

# Northern Territory Licensing Commission

## Decision

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<b>Premises:</b>	Melanka Lodge
<b>Licensee:</b>	Pinecot Pty Ltd
<b>Licence Number:</b>	80203189
<b>Nominee:</b>	Mr Jason Zammit
<b>Proceeding:</b>	Application to vary the conditions of the licence
<b>Objectors:</b>	(1) Mr Brycen Brook, Central Australian Alcohol & Other Drugs Services (2) Mr R W V Taylor, NT Fire and Rescue Service (3) Ms Annette Smith
<b>Heard Before:</b>	Mr Peter Allen (Chairman) Ms Mary Ridsdale Mr Brian Rees
<b>Date of Hearing:</b>	27 August 2001
<b>Date of Decision:</b>	30 August 2001
<b>Appearances:</b>	Mr John Stirk for the Licensee Mr John McBride for NT Fire and Rescue Service

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The Application is approved subject to the following terms and conditions:

### Authority

The Authority of the licence will change from that of a private hotel to a tavern for consumption on or at the licensed premises only.

### Trading Hours

The Club Bar, Restaurant, Courtyard and Games Room shall trade to the general public seven (7) days per week and only between the hours of 17:00 and 04:00 (the following day).

### Meals

Meals to be available on request between 18:00 and 21:00 hours.

Light meals to be available on request from 21:00 hours.

Menus for meals and light meals shall be prominently displayed at all times.

### Mini Bars

Liquor may be available from mini bar facilities within the existing motel accommodation at any time to registered lodgers and their guests in the presence of the lodger.

### Takeaway

There shall be no sale of takeaway liquor to any person at any time.

## **Licensed Area**

The area commonly known as the "Backpacker Accommodation" shall be removed from the licensed area. The area known as the "Pool and Barbecue Area" and its immediate surrounds shall be removed from the licensed area.

The remaining licensed area shall be the shaded areas clearly indicated on Exhibit 18 and the motel units. It should be noted that these are separate licensed areas and that the area between the two is not licensed.

## **Patron Capacities**

The Licensee shall not allow the patron capacities as shown in Exhibit 18 to be exceeded at any time and shall inform the Commission of the recommended seating capacity of the outdoor seating area shown as the Courtyard on Exhibit 18 within fourteen (14) days of this decision.

Patrons in the Courtyard are to be seated at a table. Bar stools or similar must not be installed in the Courtyard.

The patron capacity limits as shown at Exhibit 18 shall be prominently displayed to the satisfaction of the Director of Licensing in the Restaurant, Club Bar, Games Room and Courtyard. Such display to have been erected within fourteen (14) days of this decision.

## **Late Trading Premises**

As the premises is licensed to trade until 04:00 hours the following conditions, normally applicable to late trading premises shall apply:

1. The premises shall cease trading no later than 04:00 hours except on 1 January when the premises shall cease trading no later than 06:00 hours.
2. From 00:00 hours on any day on which the premises shall trade beyond 02:00 hours, the provision of live entertainment shall be a prominent feature of the business conducted at the premises.
3. No complimentary drinks shall be supplied between midnight and closing times.
4. The Licensee shall provide, to the satisfaction of the Director;
  - (a) An appropriate number of licensed crowd controllers;
  - (b) Adequate security throughout the premises and in the immediate vicinity thereof;
  - (c) Effective illicit drug control measures;
  - (d) Complimentary "tap" water to be readily available.
5. The Licensee shall take all measures necessary to ensure that noise from premises does not cause undue disturbance or discomfort to residents of the neighbourhood.

## **Code of Practice**

Consistent with the Northern Territory Licensing Commission Code of Practice the conduct of any competition with the appearance of a drinking competition is specifically prohibited, and in any other competition alcohol shall not be offered as a prize.

## **Strip and Lingerie Shows**

No strip or lingerie shows shall be conducted on the premises at any time.

### **Criminal Charge or Conviction of Person Engaged by Licensee**

- (a) Upon the Licensee learning of the charging or conviction of any person working for or on behalf of or at the direction of the Licensee in the licensed premises, for an offence in any way related to violence or unlawful possession of drugs for any purpose, the Licensee shall immediately advise the Director of the charge or conviction, as the case may be, regardless of whether or not the event giving rise to any such charge or conviction occurred within the licensed premises.
- (b) In relation to any person charged or convicted as aforesaid, the Licensee shall comply with the written directions of the Director as to any limitation of duties within the licensed premises which may be assigned to such person or any limitation of direct contact permitted between such person and any patrons on the licensed premises until such time as the matter is considered and dealt with by the Commission, whose powers in that situation shall include but not be limited to the extension or variation of the directions which have been issued by the Director.

### **Changes in Corporate Structure**

- (a) Where the Licensee is a corporate entity it shall notify the Director in writing, no later than fourteen days after the relevant event, whenever a person assumes a position of authority or ceases to hold a position of authority.
- (b) Upon receipt of any such notification, the Director and the Commission may re-examine the question of the Licensee's fitness to hold the licence, and for that purpose to conduct such reasonable further investigation as thought fit.
- (c) A person occupies a position of authority in a corporate entity if the person-
  - (i) is a director of the corporate entity;
  - (ii) exercises, or is in a position to exercise, control or have substantial influence over the corporate entity in the conduct of its affairs;
  - (iii) manages, or intends to manage, the business of the corporate entity conducted under the licence and is not the Nominee under Section 25 of the *Liquor Act*;
  - (iv) if the corporate entity is a proprietary company, either private or public – is a shareholder owning or controlling more than ten per centum (10%) of the issued voting stock of the company.
- (d) A minor who is a shareholder in a company is not for that reason to be regarded as a person occupying a position of authority.

### **Direction as to Fire Safety and Building Certification**

The Licensee is directed to comply with all Fire Safety and Building Certification requirements by no later than three (3) months from this decision and shall take all reasonable steps to inform the Commission of progress made towards compliance during that period.

In the event that compliance is not achieved within the three (3) months provided, the Commission may, at its discretion, require the Licensee to show cause as to why the licence should not be suspended until such time as compliance is achieved.