

Northern Territory Licensing Commission

Decision

Premises:	To be constructed
Applicant:	Alice Springs Prison Officers' Social Club
Proceeding:	Application for the grant of a liquor licence
Heard Before:	Mr Peter Allen
Date of Hearing:	30 October 2003 and 4 November 2003
Date of Decision:	9 July 2004

The purpose of this document is to create a record of my decision on the above application handed down ex tempore on 19 February 2004.

At that time I determined to approve the grant of a liquor licence to the Alice Springs Prison Officers' Social Club for premises to be constructed at Lot 8072 Larapinta Drive, Alice Springs, in the vicinity of the Scout Hall.

The applicant previously held a licence for premises situated at the former Alice Springs Gaol. The premises was demolished prior to the hearing of the subject application.

My approval is on a strictly "in-principle" basis and is subject to the applicant satisfying the Commission as to the proper construction of the premises and its compliance with all statutory and regulatory requirements as may exist at the time of construction including but not necessarily limited to the directions of the Development Consent Authority.

The decision given ex tempore included approval of the advertised trading hours for the sale of liquor for consumption on the premises as follows:

- Monday and Wednesday: 0800 to 1200 and 1500 to 2200 hours
- Tuesday: 0800 to 1200 and 1500 to 2400 hours
- Thursday, Friday and Saturday: 0800 to 1200 and 1500 to 0200 hours the following day.

The advertised application did not notify any intended trading hours for Sunday.

The hours approved as above for the sale of liquor to members and their bona-fide guests for consumption on the premises recognise that the applicant is a specialist organisation in which regularly rostered shift work is a fact of life.

It shall be a condition of the licence that the sale of liquor for consumption away from the premises shall be strictly limited to financial members of the club. For the purposes of this condition a financial member shall be as defined in the constitution of the applicant as approved from time to time by the Commission. Any changes to the applicant's constitution as may be made from time to time shall be notified to the Director of Licensing at Alice Springs.

At the time of the advertised application a financial member was defined by the club's constitution as being a current employee of the Northern Territory Correctional Services, a former Northern Territory Correctional Services' Prison Officer or a current employee of Community Corrections.

Noting that trading hours applicable to the sale of "take-away" liquor at premises in Alice Springs are subject to time-based restrictions the hours of sale of liquor for consumption away from the premises shall not exceed those set by the Commission for Alice Springs premises generally.

With regard to the management of the premises, submissions were made and considered on the basis that the applicant, being a relatively small and specialised organisation, would not employ a manager or bar staff and that the business of the premises would be conducted by members of the applicant's committee.

Accordingly, it shall be a condition of the licence that all members of the applicant's committee shall be identified as nominated managers (that is, nominees) of the licensee and the premises shall not open for trade unless a nominee is in attendance and in control of the conduct of the business at the premises.

Given the fact that members and guests departing the premises by vehicle will be required to traverse a shared-use footpath-cycleway and are likely to be doing so at times when the path is at peak use, it shall be a condition of the licence that the licensee shall erect and maintain a "speed-hump" and a "regulation stop-sign" and do so subject to the satisfaction of all relevant authorities including the Commission.

Given the circumstances described in the above paragraph and that the premises will be located adjacent to a residential area, it shall be a condition of the licence that the applicant shall develop, notify and when appropriate enforce a "code of conduct" of required behaviour for members and guests departing the premises.

This "code of conduct" shall be the subject of an adequately prominent notice erected in the vicinity of the interior and exterior exits of the premises, the wording and positioning of the notices to be subject to the approval of the Commission.

It shall be a condition of the licence that the applicant shall erect and maintain a perimeter security fence and adequate security lighting and that such fence and lighting shall be appropriate to the physical environment in which the premises is to be erected. In satisfying itself regarding compliance with this condition the Commission may have regard to the determinations or advice of the Development Consent Authority.

Peter R Allen