

NORTHERN TERRITORY LICENSING COMMISSION

DECISION

PREMISES:	THE DATE FARM OUTDOOR RESTAURANT AND CAFE Lot 340 & 7404 Palm Circuit, Alice Springs
APPLICANT:	Mr (William) Mark Bunting on behalf of the Bunting Family Trust
PROCEEDING	Application for the grant of a liquor licence
HEARD BEFORE:	Mr Peter Allen
DATE OF HEARING:	1 May 2003 and 19 August 2003
DATE OF DECISION:	21 August 2003
APPEARANCES:	Ms Ruth Morley for the Applicant Senior Sergeant Godwin for the Police Station Officer Taylor for the Fire and Rescue Service

In the earlier hearing of this application I gave "in-principle" approval for the grant of a restaurant style licence. This "in-principle" approval fell short of full and formal approval as the matter of compliance with building regulations and the provision of an appropriate Certificate of Occupancy remained outstanding. Mr Taylor, an officer of the Fire Services informs me that such outstanding matters have been satisfactorily dealt with by the applicant and that no further impediment exists regarding formalisation of my earlier "in-principle" approval. Accordingly, the application for a restaurant licence is approved.

The applicant also seeks a variation to the standard restaurant licence conditions such as will permit entertainment described as "Sunday afternoon jazz" to be provided to patrons in a manner different from restaurant licence conditions to the extent that the ordering and provision of a meal need not accompany the service of liquor to patrons. The Police, although not standing in the way of a standard restaurant licence maintain their objection to this variation or special condition and ask that approval if granted, is limited to "Sunday folk and jazz", of an acoustic nature, to be provided in a "family" setting. The applicant, in the main, concurs with the position of the Police, that position being consistent with the thrust of the application.

The application is granted subject to the following condition:

The licence to be issued shall be in the format and detail of a standard restaurant licence. The entitlement to consume liquor in the absence of an accompanying meal shall be described within the licence as a special condition to be titled "Sunday Jazz".

The conditions applicable to this special condition shall be as follows:

- Liquor may be served to patrons in the absence of an accompanying meal between the hours of 2:00PM and 9:00PM on any Sunday provided that such service is accompanied by entertainment strictly limited to the performance of jazz or folk music in an acoustic style.
- Meals shall be available on request between the hours of 6:00PM and 8:00PM and substantial “snack” foods shall be available at all times during which the premises are open for trade.
- The licensee shall promote and encourage the consumption of meals and snack foods.
- The licensee shall not suffer or permit persons to consume liquor at a bar or within two metres of a bar and shall make chairs and tables available in such numbers as may be required to encourage patrons to be seated and consume in family and social groups.
- The licensee shall adhere to all statutory or regulatory requirements applicable to the provision of toilet facilities.
- The licensee shall provide security staff in such numbers as may be necessary to facilitate the orderly conduct of the premises.

Note: This condition is not intended to require the licensee to have security staff on the premises at all times. The condition is intended to place an onus on the licensee to anticipate his requirements in advance and to make such arrangements as may be appropriate on all occasions on which the premises utilises the “Sunday jazz” special conditions.

The licence as a whole shall at all times be subject to a condition that noise levels emanating from the premises must be such as to not cause unreasonable disturbance to the businesses or ordinary comfort of lawful occupiers of neighbouring premises or to any other persons in the vicinity.

The licence shall not issue until such time as the Director is satisfied that vehicles are able to enter the licensed area in a manner designed to assist the reasonable requirements of the Police and other emergency services.

Peter R. Allen