

# NORTHERN TERRITORY LICENSING COMMISSION

## REASONS FOR DECISION

**PREMISES:** AL FRESCO

**LICENSEE:** Al Fresco's Café and Pasta House Pty Ltd

**LICENCE NUMBER:** 81415370

**NOMINEE:** Mr Glen Wallace

**PROCEEDING:** Application to Vary Licence Conditions

**HEARD BEFORE:** Mr John Flynn (Acting Chairman)  
Ms Annette Smith  
Mr Alan Clough

**DATE OF HEARING:** 8 September 2005

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- 1) Mr Glenn Wallace, the Nominee, on behalf of Alfresco's Café & Pasta House has sought a review of the licence condition which currently provides:

*"Unaccompanied minors are permitted on the premises at all times with the exception of the designated bar area, which will be an area where minors are not permitted during it's licensed trading hours."*

- 2) The change sought was to delete the reference to the designated bar area so that minors would be permitted in all areas of the licensed premises during licensed trading hours.
- 3) The designated bar area which is currently restricted to adults only is approximately 15 square metres in size and is located on the back left hand corner as one comes into the premises. It fronts part of a high bar and is furnished with a number of bar stools and small high circular tables. A notice on the bar indicates that minors are not permitted in the area.
- 4) The applicants only written argument to support the change is *".....but it is one less issue that the staff would need to police, and would be beneficial overall."* The letter concedes *"there has been no problems with the enforcement of the condition, and very rarely is one asked to move from the area...."*
- 5) Mr Wallace at the hearing only advanced his argument by stating that small children were more easily controlled sitting on a barstool (being the only area where such stools are allowed). He said he would be happy with a condition as provided for by Section 106(1)(b) of the *Liquor Act* which

would allow minors accompanied by persons over the age of 18 years to be in that area.

- 6) It should be said that there have been no complaints about the premises and it is conducted in a proper and orderly fashion to the satisfaction of the Licensing Inspectors.
- 7) The designated bar area, the subject of this application, is quite small and is clearly intended to principally accommodate those wishing to have a drink before being able to be seated at a table for a meal or perhaps to have a drink of alcohol before or after attending the picture theatre. It is of some importance in our decision-making that the bar area is clearly visible from the picture theatre foyer. It would give a very poor impression if minors were sitting or standing at the bar drinking or ordering drinks, albeit non-alcoholic and yet such a result would be the outcome if the restrictions were totally lifted.
- 8) The other alternative suggested by the applicant was for the Commission to issue a Section 106(1)(b) notice that would allow minors accompanied by persons over the age of 18 years to enter and remain in the bar area.
- 9) If we were to issue such a notice, we would want to ensure that its terms were consistent with other premises which tend to have a s106(1)(b) condition applying to the whole area of their licensed premises. This would not be a result that the applicant would want or have intended as a result of his application, as it would not allow service to unaccompanied minors in the areas that they can currently occupy without an adult. This original concession was granted presumably to service minor theatregoers to allow them to be served non-alcoholic beverages when unaccompanied by an adult.
- 10) The application is therefore refused.

John Flynn  
ACTING CHAIRMAN

26 September 2005