

Our ref: DOC23/149875

Ms Jade Hall
Liquor and Gaming Solutions

By email to: Jade@lgsgroup.com.au

7 July 2023

Dear Ms Hall

Application No. 1-8601184439 – extended trading authorisation
1-8630110692 – change of conditions

Applicant THE ROGUE SCHOLAR PTY LTD

Application for Amendment – hotel (general bar) – new extended trading authorisation and change of conditions

Application date 9 March 2023 (Extended trading authorisation)
28 March 2023 (Change of conditions)

Decision date 21 June 2023

Licence name The Rogue Scholar

Licence number LIQH4040019019

Proposed trading hours Consumption on premises
Monday to Saturday 10:00 AM – 02:00 AM
Sunday 10:00 AM – 12:00 midnight
Temporary outdoor area (alfresco) – expires 31 December 2023
Sunday – Thursday 10:00 AM – 10:00 PM
Friday to Saturday 10:00 AM – 12:00 midnight

Current trading hours Consumption on premises
Monday to Saturday 10:00 AM – 12:00 midnight
Sunday 10:00 AM – 10:00 PM
Temporary outdoor area (alfresco) – expires 31 December 2023
Sunday – Thursday 10:00 AM – 10:00 PM
Friday to Saturday 10:00 AM – 12:00 midnight

Premises 4-6 Union Street
Newcastle West NSW 2302

Legislation Sections 3, 11, 12, 14, 15, 16, 40, 44, 45, 48, 49, 53 and 121 of the *Liquor Act 2007*

**Decision of the Independent Liquor & Gaming Authority
Application for a change of conditions – The Rogue Scholar, Newcastle West**

We **approve** the application above under section 45 of the *Liquor Act 2007* — with the conditions to be imposed and revoked as set out in Schedule 1.

Statement of reasons

The statement of reasons will be published on the [Liquor & Gaming NSW website](https://www.liquorandgaming.nsw.gov.au) in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

If you're not happy with this decision

If the applicant, or a person who was notified of the application and made a submission, is unhappy with this decision, they may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later 28 days after being notified that the decision is published on the [Liquor & Gaming NSW website](#). There is a fee to lodge the application.

For more information please contact the NCAT Registry at Level 10 John Maddison Tower, 86-90 Goulburn Street Sydney or visit the [NCAT website](#).

If you have any questions

Please contact the case manager, Glenn Barry, at Glenn.Barry@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Caroline Lamb', is positioned above the typed name.

Caroline Lamb

Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

STATEMENT OF REASONS

Our decision

We have considered the objects of the *Liquor Act 2007* (the Act) and the relevant legislative provisions and have approved the application under section 45 of the Act, and impose and revoke conditions as listed in Schedule 1 under section 53 of the Act.

Overall, we are satisfied that the social impact of approving the application will not be harmful to the well-being of the local or broader community.

The decision achieves the aim of the Act to regulate the liquor industry to meet the community's expectations, needs, and aspirations, while also promoting a balanced and responsible development of the industry.

Our main findings

The local community for the purposes of this decision is Newcastle West. The broader community is the Local Government Area (LGA) of Newcastle.

Positive social impacts

We are satisfied that the proposal would benefit the local and broader communities by providing increased convenience and choice.

Negative social impacts

We accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- longer licensed trading hours (additional 14 hours per week)
- higher than average liquor licence density in Newcastle West and the Newcastle LGA
- venue being located in a high density hotspot for all categories usually considered by the Authority
- crime rates in the Newcastle LGA being higher than NSW averages for incidents of alcohol-related domestic assault, alcohol-related non-domestic assault and malicious damage to property
- higher than average crime rates in the Newcastle suburb and LGA
- higher than average level of alcohol-attributable deaths in the Newcastle LGA.

However, we are satisfied that these risks are reduced by:

- nil adverse findings for the venue relating to the eased conditions and their participation in the Stage Two trial
- the venue's relatively moderate patron capacity
- crime comparison data indicating that incident numbers in Newcastle West are relatively low and have remained stable over the past 5 years for all categories usually considered by the Authority
- crime comparison data indicating that crime rates for alcohol-related non-domestic assault, malicious damage to property and alcohol-related disorderly conduct in the Newcastle LGA are showing downward trends compared to 5 years ago
- data indicating above average relative socio-economic advantage in the Newcastle LGA
- the rate of alcohol-attributable hospitalisations in the LGA being lower than the NSW rate
- possible skewing of crime statistics and licence densities due to the suburb having a relatively low population and also because the venue is located within a business/retail district where visitation occurs from other suburbs within the LGA and beyond
- the liquor plan of management incorporating the following:

- RSA marshals and/or security personnel to be employed whenever the venue trades extended hours
- venue entry and exit by a single door
- doors to be closed whenever live music performances occur
- minors not being permitted on the venue after 12:00 midnight
- the sale and supply of alcohol ceasing 15 minutes prior to close
- other harm-minimisation measures outlined in the updated plan of management and licence conditions as set out in Schedule 1.

The material we considered

We considered the following material when making our decision:

- the application material — including evidence that stakeholders and the community were notified about the application
- a community impact statement (CIS)
- the plan of the licensed premises and any authorisations
- a plan of management for the licensed business
- a development consent for the premises
- statistics from Liquor & Gaming NSW, Bureau of Crime Statistics and Research, NSW Health and Australian Bureau of Statistics on the socio-economic status, liquor licence density, alcohol-related crimes rates and health issues in the local and broader communities
- stakeholder submissions and the applicant's response them
- the Newcastle Stage 2 Evaluation Report.

We also considered [Guideline 6](#) to assess the likely social impact to the local and broader community.

Yours sincerely



Caroline Lamb

Chairperson

For and on behalf of the **Independent Liquor & Gaming Authority**

**Schedule 1 – Licence conditions to be imposed
The Rogue Scholar**

No.	Condition to be imposed	Description
1.	Plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated 28 March 2023 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.
2.	Social impact	The business authorised by this licence must not operate with a greater overall level of social impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of: 1. obtaining the licence on 21 May 2020 2. obtaining the extended trading authorisation on 21 June 2023.
3.	Extended trading authorisation	Whole of the indoor area of the ground floor.
4.	CCTV	<p>1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:</p> <ul style="list-style-type: none"> (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times), (b) recordings must be in digital format and at a minimum of fifteen (15) frames per second, (c) any recorded image must specify the time and date of the recorded image, (d) the system's cameras must cover the following areas: <ul style="list-style-type: none"> (i) all entry and exit points on the premises, (ii) the footpath immediately adjacent to the premises, and (iii) all publicly accessible areas (other than toilets) within the premises. <p>2) The licensee must also:</p> <ul style="list-style-type: none"> (a) keep all recordings made by the CCTV system for at least 30 days, (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and (c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

No.	Condition to be imposed	Description
5.		The sale and supply of alcohol shall cease fifteen (15) minutes prior to closing time.

Conditions to be revoked – The Rogue Scholar

Condition to be revoked	Description
3010 Liquor accord (replaced by imposition of condition 2)	The business authorised by this licence must not operate with a greater overall level of social impact on the wellbeing of the local and broader community than what could reasonably be expected from the information contained in the Community Impact Statement, application and other information submitted in the process of obtaining this licence.
3050 Drink restriction	The following restrictions and conditions will apply upon the sale of alcohol after 10:00 pm: <ul style="list-style-type: none"> (a) no drinks commonly known as shots, shooters, slammers or bombs or any other drinks that are designed to be consumed rapidly; (b) no mixed drinks with more than 30 mls of alcohol; (c) no RTD drinks with an alcohol by volume greater than 5%; (d) no more than four (4) drinks, or one bottle of wine, may be served to any patron at one time.
3050 CCTV (replaced by imposition of condition 4)	1) The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: <ul style="list-style-type: none"> (a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times), (b) recordings must be in digital format and at a minimum of six (6) frames per second, (c) any recorded image must specify the time and date of the recorded image, (d) the system's cameras must cover the following areas: <ul style="list-style-type: none"> i. all entry and exit points to the premises, ii. the footpath immediately adjacent to the premises, and iii. all publicly accessible areas (other than toilets) within the premises. 2) The licensee must also: <ul style="list-style-type: none"> (a) keep all recordings made by the CCTV system for at least 30 days, (b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and (c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

Condition to be revoked	Description
<p>3060 Drinks restrictions</p>	<p>Any drink commonly referred to as a "shot" that contains more than 30ml of spirits or liqueur, and that is designed to be consumed rapidly, must not be sold or supplied at any time.</p>
<p>4020 Plan of management (replaced by imposition of condition 1)</p>	<p>The premises is to be operated at all times in accordance with the Plan of Management dated December 2021 as may be varied from time to time after consultation with NSW Police. Any proposed variations relating to service of drink and/or lock-out restrictions must be submitted to Liquor and Gaming NSW for endorsement.</p> <p>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, or Liquor & Gaming NSW inspector.</p>