened to ensure that the venue appears private and not open to the public. People are to be discouraged from congregating outside the premises and outside audio/visual equipment is not to be operated.*
- *The Licensee shall close the premises on the instructions of a Licensing Inspector, uniformed Sergeant or more senior Police Officer, if in their opinion the operation of the licensed premises is directly contributing to public disorder or there has been a significant breach of the Liquor Act or licence conditions.*

- *Adequate security shall be provided, to at least the normal requirements, while the premises are open to the public, including in the designated smoking areas.*
- *Entry to the premises shall be permitted through the main door only.*
- *There shall be no shots of spirits served after usual trading hours.*
- *There shall be no more than four alcoholic beverages or one bottle of wine sold per person at any one time.*
- *Jugs of water are to be made available from bars on request.*
- *Tea/coffee and soft drinks shall be available.*
- *Hot food shall be available until 4.00am.*
- *Having regard to neighbours and local businesses, the Licensee shall ensure the orderly dispersal of customers from the premises and shall minimise any disturbance.*
- *The Licensee shall assist with transport arrangements from the venue and shall ensure security officers employed at the venue monitor the nearest taxi rank.*
- *There shall be no liquor discounting, advertising or promotions of cheap liquor during the period covered by extended hours.*

Number of Games

- *The Licensee shall provide to the Director of Licensing for his approval prior to the event, a schedule of the dates, times and game details for which this variation is to apply.”*
- 5) The Commission’s consideration of the three Alice Springs applications would accordingly be based on the same prerequisites as applied to the Darwin applications. Those prerequisites have been developed by the Department of Justice in conjunction with NT Police and the Australian Hotels Association (NT).

Annie’s Place

- 6) The application from Annie’s Place requests a trading extension for 4:00am for all round one games and up until 6:00am for all round two games. The applicant also advised that the Licensee would abide by the prerequisites (as outlined above and in the Commission’s decision 9 June 2020).
- 7) Current trading hours for Annie’s place are between 11:30am to 1:00am the following day, seven days a week. For bona fide lodgers the licensing provision allows the sale of liquor twenty four hours a day.

Town and Country Tavern

- 8) Town and Country Tavern has applied for trading hours to 5:30am for stage one matches and 6:00am for stage two and final matches. The Licensee has also sought an extension of an additional one hour, should the matches go into extra time and should games result in penalty shoot outs.
- 9) Current trading hours for this venue are from 11:00am until 2:00am the following day, seven days a week. The alfresco area on the premises is licensed to 1:00am on all days. This area is not part of the extended trading hours application. The applicant has advised that it is willing to abide by the prerequisites determined in the decision applying to the approved Darwin premises, as outlined above.

The Rock Bar

- 10) The Licensee has requested extended hours until 2:00am with patrons allowed to stay on premises until 2:30am, allowing them to finish their drinks.
- 11) The current trading hours for the premises extend from 11:30 am until 1:00am the following day, seven days a week. As the applicant is only seeking a one hour extension of their licence, not all of the early morning prerequisites detailed above need to apply. The Licensee advises that snack food will be available until closing and that the venue will have the appearance of operating as a sporting venue during the games shown.

Consideration of the Issues

- 12) Annie's Place currently has a licence which enables the service of alcohol to in house guests at all times. The Commission considers that the premises would be able to cater for its house guests under the existing licence and hence is not inclined to grant the application to enable non guests to be served alcohol up until 6:00am.
- 13) Town and Country Tavern has demonstrated a history of trading as a sports telecasting venue and is willing to be subject to the same conditions imposed on Darwin venues whose hours have been extended to allow World Cup viewing. The application does not include the alfresco area and approval of this application is consistent with the Commission decision taken on Darwin venues.
- 14) The Rock Bar submission is to seek extension of trading until 2:00am and differs from the other venues who have sought more extended hours. The Commission is aware that the licensed area for viewing the World Cup will include a contained alfresco area, but as the trading extension is only to 2:00am, the Commission is inclined to grant this application. However, should noise emanating from the alfresco area cause undue disruption to community amenity the Commission will review this aspect of its decision.

Decision

- 15) The Legal Member has advised ex tempore of the Commission decision on these applications on 10 June 2010 and this has been conveyed to the three Licensees affected. That ex tempore decision is contained at attachment A.
- 16) The Commission confirms that the application by Annie's Place for extended trading hours is not approved on grounds that it is already able to sell alcohol to in house guests twenty four hours a day and thus able to cater for their needs for World Cup viewing.
- 17) The application by Town and Country Tavern is approved with the extended trading hours subject to the same conditions that have been imposed for Darwin venues. The alfresco area will cease to trade as per normal licence hours which extend to 1 am.
- 18) The Rock Bar application is approved, noting that the licence extension for World Cup games is for one hour only i.e. 1:00am to 2:00am. Conditions consistent with the spirit of those specified for the Darwin venues granted later licences will apply. For this venue there will be jugs of water on tables and snack food available until closing and the premises will have the appearance of a sporting venue during the extended hour.

Richard O'Sullivan
Chairman

1a June 2010