

NSW Independent Liquor & Gaming Authority

Our ref: DF25/026503

Ms Rebecca Pope
Liquor and Gaming Solutions

15 April 2025

Dear Ms Pope

Application No.	APP-0014101925
Applicant	THE ROGUE SCHOLAR PTY LTD
Application for	New small bar with extended trading authorisation
Application date	19 December 2024
Decision date	19 March 2025
Proposed licence name	The Scholars Den
Proposed trading hours	Monday to Sunday 12:00 PM – 02:00 AM
Proposed premises	2 Union Street Newcastle West NSW 2302
Legislation	Sections 3, 11A, 20A, 20B, 20C, 40, 45, 48, 49A and 53 of the <i>Liquor Act 2007</i>

Decision of the Independent Liquor & Gaming Authority Application for a new small bar with extended trading authorisation – The Scholars Den

We **approve** the application above under sections 45 and 49A of the *Liquor Act 2007* – with the conditions set out in Schedule 1. The 6-hour closure period overrides any condition of the licence.

Approved manager or individual licensee

The licence cannot be exercised until the Authority or Liquor & Gaming NSW is notified that:

- the licence is transferred to an individual licensee, or an approved manager is appointed; and
- the licensee or approved manager is a suitable and qualified person.

Statement of reasons

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We are satisfied that the overall impact of approving the application will not be detrimental to the well-being of the local or broader community.

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

The applicant seeks to operate a small bar with extended trading until 2am Monday to Sunday, adjacent to a hotel with the same owners in an area characterised as an entertainment hub.

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

Negative social impacts

We note the objection received from the NSW Police, and accept that the proposal could contribute to an increase in alcohol-related harm in the local and broader communities because of the:

- proposed premises located in a high-density crime hotspot for all offence categories we considered
- crime rates in the LGA for alcohol-related domestic as well as non-domestic assault and for malicious damage being higher than in NSW
- saturation rate of small bar liquor licences in the suburb and the LGA being higher than in NSW
- outlet density overall per 100,000 population in the suburb and LGA being higher than in NSW
- alcohol-attributable hospitalisations and deaths in the LGA being higher than in NSW.

Note: We recognise that statistics may be skewed due to transient visitation to the suburb and/or LGA and the low population.

However, we are satisfied that these risk factors are reduced by the:

- crime rates in the LGA for alcohol-related disorderly conduct being lower than in NSW
- although crime rates in the suburb are not calculated because the population is too small, five-year crime trend data indicates that crime rates in the LGA are trending downward for the offences of malicious damage to property and alcohol-related disorderly conduct (offensive conduct), while the rates of alcohol-related assaults (both domestic and non-domestic) have remained stable
- Socio-Economic Indexes for Areas (SEIFA) data indicating an above average level of socio-economic advantage and disadvantage in the suburb and LGA compared to other communities in NSW
- proposed premises being located in the Newcastle CBD, an area designated as a late-night entertainment precinct which attracts many workers and visitors compared to the local residential population. A high number of licensed venues accommodate the increased visitation to the area
- proposed premises accommodating a maximum capacity of 65 patrons
- imposition of a public footpath condition to ensure that any patrons queuing, waiting to enter the premises, on the public footway are not causing an obstruction to regular pedestrian traffic or impeding the normal operation nearby business
- harm-minimisation measures outlined in the 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 Statement of Risks and Potential Effects
- 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 to them.

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

This decision will be published in accordance with section 36C of the *Gaming and Liquor Administration Act 2007*.

Opportunity for review

The applicant and anyone who was notified of the application and made a submission, may apply to [NCAT](#) for a review of the decision.

An application for review must be made no later than 28 days after the decision is published on the 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 Liquor & Gaming NSW at: new.applications@liquorandgaming.nsw.gov.au if you have any questions.

Yours sincerely



Caroline Lamb

Chairperson

Independent Liquor & Gaming Authority

Schedule 1: Licence conditions to be imposed - The Scholars Den

No.	Condition to be imposed	Description
1.	6-hour closure	Section 11A of the Liquor Act 2007 applies to this licence. Liquor must not be sold by retail on the licensed premises for a continuous period of 6 hours between 04:00 AM and 10:00 AM during each consecutive period of 24 hours. The licensee must comply with this 6-hour closure period along with any other limits specified in the trading hours for this licence.
2.	Restricted trading & NYE	Good Friday: 12:00 noon–10:00 PM Christmas Day: 12:00 noon–10:00 PM December 31st: Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later Note: Trading is allowed after midnight into the early morning of Good Friday and Christmas Day if authorised by an extended trading authorisation. Trading must cease at the time specified under the authorisation. The latest time that can be specified is 5.00 AM.
3.	Overall impact	The business authorised by this licence must not operate with a greater overall level of overall impact on the well-being of the local and broader community than what could reasonably be expected from the information contained in the application and other information submitted in the process of obtaining the licence.
4.	Liquor plan of management	The premises is to be operated at all times in accordance with the Plan of Management dated February 2025 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.
5.	Liquor accord	The licensee or its representative must join and be an active participant in the local liquor accord.
6.	CCTV	<ol style="list-style-type: none"> 1. The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements: <ol 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 ten (10) 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: <ol 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. 2. The licensee must also: <ol 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 sub-clause 1(a),

No.	Condition to be imposed	Description
		<p>by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and</p> <p>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.</p>
7.	Crime scene preservation	<p>Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence causing injury to a person on the premises, the person in charge of the licensed premises and/or staff member must:</p> <ol style="list-style-type: none"> 1. take all practical steps to preserve and keep intact the area where the act of violence occurred, 2. retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time on the Liquor and Gaming NSW website, 3. make direct and personal contact with NSW Police to advise it of the incident, and 4. comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred <p>In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities (e.g. crowd controller or bouncer) on or about the premises.</p>
8.	Incident register	<ol style="list-style-type: none"> 1. The licensee must maintain a register, in which the licensee is to record the details of any of the following incidents and any action taken in response to any such incident: <ol style="list-style-type: none"> a. any incident involving violence or anti-social behaviour occurring on the premises, b. any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises, c. any incident that results in a person being turned out of the premises under section 77 of the Liquor Act 2007, d. any incident that results in a patron of the premises requiring medical assistance. 2. The licensee must, if requested to do so by a police officer or Liquor & Gaming NSW inspector: <ol style="list-style-type: none"> a. make any such incident register immediately available for inspection by a police officer or Liquor & Gaming NSW inspector, and b. allow a police officer or Liquor & Gaming NSW inspector to take copies of the register or to remove the register from the premises. 3. The licensee must ensure that the information recorded in the incident register under this condition is retained for at least 3 years from when the record was made.
9.	Public footpath	<p>The licensee is to ensure that any patrons queuing, waiting to enter the premises, on the public footway are not causing an obstruction to regular pedestrian traffic or impeding the normal operation nearby business.</p>