

NORTHERN TERRITORY LICENSING COMMISSION

REASONS FOR DECISION

PREMISES:	ALICE SPRINGS PLAZA HOTEL
LICENSEE:	Pinecot Pty Ltd
LICENCE NUMBER:	80303189
NOMINEE:	Darren Lynch
PROCEEDING:	Whether Objections Will Proceed To Hearing
OBJECTORS:	Alice Springs Town Council Northern Territory Fire and Rescue Service Mr Abe Francis Department of Health and Community Services
Relevant Legislation:	Sections 47F,G & I of the <i>Liquor Act</i>

Background:

- 1) An application has been made by the Licensee requesting approval of variations to current licence conditions as follows:
 - i) To change the condition affecting the courtyard from
Patrons in the Courtyard are to be seated at a table. Bar stools or similar must not be installed in the Courtyard.
to
It shall not be necessary for patrons in the area to be seated whilst consuming liquor but table seating for at least 80% of the permitted patron capacity must be available at all times. Bar stools or similar must not be installed in the Courtyard.
 - ii) Increase the licensed area to include the Backpackers Swimming Pool and Backpackers Reception. (NB Later withdrawn by applicant).
- 2) The application was advertised in the proper form on 9 and 13 December 2005. Objectors are given thirty (30) days under the *Liquor Act* to forward their objections to the Director of Licensing. The last day for objections to be received was Thursday 12 January 2006.
- 3) Three (3) objections were received within the objections period. The first was received from Abe Francis in the form of a signed letter to the Director. Section 47F(3)(a) of the *Liquor Act* (the Act) confirms that a person residing or

working in the neighbourhood where the relevant licensed premises are located have standing to lodge an objection. The address given by Mr Francis on his letter was 148 Cromwell Drive Alice Springs. Attempts to contact Mr Francis in order to clarify whether this was a home or work address have been unsuccessful. Without further information and based purely on proximity and likely exposure to problems such as noise and patron behaviour, I do not consider a residence or workplace at 148 Cromwell Drive to be within the "neighbourhood" of the licensed premises in question. This letter of objection is accordingly dismissed.

- 4) The second objection received 5 January 2006 is signed by RVW (Bob) Taylor 8119 in his capacity as Station Officer, Community Safety. The objection is written on Northern Territory Fire and Rescue Service letterhead. Mr Taylor has status under s47F(3)(d) of the *Act* being a member or employee of the Fire and Rescue Service within the meaning of the *Fire and Emergency Act* and acting in that capacity.
- 5) The written objection clearly set out the facts relied on by the Fire Service-which relate specifically to the increase in the licensed area to include the Backpackers Swimming Pool and Backpackers Reception. As this proposed variation has been withdrawn from the application, the letter of objection from the Fire Service is dismissed.
- 6) The third written objection received 19 December 2005 is signed by Mark Blackburn, Director of Corporate and Community Services. The objection is written on Alice Springs Town Council letterhead and confirms that the response is made on behalf of the Council. The Council expresses general concerns that any extension of the conditions in the hotel licence would not be in the interests of public safety as the hotel already has problems with alcohol related disorder and antisocial behaviour. The Licensee has had an opportunity to respond refuting the concerns expressed by Council. Whilst those concerns are expressed in general terms, I consider that they are sufficient to support the objection and I find that the Council has standing as an objector and the right to appear as a party at the hearing.
- 7) The fourth objection from the Department of Health and Community Services (DHCS) was received out of time on 13 January 2006. Written advice from the Deputy Director of Licensing Southern Region, however, confirms that DHCS were incorrectly advised by his department that the last day for objections was 13 January 2006 and not 12 January 2006. For this reason, the Chairman has granted an extension of time to DHCS to allow their objection to be considered. The objection from DHCS is signed by the Director of the Alcohol and Other Drugs Program and the Executive Director of Central Australian Coordination. DHCS has standing to object pursuant to s47F(3)(e) as *an Agency or public authority that performs functions relating to public amenities, including health, education and public safety*. Its concerns about the inclusion of the swimming pool and reception area are no longer relevant, however, as that part of the application for variation has been withdrawn.

- 8) The DHCS letter of objection still remains valid with respect to its concerns about changes to the condition affecting the Courtyard. These concerns include the risk of increased patron density and resultant aggression, a decrease in amenity and a reduced ability to monitor patron behaviour if more people are allowed to drink in the Courtyard. The Licensee has responded to these concerns. I have considered the objection and the response and conclude that DHCS are entitled to a hearing in relation to this objection. It is a matter for the Commission at the final hearing to judge the validity of the concerns expressed.

SUMMARY

Alice Springs Town Council and the Department of Health and Community Services have lodged valid objections and these objections require a hearing.

For the reasons given above, the objections lodged by the Northern Territory Fire and Rescue Service and Mr Abe Francis are dismissed.

Brenda Monaghan
Legal Member
27 April 2006