

NORTHERN TERRITORY LICENSING COMMISSION

REASONS FOR DECISION

PREMISES:	SPORTIES CLUB INC
LICENSEE:	Sporties Club Inc
LICENCE NUMBER:	81402780
NOMINEE:	Richard Brady
PROCEEDING:	Complaint Pursuant to Section 110 of the <i>Liquor Act</i>
HEARD BEFORE:	Mr Richard O'Sullivan Ms Brenda Monaghan Ms Helen Kilgariff
DATE OF HEARING:	27 February 2007
DATE OF DECISION:	27 February 2007 (Verbal) 8 March 2007 (Written)
APPEARANCES:	Senior Inspector Wayne Sanderson for the Director of Licensing Mr Richard Brady and Mr Randall Gould for licensee

1. On 27 February 2007, Mr Richard Brady and Mr Randall Gould appeared before the Commission on behalf of the Sporties Club (the Club). Mr Brady is the current Club Manager and Nominee and Mr Gould is the President of the Management Committee. Mr Sanderson appeared on behalf of the Director of Licensing. At the commencement of the hearing, Mr Gould, on behalf of the Club, admitted to the following breaches of the *Liquor Act* and liquor licence conditions:
 - a) That on 6 September 2006, alcohol was sold to two (2) persons on premises who were neither members nor bona fide visitors at the time.
 - b) That on 5 and 6 September 2006, Sporties Club failed to properly maintain a visitor's book in breach of their licence conditions.
 - c) That on 5 and 6 September 2006, the Management Committee failed to exercise effective control of the management of the Club by failing to ensure that the visitor's book was properly maintained.

2. At the conclusion of the hearing, the Commission handed down an oral decision on the proviso that it would publish written reasons for decision at a later date. These are those Reasons.

SUBMISSIONS

3. Mr Sanderson, on behalf of the Director of Licensing, advised that in October 2005, a letter was sent out to all Clubs advising them of the requirements that they properly maintain a visitor's book. Despite this letter of advice, the Club was found to have breached this licence condition some 11 months later. Further, he submitted that the Club should know their licence conditions – especially as these particular conditions have been in force for many years. Mr Sanderson submitted that a two (2) day suspension was the appropriate penalty.
4. Mr Gould spoke on behalf of the Club. Whilst he made no excuses for the admitted breaches, he asked that the Commission take into account a number of steps that the Club has taken to ensure that further breaches do not occur. These steps include the following:
 - a) Following the breaches, management promptly made changes to forms they require visitors to complete to ensure that they comply with legislative and licence requirements.
 - b) The Club has ensured that both the Management Committee and the restaurant management understand the membership requirements contained in the licence so as to ensure that visitors sign the forms correctly in the future.
 - c) A membership drive has been undertaken increasing the member numbers by 130 so as to ensure that only financial members (or their bona fide guests) are served liquor at the Club.
 - d) The Club has introduced a new system to track the number of times non-members visit the Club.
 - e) The Club has introduced a camera surveillance system with sufficient capability to assist in the management and control of the reception area so as to ensure patrons are properly signed in.
 - f) The Club has increased the number of staff it employs during busy periods.
 - g) The Club intends to introduce prominent signage inside the foyer reminding members of membership rules.
 - h) Management intends to hold a workshop on the *Liquor Act* and licence conditions.

- i) Management intend to regularly educate members through the use of their monthly newsletter.

DECISION

5. The Commission was very impressed by the proactive attitude taken by the Club in trying to prevent further breaches. In considering penalty, the Commission also took account of the fact that many of the penalties imposed on other premises related to breaches of the take away licence condition and resulted in a suspension of the take away component of licence rather than suspension of the whole licence.
6. We do not intend to impose the penalty sought by the Director of Licensing because of the proactive steps the Club has taken since the breaches. Instead, we intend to impose a one (1) day suspension which, if enforced, will apply to the whole of the premises on a Wednesday. The suspension, however, is fully suspended for twelve (12) months from the date of the hearing. If the Club does not appear before the Commission for a matter of a similar or more serious nature within the twelve (12) month period, then that penalty will lapse.

Richard O'Sullivan
CHAIRMAN