

Northern Territory Licensing Commission

Reasons for Decision

Premises:	Globetrotters Lodge Shenannigans Irish Pub Monsoons The Victoria Hotel Kitty O'Sheas Café and Nightclub And the KO Sports (KO Sports Bar Only) Top End Hotel
Licensees:	Globies Pty Ltd Shenannigans Irish Pub Pty Ltd Tropics Holdings Pty Ltd Reviction Pty Ltd Omnyx Pty Ltd Haliko Pty Ltd
Licence Numbers:	80316050 80315480 80315790 80300989 80300296 80100335
Proceedings:	Application for a Temporary Variation to Liquor Licence Conditions to Allow Additional Trading Hours
Commission Member:	Richard O'Sullivan (Chairman)

Background

- 1) On 20 May 2010 the Northern Territory Licensing Commission ("the Commission") handed down a decision with regard to temporary variation applications received from Globetrotters Lodge, Shenannigan's Irish Pub, Kitty O'Sheas and Monsoons, to extend trading hours to cater for the 2010 FIFA World Cup. The Commission did not approve the applications for extended trading hours as submitted. (Refer Attachment A).
- 2) The Commission determined after the aforementioned decision to accept revised applications that met tighter and effective patron control guidelines.
- 3) The Commission had advised that it:

"Will consider revised applications from Licensees as long as they include measures to ensure only patrons watching the World Cup are catered for during the times sought. Such revised applications would be considered on individual merits.
- 4) The Commission, without prejudice, would take into account:
 - *Lockouts of patrons after the games have begun*
 - *No alcohol service at bars/areas not exclusively used for the coverage of the games*
 - *Effective patron control*
 - *Strict adherence to responsible service of alcohol*

- *Any reduction to the number of days for which licence extensions are sought.”*
- 5) The guidelines for Commission consideration for revised applications were developed into a more detailed framework by the Department of Justice in consultation with Northern Territory Police, Licensees and the Australian Hotels Association.
 - 6) The Department of Health and Northern Territory Police have both made comments in relation to the six (6) applications above, with both agencies expressing strong concerns that the hours of trade proposed will add to alcohol related harm.

Consideration of the Issues

World Cup 2010

- 7) 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.
- 8) 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*.
- 9) 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

- 10) 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.
- 11) 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.
- 12) 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 (4) alcoholic beverages or one (1) 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.

13) 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.

14) The applications have all been assessed individually with reference to the above pre-requisites (General Conditions of Trading) and an established record of providing sports telecasting (Paragraph 9). All venues whose applications are approved will have the same conditions imposed including lock out, soft close from 3.00am to 3:30am. Licensees are to stop selling alcohol, organise seating and generally prepare the premises for viewing of the late games commencing at 4.00am and no patron viewing of games or licence variation for alfresco areas.

Decision

15) The applications received from:

- Shenannigans Irish ;Pub;
- Kitty O'Sheas Irish Bar, Café and Nightclub, and the KO Bar (KO Bar Only) and
- Globetrotters Lodge

are all approved based on those Licensees meeting the requisites, including the General Conditions of Trading in Paragraphs 10 – 13 and having a history of providing sports telecasting, outlined in Paragraph 9.

16) The applications received from:

- The Victoria Hotel;
- Monsoons; and
- Top End Hotel (The Balcony Bar Only)

are not approved. However, if these Licensees are able to demonstrate conformity to the pre-requisites, the Commission will consider the revised application. In particular the Commission advises that such applications will need to ensure that alfresco or outside balcony areas will not be used for the viewing of games or be used such as to cause unacceptable noise in the neighbourhood.

17) The Commission will monitor reports from Police and Licensing Inspectors and if these contain information on alcohol fuelled unacceptable behaviour by patrons the Commission may review the Licence variations and the related conditions attached to these variations.

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

Richard O'Sullivan
Chairman

9 June 2010