

Northern Territory Licensing Commission

Reasons for Decision

Premises:	Town & Country Tavern
Licensee:	Town & Country Tavern Pty Ltd
Licence Number:	80804707
Joint Nominees:	Geoffrey John Booth Mark Leslie Ellis
Proceeding:	Application for a Variation to Licence Conditions
Heard Before:	Ms Brenda Monaghan (Acting Chairperson) Mrs Jane Large Ms Helen Kilgariff
Date of Hearing:	31 October 2006
Date of Decision:	31 October 2006
Appearances:	Senior Inspector Wayne Sanderson Mr Michael Deane for the Licensee Mr Geoffrey Booth

1. An application has been made by the Town & Country Tavern Pty Ltd for a variation of licence conditions for the premises known as the Town & Country Tavern. The application is for a licensed al fresco dining area at the front of the premises on the Todd Mall.
2. The applicant has obtained approval for an al fresco dining area from the Alice Springs Town Council and an Al Fresco Dining Permit has been issued and is valid until 30 June 2007.
3. The written variation seeks trading hours seven (7) days a week from 11.00 hours until 01:00 hours (the following day) to allow liquor to be sold for consumption ancillary to a meal but not otherwise. At the hearing on 31 October 2006 Mr Deane, Counsel for the Licensee, advised that the application sought was now to be limited to the provision of three (3) tables within the defined Al Fresco Dining Area rather than four (4).
4. One (1) objection was received from Mr David Bonn, Proprietor and Manager of Big Kangaroo Books. Mr Bonn's premises are situated next to the tavern with a laneway in between. Mr Bonn appeared at the hearing on 31 October 2006 and confirmed the contents of his written objection dated 7 September 2006. Mr Bonn advised that the three (3) specific instances that had concerned him in August (where people had vomited on the footpath and trees near the bookshop) had not been repeated in recent months. He acknowledged that those earlier incidents may not have been a result of drinking at the Tavern but also noted that steps the Licensee had taken to keep the area clean seemed to have had an impact.
5. Mr Bonn's main objections were the increase in noise emanating from the premises since the entrance way to the Tavern was renovated some months ago. He was also concerned with the wider issue of alcohol abuse in Alice Springs on the basis that the greater the supply of alcohol in the town, the greater the amount of anti-social behaviour.
6. Mr Booth gave evidence at the hearing. He advised that the temporary variation which allowed them to conduct al fresco dining within the proposed area during the Masters Games had led to a decision to restrict the number of tables in the proposed area to three

- (3). This will mean that the number of patrons in the proposed area will be about twelve (12). Further, Mr Booth imagines that the furniture in the alfresco dining area will normally be packed away by 22:00 hours as the kitchen is usually closed by then. He asks for a licence until 1am however to cater for the occasion when they might be asked to trade later for a private function or similar event.
7. Mr Sanderson spoke on behalf of the Director of Licensing and advised that there are no current concerns regarding the management of the existing al fresco dining areas in premises adjacent to the Town & Country Tavern. Mr Sanderson also advised that the applicant had been granted a temporary variation of their licence during the Masters Games to allow them to provide alfresco dining. Inspections by Racing, Gaming & Licensing had confirmed that this temporary variation had caused no problems.
 8. After considering all the material before us, the Commission is satisfied that a licence variation should be granted to allow the limited al fresco dining sought by the applicant. The Nominees appear to be conducting the premises in a responsible manner and Mr Booth has shown himself to be sensitive to the concerns of neighbouring premises, a fact that was recognised by Mr Bonn.
 9. There is already a noise condition in the licence which states that “Noise levels emanating from the premises must be such as to not cause unreasonable disturbance to the businesses or ordinary comfort of lawful occupiers of neighbouring premises or to any other person in the vicinity”. As there is no intention to allow live music in the al fresco dining area, we consider that this provision is sufficient to protect the interests of neighbours.
 10. There is also a detailed condition in the current licence regarding the provision of meals which will ensure that the Al Fresco Dining Area remains a place for dining rather than the consumption of snack food.
 11. The licence variation is granted in the following terms:
 - a) The current licensed area is extended to create an Alfresco Dining Area at the front of the premises on Todd Mall. A copy of a plan of the licensed area showing general seating arrangements within the defined area shall be approved by the Director of Licensing;
 - b) Trading hours for the Al Fresco Dining Area shall be seven (7) days a week between 11.00 hours and 01:00 hours (the following day);
 - c) Supervision – The Licensee must be able to demonstrate sufficient supervision of the Al Fresco Dining Area at all times;
 - d) Liquor to be Sold with Meal – Liquor may only be sold for consumption within the Al Fresco Dining Area ancillary to a meal and in accordance with the Al Fresco Dining Regulations and Permit Approval of the Alice Springs Town Council.
 - e) Meals – The meals condition that currently appears in the licence under the Town & Country Tavern heading shall be transferred to the Special Conditions section and shall appear as the first Special Condition.

Brenda Monaghan
Acting Chairperson