

Northern Territory Licensing Commission

Reasons for Decision

Premises:	Globetrotters Lodge Shenannigans Irish Pub Monsoons Kitty O'Sheas Café and Nightclub And the KO Sports Bar (Application for KO Sports Bar only)
Licensees:	Globies Pty Ltd Shenannigans Irish Pub Pty Ltd Tropics Holdings Pty Ltd Omnyx Pty Ltd
Licence Numbers:	80315480 80316050 80315790 80300296
Proceedings:	Application for a Temporary Variation to Liquor Licence Conditions to Allow Additional Trading Hours
Commission Members:	Richard O'Sullivan (Chairman) Philip Timney (Legal Member) Wally Grimshaw

Background

- 1) A number of licensed premises have sought Commission approval of temporary variations to licence conditions to enable extended early morning trading for patrons to view 2010 Football World Cup games being broadcast from South Africa.
- 2) Currently the applicants for temporary licence variations have the following trading hours:

Globetrotters Lodge	10.00 – 02.00 (the following day) - seven days
Shenannigans	10.00 – 02.00 (the following day) - seven days
Monsoons	10.00 – 04.00 (the following day) - seven days
Kitty O'Sheas (KO Sports Bar)	10.00 – 02.00 (the following day) Sunday to Wednesday 10.00 – 04.00 (the following day) Thursday to Saturday
- 3) The applications seek an extension of trading to enable bars to be open and alcohol to be served until up to 06:00am for patrons to watch the soccer games from Friday 11 June 2010 until Sunday 11 July 2010. Full details as provided to the Commission are attached. (Attachment A)
- 4) In the past similar requests for extension of licence hours have been approved for soccer and rugby international events broadcast on television late in the evening and early morning. The Commission is advised by Licensing Inspectors that in the past these approved extensions of licensed hours have not resulted in adverse reports.

Matters Taken Into Consideration

- 5) Comments on these applications for extension of trading hours were sought from Northern Territory Police and Department of Health and Families. Both of these agencies have expressed some concern over the potential for increased trading hours.
- 6) The Department of Health and Families has submitted that an isolated application by a venue for a temporary licensing extension may not cause harm, however with the many applications before the Commission, this may present “*a different dynamic altogether*” in terms of patron and wider community harm.
- 7) The Northern Territory Police concern is expressed more in terms resourcing implications should these venues have extended trading hours granted.
- 8) The Licensing Commission is acutely aware of community concern over the potential for harm arising from late night / early morning trading, particularly where there is a grouping of licensed outlets in a precinct such as Mitchell Street. Over recent years there has been an increase in the number of licences held in this Mitchell Street precinct.
- 9) The result of a large number of licences within close proximity to each other has enabled patrons to venue hop and to move from venue to venue to seek out those with later trading licences. This to a limited degree has been lessened or mitigated by the imposition by the Licensing Commission of 03.00am lockouts at late night trading venues ie those trading until 04.00am. In effect this prevents patrons from entering those premises after 03.00am, or if they leave the venue they cannot return after 03.00am.
- 10) With the increased popularity of the Mitchell Street precinct the Commission has concerns that many of the potential patrons of the licensed venues who have sought temporary trading hours would remain on the premises purely to access alcohol rather than watch the sporting event. This concern by the Commission is also based on the potential for, and likelihood of, an increased number of applications from other venues for similar trading extensions, should those currently before the Commission be approved.
- 11) The result of this would be to create a zone of later trading hours than currently exist and this is an outcome the Licensing Commission does not wish to see occur.
- 12) In the past a number of licensed venues have received approval to extend trading hours to cater for clients wishing to view international rugby and soccer games which are broadcast in the late evening and early mornings. The Commission is advised that a number of the current applicants have in the past received approval to have extended hours for a discrete and limited number of sporting events. There is, in the Commission’s view, a danger that more licensed premises will in future seek such variations to the point where the patrons being catered for are no longer at the premises just to view the sporting event.
- 13) There is also the potential for licensed venues to make application for temporary licence extensions to cater for other internationally televised sporting events broadcast in the early morning, such as car racing, Olympic Games and so on. The Commission does not want to see this extension of applications and approvals occur.

Decision

- 14) For the above reasons the Licensing Commission is taking the stand to NOT approve this block of temporary licence variations sought, so as not to enable a general trend of extended trading hours to emerge.
- 15) Therefore the temporary variations sought by Globetrotters Lodge, Shenannigans Irish Pub, Monsoons and Kitty O’Sheas Irish Bar - Café and Nightclub, and the KO Sports Bar are NOT approved for the reasons stated above. In making this decision the Commission is not closing the door to applications to allow for extended opening hours under Section 104 of the *Liquor Act* which enables persons to stay on licensed premises after trading hours,

but with no sale of alcohol to occur. This could enable Licensees to serve non-alcoholic beverages and food to patrons wishing to stay at the premises to watch the entirety of the football game.

Richard O'Sullivan
Chairman

20 May 2010