

NORTHERN TERRITORY LICENSING COMMISSION

DECISION WITH REASONS

PREMISES:	ELKE'S BACKPACKERS RESORT AND BUDGET ACCOMMODATION
APPLICANT:	Adrian Alexander Todd
PROCEEDING:	Application for the grant of a liquor licence
HEARD BEFORE:	Mr Peter Allen
DATE OF HEARING:	24 February 2003
DATE OF DECISION:	20 March 2003
APPEARANCES:	Mr Murray Preston for the Applicant Superintendent Trevor Bell for the Northern Territory Police

1. The application is for the grant of a liquor licence; it was lodged with the Director of Licensing on 10 September 2002. As required, the application was advertised to the public-at-large.
2. The advertised notice of application provides the following details:
 - The application requested seeks to allow for the sale of alcohol only for consumption on or at the premises to bona fide lodgers at the premises or to invited guests of the lodger in the presence of the lodger.
 - Sales will be restricted to beer and wine only.
 - Hours of trade will be 12:00 Noon to 8:00PM, seven days a week.
3. The application was separately notified to the Development Consent Authority (DCA), the Alice Springs Town Council and the Northern Territory Police. The response of the DCA dated 18 November advises that the application is not expected to raise planning concerns. The Council's response dated 15 January 2003 advises that the Council resolved, at a meeting held 16 December 2002, to support the application. An objection made on behalf of the Northern Territory Police was received at office of the Director on 27 January.

4. The specific elements of the Police objection, signed by Superintendent Bell, Superintendent of the Alice Springs Division, are as follows:
 - The type of establishment being a backpacker accommodation premises,
 - There being sufficient, if not too many, licensed premises in Alice Springs already,
 - The grant of the application would increase the problems faced by Police in dealing with intoxicated people,
 - Approval for bona fide guests of lodgers would “open the door” for all types and numbers (of persons) to be drinking at what is primarily an accommodation facility, and,
 - A precedent would be set for other similar establishments to apply for a licence.
5. The applicant, Mr Adrian Todd, is a long-term resident of Alice Springs with operational experience in the tourism and hospitality industries. He a Director of the Todd Development Group Pty Ltd, the licensee of the Outback Bar & Grill, a tavern situated in the Todd Mall. By all accounts this premises is competently managed. Mr Todd has undertaken to effectively fence the proposed licensed area to the reasonable satisfaction of the Police.
6. Testimonials as to Mr Todd’s good character, management skills and suitability for the grant of a licence were provided by Mr P D Herrick, Station Commander of the NT Fire and Rescue Service and Mr Bill Coffey, General Manager of Lasseters Hotel Casino. These testimonials form Exhibits 2 and 3.
7. The proposed premises is situated in Todd Street, Alice Springs, to the south of the shopping precinct. It is a red brick, two-storey building with the appearance of a mid-range motel and was originally operated as such. Now partly reconfigured as backpacker accommodation the premises continues to provide motel-style accommodation.
8. A view of the premises showed it to be maintained in good order and indicated that subject to the provision of additional fencing, suitably positioned, an appropriate level of security can be maintained. The view also indicated that the proposed premises, which abuts a road, a sports ground and liquor licensed backpacker accommodation is unlikely, on the basis of location alone, to cause nuisance to the owners and occupiers of adjacent properties. The structure and nature of building and the positioning of the premises on its site render it demonstrably unsuitable for conversion to any suitable form of tavern or entertainment venue.
9. Exhibit 1, a letter signed by Mr Clayton Doye, an environmental health officer of the Alice Springs Two Council informs me that the proposed licensed premises does not require registration as an eating-house.
10. Exhibit 4, a collection of testimonials from former lodgers, provides a level of support for the application.

11. Mr Timothy Francis is the nominee designate of the proposed premises. He is a long-term resident of Alice Springs. He has a four-year Degree in Hotel Management and seventeen years operational experience in the tourism and hospitality industry including a period as Deputy Manager of the Plaza Hotel, an accommodation house containing several bars open to members of the general public. Mr Francis is the manager of the premises and resides therein.
12. The substance of Superintendent Bell's submissions is consistent with his written objection to the application. In addition, Mr Bell refers to an alarming number of assaults and other offences in the environs of the proposed premises. Mr Bell emphasises that Elke's is essentially a motel and a motel without a restaurant, and draws a comparison with the origins of the Melanka Lodge, a premises that has been the subject of a relatively large number of complaints in recent years.
13. Although the Melanka was licensed prior to it becoming backpacker accommodation I share the Superintendent's concern that dangers can arise from the licensing of such premises. Nevertheless I am persuaded in favour of the application as I am satisfied that a grant of a licence in the specific circumstances of this application will not in any way add to the liquor-related problems experienced by the citizens of the Alice Springs community. I note particularly that the Alice Springs Town Council, an organisation that has taken a leading role in the "alcohol debate", supports the application. I also note that the applicant has, to his considerable credit, renovated and refocussed a tavern premises in the pedestrian mall. Formerly known as Scotty's, the premises was at one time the subject of several complaints heard before the Commission. The support of the Town Council and that of former residents of Elke's is sufficient to satisfy me that this particular application is consistent with the needs and wishes of the community.
14. I particularly note Superintendent Bell's concerns that the grant of this licence may set some form of precedent for applications from similar establishments. I am to a large extent sympathetic to Mr Bell's concerns and provide the advice that follows to all would-be applicants.
15. Although the *Liquor Act* allows any person to seek a licence, whether or not a licence is granted will be determined by a thorough analysis of all applications. The analysis will include an examination, at a public hearing, of the merits of all applications in the light of any objections. For applications in the nature of the Elke's application, the merit of opening up the licence to guests of the lodgers is likely to face specific examination by the Commission.
16. In this instance the following factors have persuaded me that it is safe to grant the licence sought.
 - Both the licensee and the nominee have long-term operational experience in the tourism and hospitality industry.

- The nominee has formal tertiary level training in the management of licensed premises.
- The licensee has made significant improvements to the appearance and management of another licensed premises in Alice Springs, a premises that under earlier management was the subject of several complaints and hearings before the Commission.
- The character of the licensee and the nominee is such that I'm able to be confident that the premises will be responsibly managed.
- The Alice Springs Town Council supported the application.
- No evidence was adduced that the licence, if granted, would in any way add to the liquor-related problems faced by the community.
- The location of the premises is such that there is unlikely to be any deleterious effects on the neighbourhood of the premises.
- That nature of the premises and the intended mode and manner of operation testified to by the licensee and the nominee is such that service to guests of lodgers in the presence of the lodger may be safely allowed for in the licence.

17. It is also necessary to consider the future impact of the licence. Many of the factors on which I have relied in granting this licence go to the personal character of the licensee and the nominee and their evidence as to the sound management of the licence. Sadly, when premises change hands, slippage in standards has been known to occur. In the event this licence is transferred at some future date, the transferees would do well to study this decision.

18. The grant of the licence is stayed pending the installation of security fencing to the reasonable satisfaction of the Police.

Peter R. Allen
CHAIRMAN