

Northern Territory Licensing Commission

Reason for Decision

Premises:	AWOF Sports Corner Bagot Road and Old McMillans Road Coconut Grove NT 0810
Applicant:	Australian Sports, Education and Lifestyle Pty Ltd
Nominee:	Mr Matthew Dudley
Licence Number:	80816670
Proceedings:	To Undertake a Hearing to Consider an Application for a Variation to the Liquor Licence Conditions for the premises known as AWOFF Sports pursuant to Section 32A of the <i>Liquor Act</i>
Members:	Mr Richard O'Sullivan (Chairman) Ms Cindy Bravos Mrs Jane Large
Date of Decision:	21 February 2013

Background

- 1) Mr. Matthew Dudley, a Director of the Licensee company, Australian Sports, Education and Lifestyle Pty Ltd and Nominee at the premises AWOFF Sports, applied for a variation of the licence conditions for these premises pursuant to Section 32A of the Liquor Act ("the Act"). The variation sought is for a variation of trading hours from the current trading hours:

Sunday 12:00 to 23.59
Monday to Friday 17:00 to 23.59
Saturday 12:00 to 23.59
Public Holidays 12:00 to 23.59

to proposed trading hours:

Sunday 12:00 to 23.59
Monday to Friday 15:00 to 23.59
Saturday 12:00 to 23.59
Public Holidays 12:00 to 23.59

- 2) The application was advertised in the Northern Territory News under the previous trading name "DTC Sports" on Friday 2 November 2012 and Wednesday 7 November 2012. No objections were received in relation to this application. The Darwin City Council, Northern Territory Police, Northern Territory Fire Service advised that they had no concerns regarding the application. Northern Territory Health has not lodged an objection but has requested that the Commission considers concerns that it has identified. These concerns relate to the possible effect on minors of the extending of the trading hours on Monday to Friday from 17:00 hours to 15:00 hours. Northern Territory Health states that :

“it would be inappropriate to allow the consumption of alcohol at venues of this type while the majority of persons in attendance are underage persons attending professional coaching lessons or underage sporting fixtures.”

3) Mr Dudley in support of the application states:

- The AWOFF is a multi-sports facility providing both junior and senior tennis coaching, national competitions, five aside football competitions, beach volleyball competitions and swimming lessons.
- The centre features a fully licensed bar, conference room, soccer, beach volleyball and tennis courts. The centre further caters for birthday parties and work functions.
- Competitions are scheduled over several days with games commencing in the morning and concluding late in the evening.
- The events attract a number of spectators and participants along with support persons either parents, trainers etc who have expressed the desire to be able to have a drink earlier in the afternoon.
- AWOFF Sports is the only licensed premises within several kilometres of its location and does not attract persons that just wish to partake in the consumption of liquor.

4) As there are no formal objections to the variation of the licence conditions the Commission determined to conduct a Hearing on the papers.

Consideration of the Issues

5) The application meets the requirements of Section 32A of the Liquor Act and the information provided gives reasons why the grant of the variation to licensed hours will be in the public interest. There is a discrepancy in that the newspaper advertisements for the variation refer to the premises known as DTC SPORTS whilst the licence is for AWOFF Sports. This is a timing issue as in November 2012 when the advertisements were published the premises was known as DTC Sports. It was renamed and a revised licence was issued on 14 January 2013.

6) The requirement to advertise a variation to a condition in a liquor licence is to advise the general public of the application for a variation and allow anyone living or working in the neighbourhood to lodge an objection to the variation. The Commission concluded that there was adequate information provided for the general public and particularly anyone living and working in the neighbourhood to be aware of the variation and that the discrepancy had no effect of the decision making process for the application because:

- The location and the activities conducted on the premises are unchanged.
- The location of the premises is clearly identified as being on the corner Bagot Road and Old McMillans Road and the Sports Centre, under various names, is and has been the only occupant at this location, since 1985.
- A green sign notifying of the variation was displayed on the premises for the required period of time.

- The premises was known as DTC Sports throughout the time period for lodging an objection and no objection under that name was lodged.

7) The Commission, when considering Northern Territory Health's concerns, examined eight other similar liquor licences for sporting clubs that cater for adults and minors. It found that the starting times for trading on Monday to Friday are very variable with some starting at 10:00 hours and another commencing on Wednesday and Thursday at 18:00 hours. Similarly, the closing times are varied. It appears that the trading hours for sporting clubs depends on the type of sport played, when the club premises is used and the schedule of activities. The Commission noted that these licences contained a special condition namely:

"Bona Fide Players: Liquor shall only be sold to bona fide players and spectators."

8) The current licence for AWOOF contains a special condition relating to Minors on Premises, namely:

(a) *No minors within the meaning of the Liquor Act shall be permitted to enter or remain on the licensed premises unless accompanied by a parent or person in loco parentis at the time, or unless such minor shall be present of the premises for the bona fide purpose of playing sport, whether competitively, socially or by way of participation in any coaching session.*

(b) *Liquor shall not be consumed by any person on or in the immediate vicinity of any court or playing area while any junior game or lesson is in progress on that court or laying area."*

9) Having considered all the issues the Commission reached the conclusion that the inclusion of an additional Special Condition in the AWOOF Sports liquor licence limiting the sale of alcohol to bona fide players, support persons, such as trainers, and spectators together with the current condition for minors on premises will adequately ensure that the variation of trading times for the sale of alcohol will have a very limited or nil effect on minors on the premises. The Licensee should be agreeable to the inclusion of this additional condition as Mr Dudley advised Northern Territory Health via e-mail on 7 December 2012 that:

"Liquor will only be served to people over the age of 18 who are using our facilities or spectators. We have the right to refuse anyone from the purchasing of liquor and this will be enforced if that person is not using the facility or a spectator."

Decision

10) The Licensing Commission approves:

(a) a variation of trading hours for the sale of alcohol by the Licensee, Australian Sports, Education and Lifestyle Pty Ltd, at its premises AWOOF Sports as follows:

Monday to Friday 15:00 to 23.59 hours.

(b) the inclusion of a Special Condition in Liquor Licence Number 80816670 to read:

Bona Fide Players: Liquor shall only be sold to bona fide players and support persons such as trainers and spectators.

Richard O'Sullivan
Chairman

21 February 2014