

NORTHERN TERRITORY LICENSING COMMISSION

REASONS FOR DECISION

PREMISES: **METRO INN**

LICENSEE: TRANSMETRO CORPORATION LIMITED

NOMINEE: MR JOHN SISSONS

PROCEEDING: SEC. 48 COMPLAINT BY RESIDENTS OF RAFFLES:
ENTERTAINMENT DISTURBANCE

HEARD BEFORE: Mr John Withnall

DATE OF HEARING: 16 & 17 Nov 2000 and 04 June 2001

DATE OF DECISION: Delivered 04 June 2001

APPEARANCES: Ms Sally Pfitzner, Mr Tony Young, for complainants
Mr Lex Silvester, for Licensee

The hearing of this matter on 16 November 2000 proceeded by way of evidence from several persons on behalf of the complainants before being adjourned to allow the complainants to consider an offer of certain undertakings made by Mr Sissons at that time.

The matter was eventually listed to continue on 4 June 2001. Recommencement of the hearing found the parties and their legal representatives in discussion in relation to a recent exchange of correspondence centering on a new offer of undertakings on the part of the Licensee.

After discussion between the legal representatives and myself within the formal hearing, and after a further short adjournment to enable the legal representatives to confer with their clients, I was advised of the terms of undertakings by the Licensee which were acceptable to the complainants, such that in consideration of the Licensee consenting to the undertakings being embodied in the licence conditions, the complaints were to be withdrawn.

I then amended the conditions of the licence ex tempore and concluded the matter in the following terms. Minor editing has taken place for the sake of clarity.

I now make the necessary formal orders.

The current licence condition regarding light entertainment shall stay as it is. However, that section of the licence as is headed "Light Entertainment" will be amplified by the addition of two new special conditions, by consent of the licensee.

The new conditions are as follows:

- (c) The licensee shall not have or permit live amplified music in the outdoor bistro area of the Metro Inn.**
- (d) Any other music or other entertainment in the outdoor bistro area of the Metro Inn**
 - (i) shall not exceed a LAEQ level of 60 decibels at the boundary of the licensed premises; and**
 - (ii) shall cease at 10.30pm.**

These conditions will become part of the licence by virtue of this hearing and the operation of Section 49(4)(a) of the Liquor Act. There will be no need for any Section 33 notice.

I note that the undertakings and changes do not address the concept of light entertainment nor affect the provision of light entertainment indoors at the bistro. In the circumstances it is not now necessary for me to make any ruling as to whether on a proper interpretation of the term "light entertainment" the Licensee has breached the relevant condition of the licence, and I do not impose any specific parameters on the meaning of light entertainment for the future operation of the bistro. I believe Mr Sissons to have shown himself to be fully attuned to the on-going issues in that regard.

I commend Mr Sissons for his responsible approach to the unfortunate situation he has found himself in with these complaints, and I commend the objectors for their wisdom in not further pursuing the matter in the face of Mr Sissons' final volunteered position.

I record the withdrawal of the complaints, and the matter now stands concluded.

John Withnall
04 June 01