

NORTHERN TERRITORY LICENSING COMMISSION

REASONS FOR DECISION

PREMISES: ALICE SPRINGS PLAZA HOTEL

LICENSEE: CJHA Wonderland Pty Ltd

LICENCE NUMBER: 80303189

NOMINEE: Ian Loan

PROCEEDING: Application for Variation of Licence Conditions

HEARD BEFORE: Mr Richard O'Sullivan (Chairman)
Ms Brenda Monaghan
Ms Helen Kilgariff

DATE OF HEARING: 14 February 2007

DATE OF DECISION: 26 February 2007

APPEARANCES: Senior Inspector Wayne Sanderson
Mr Ben O'Loughlin, for the Licensee
Acting Senior Sergeant Glennys Green for Alice Springs Police

1. On 19 June 2006 the Licensing Commission handed down a decision varying the licence conditions for the Alice Springs Plaza Hotel. The principal variation related to the Courtyard area and permitted the Licensee to allow patrons to stand in the Courtyard so long as seating for 80% of the maximum patron number was provided. The maximum patron number was limited to 150.
2. There were further requirements that the seating plan, the delineation of the Walkway and the Courtyard screening be approved by the Deputy Director of Licensing. The main reason for the variation was to acknowledge the difficulty placed on the Licensee by the previous licence condition that required all patrons to be seated in the Courtyard. The aim was to allow some flexibility in this area whilst at the same time ensuring that patron safety and neighbourhood amenity was the paramount consideration.
3. The Commission conducted a review of the licence variations on 14 February 2007. Whilst the Racing, Gaming & Licensing had no concerns about the changes, the Police asked to be heard. Acting Senior Sergeant Glennys Green appeared on behalf of the Police and gave evidence.

Senior Sergeant Green tendered various statistics regarding the number of incidents logged in the police *Promis* system under the name Melanka Back Packbacker Resort (Melankas) for the period from 1 December 2006 to 2 February 2007. She also provided statistics of similar incidents relating to these premises for the period from 1 January 2006 to 31 December 2006 with separate schedules showing a comparison of the rates of incidents in the first half and second half of that year.

4. The Commission notes the submission made by Counsel for the Licensee Mr O'Loughlin that these statistics cannot be accepted without qualification. Some of the incidents, for example, do not relate to the activities at Melankas and are outside the control of the Licensee. Further, no evidence was tendered of any specific concerns the Police had with respect to the Courtyard. They had more general concerns regarding the behaviour of patrons in and around Melankas and the antisocial behaviour of some youths in the vicinity.
5. Whilst the Commission is unable to accept the Police statistics without qualification, it can take note of the consistently high number of incidents which tend to occur in and around Melankas. The Commission is of the view that this is an area of town where care must be taken to ensure that community amenity and public safety issues are properly reflected in the licence conditions of premises in that area. The venue attracts a young and diverse clientele being a mixture of local residents and national and international travellers. It is one of the main licensed venues commonly frequented by young people in Alice Springs.
6. As regards the review of the licence conditions relating to the Courtyard, we note that the evidence before us supports a conclusion that this part of the venue is currently working reasonably well. Evidence accepted by the Commission is that the walkway is kept clear and Security Officers at the front gate ensure that this is so. Mr Loan has removed the barrels from the Courtyard and allows no music in the area after meals have been served. He advised that this area is currently a place where patrons go to "chill out" and he seems happy for it to remain that way. Finally, Mr Loan has implemented a 3.00am lock out so that no new patrons are allowed into the licensed premise after that time and anyone who leaves cannot return. Security Officers ensure this voluntary lock out is respected. The Courtyard also closes at 3.00am which means that all persons must drink and socialise inside after that time and are only allowed to remain in the Courtyard to have a cigarette. The Nominee Mr Loan has implemented these positive initiatives since taking over management in mid 2006 and we commend him for his efforts.
7. After hearing from Senior Sergeant Green, Mr Loan and Mr Sanderson on behalf of Racing, Gaming and Licensing, the Commission is satisfied that the licence variations affecting the use of the Courtyard have been successful. As a result, those conditions will become a permanent part of the licence and there is no need for a further review. One further condition will be added, however for the following reasons.

8. It is a concern of the Commission that live music played in the Courtyard in the late evenings might attract minors to linger around the venue leading to the possibility of anti social behaviour along Gap Road and surrounding areas. For this reason, we intend to impose a condition within the licence to restrict the Licensee's ability to play music in the Courtyard. The condition will be in the following terms:

Entertainment Restrictions in the Courtyard are as follows:

a) Before 22:00 hours each night

Pre recorded and live music (solos or duos only) generally identified as "easy listening" may be played in the Courtyard.

b) After 22:00 hours each night

There shall be no music in the Courtyard.

Richard O'Sullivan
CHAIRMAN

26 February 2007