

Queen's Head Hotel [2017] SALC 18

LICENSING COURT OF SOUTH AUSTRALIA

QUEEN'S HEAD HOTEL

JURISDICTION: Review of a decision of the Office of the Liquor and
Gambling Commissioner

FILE NO: 1820 of 2017

HEARING DATE: 5 and 12 May 2017

JUDGMENT OF: His Honour Judge Gilchrist

DELIVERED ON: 12 May 2017

REPRESENTATION:

Counsel:

Applicant:	Mr B Allen
Intervenor:	Mr B Allison
Solicitors:	
Applicant:	Wallmans
Intervenor:	Adelaide City Council

- 1 This is an application for a review of a decision of the Commissioner for Liquor and Gambling who refused an application made by Tony's Maylands Pty Ltd, Peter's Maylands Pty Ltd and Vicki's Maylands Pty Ltd for a series of limited licences pursuant to s 41 of the *Liquor Licensing Act 1997*.
- 2 The application is made pursuant to s 22 of the Act. It is in the nature of a rehearing. At the conclusion of the hearing I granted the application. These are my reasons.
- 3 The applicants are the joint holders of a hotel licence in respect of premises known as The Queens Head Hotel, an historic hotel in the Cathedral precinct of North Adelaide, that is situated on the southern side of Kermode Street, North Adelaide, roughly halfway between Palmer Place to the west and King William Road to the east and immediately north of the Adelaide Oval.
- 4 The applicant's sought limited licences in respect of a series of licensed events that it wished to conduct in Abbott Lane, a small laneway immediately to the East of the hotel on Saturdays at various times to coincide with AFL games to be played at the Adelaide Oval.
- 5 The applications were not opposed by the Commissioner of Police or the Adelaide City Council. Indeed the Council on review supported the application.
- 6 A limited licence is available under the Act through the invocation of s 41, which provides as follows:
 - “(1) Subject to this Act, a limited licence authorises—
 - (a) the licensee to sell or supply liquor; or
 - (b) the consumption of liquor, in accordance with the terms and conditions of the licence, in circumstances in which the sale, supply or consumption of liquor would otherwise be unlawful.
 - (2) A limited licence may only be granted for a special occasion or series of special occasions.
 - (3) A limited licence is not to be granted for a term of more than one month unless the licensing authority is satisfied that there are special circumstances justifying a longer term.
 - (4) A limited licence may be granted either to a person who holds a licence of some other class or to an unlicensed person.

- (5) A limited licence is not to be granted if—
- (a) the licence is sought for a function organised by a particular person or group; and
 - (b) limited licences have been granted for previous functions organised by the same person or group; and
 - (c) the licensing authority is of the opinion that the trade to be authorised by the licence would, in view of the frequency of applications, be better authorised by a permanent licence or by condition of a permanent licence.”

- 7 The applicant's described the events as themed events sponsored by Heineken, a well-known beer brand.
- 8 The Commissioner noted that the so called events would be open to the public, there was no requirement to pre-book, nor was there a requirement to buy a ticket to attain entry.
- 9 The Commissioner noted that the Act requires there to be a special occasion or series of special occasions to warrant the issue of a limited licence. Having found that what was involved here was no more than an expansion of the hotel's premises into the adjacent laneway for nine Saturday home AFL games, the Commissioner concluded that the proposal did not satisfy the requirement that these were special occasions. The application was therefore refused.
- 10 With respect, I think the proposal comprises of more than a mere extension of the applicants' core business.
- 11 Following the creation of the small venue licence in the Adelaide CBD in 2013, a series of laneway bars have popped up all over Adelaide. I am permitted to know that this has added significantly to Adelaide's attractiveness as a tourist destination. Their popularity indicates that they are perceived by the public as “different” to conventional bars in much the same way as alfresco dining is seen as different to conventional dining.
- 12 The applicants' core business is running a hotel. What they propose through these applications for limited licences is to conduct a series of events to enable drinking and socialising in a laneway to coincide with a limited number of Saturday home AFL games at the Adelaide Oval, at a locality almost adjacent to the oval. As such, patrons can share with the atmosphere that those games generate in an outdoor venue not markedly dissimilar to a laneway bar. Whilst the laneway might be next to the hotel, to my mind what is proposed there is not a mere extension of the applicants' core business. It promises to be an experience that is

demonstrably different to the experience that patrons would enjoy within the hotel itself and it should properly be regarded as a series of special occasions.

- 13 Accordingly, I formed the view that the threshold for the grant of a limited licence had been met. I therefore set aside the order of the delegate and granted the application.
- 14 There will come a point when the frequency of the special occasions will become such that it will no longer be appropriate to allow trading through a limited licence. I indicated when I allowed this application that that point will have been reached by 6 August 2017 and that if the applicants wish to continue with like events thereafter, they will need to explore a permanent solution.