

Northern Territory Licensing Commission

Reasons for Decision

Premises:	Golf Links Motel
Licensee:	Territory Earley Brothers Pty Ltd
Licence Number:	80201864
Nominee:	Mr Braedon Greer Earley
Proceedings:	Hearing to Consider Action Pursuant to Section 33(2) of the <i>Liquor Act</i>
Heard Before:	Mr R O'Sullivan (Chairman) Mr P Timney Mr J M Large
Date of Hearing:	16 October 2008
Appearances:	Mr B Earley, Territory Earley Brothers Pty Ltd Mr P Boyle for Director of Licensing

Background

1. On 15 July 2008 the Licensing Commission conducted a hearing into an application by the Golf Links Motel for approval for the sale and supply of alcohol from a permanent bar structure located the outside bistro area on the premises. During that hearing an anomaly in the licence condition for the Motel was noted in that, whilst the external bar in the outside bistro area was to be closed for trading at 22:00 hours, the light entertainment condition allowed other than amplified music and entertainment to continue in this area until 22:30 hours. For the purposes of consistency in alleviating noise in the outside bistro area late at night the Commission determined to amend the licence whereby the music and other entertaining in the outdoor bistro area of the Golf Links Motel shall cease at 22:00 hours.
2. Under this determination the Light Entertainment condition of the licence, where the amendment is made to (c) (ii), would read:
 - (a) *Light entertainment may be provided in the Golf Links Motel during trading hours. Such entertainment when recorded shall be of a soft background nature. The Licensee shall not vary in any way this specific form of entertainment unless authorised by variation of licence condition to do so.*
 - (b) *The Licensee shall not have or permit live amplified music in the outdoor bistro area of the Golf Links Motel.*
 - (c) *Any other music or other entertainment in the outdoor bistro area of the Golf Links Motel:*
 - (i) *shall not exceed a LAEQ level of 60 decibels at the boundary of the licensed premises; and*
 - (ii) *shall cease at 22:00 hours"*
3. The Licensee of the Golf Links Motel was notified of the determination in accordance with Section 33(1) of the *Liquor Act* (the Act). Within the required twenty-eight (28) days a request was made by the Licensee for a hearing under Section 33(2) of the Act.

4. At a hearing on 16 October 2008 Mr Earley submitted to the Commission that he would have to notify his landlord of any changes to his liquor licence conditions as they may be a breach of his lease. He maintained that the condition which limits music and other entertainment to a LAEQ of 60 decibels at the boundary of the licensed premises was pointless and Mr Earley provided a demonstration showing that normal speaking within the Hearing Room recorded a LAEQ of 58-60 decibels. He further submitted that due to the layout and position of the buildings everyday sounds carried upwards from the Golf Links Motel to the nearby Raffles Building.
5. Mr Peter Boyle for the Director of Licensing confirmed that whilst being on the top floor of the Raffles Building he could clearly hear the chink of the cutlery being used at the Golf Links Motel outdoor dining area below.
6. In regards to the amendment of the times that allowed light entertainment in the outdoor bistro bar Mr Earley stated that he would accept any decision reached by the Commission.

Consideration of the Issues

7. The Commission notes that the light entertainment at the Golf Links Motel is already limited to trading hours. The trading hours set for the outdoor bistro area of the premises are:

Sunday to Friday inclusive between the hours of 7:30 and 22:00
Saturday and Sundays between the hours of 08:00 and 22:00
8. Therefore, the amendment is merely an alignment of licence conditions and the Commission felt that it should not have any detrimental effect for the lease of the premises.
9. Whilst, the question of the decibel limitation on light entertainment is not part of this hearing the Commission notes that Mr Earley made a very valid argument highlighting the problems associated with setting noise levels as decibels levels.

Decision

10. The Commission approved the amendment of the Light Entertainment Condition whereby music or entertainment in the outdoor bistro area of the Golf Links Motel shall cease at 22:00 hours.

Richard O'Sullivan
Chairman

20 October 2008