

Northern Territory Licensing Commission

Reasons for Decision

Premises:	Tennis Palmerston 16 Bonson Terrace Palmerston NT 0832
Applicant:	Australian Sports, Education and Lifestyle Pty Ltd
Nominee:	Mr Matthew Dudley
Proceedings:	To undertake a Hearing to Consider an Application for a Liquor Licence for the Premises known as Tennis Palmerston Pursuant to Section 26 of the <i>Liquor Act</i> and an Objection to this Application Lodged in Accordance with Section 47F of the <i>Liquor Act</i>
Members:	Mrs J M Large (Presiding Member) Mr J Brears Mr W GrImshaw
Attendees:	Mr M Dudley, Director ASEL Ms W Smith for Palmerston City Council - Objector Inspector S Holehouse, for Director of Licensing
Date of Hearing:	14 March 2013

Background

- 1) An Application pursuant to Section 26 of the *Liquor Act* (“the Act”) was submitted by Mr Matthew Dudley of Australian Sports, Education and Lifestyle Pty Ltd (“ASEL”) on 24 September 2012 for an “On Licence” liquor licence for a new premises to be known as Tennis Palmerston and located at 16 Bonson Terrace, Palmerston NT 0832.
- 2) The Application was advertised in the NT News on Friday 2 November 2012 and Wednesday 7 November 2012 pursuant to Section 27 of the Act.
- 3) An objection from Mr Mark Spangler, Director Services, Palmerston City Council (“the Council”) was lodged on 12 November 2012 in response to the application. The objection related to the Council’s concern that the proposal to provide alcohol between the hours of 15:00 and 17:00 as the Tennis Centre is in a family sports centre that is surrounded by schools and residential neighbourhoods. On 19 February 2013 the Licensing Commission (the Commission) determined that the objection lodged by Palmerston City Council was valid and required a hearing pursuant to Section 47(7) of the Act.
- 4) In addition to the objection by the Council the Department of Health, whilst not making a formal objection, expressed concern that it would be inappropriate to allow the consumption of alcohol during the hours of 15:00 to 17:00 Monday to Friday when the premises will be generally frequented by underage persons. The

Department named three other sports premises where the start time on weekdays was 17:00 hours.

- 5) On 6 March 2013 the Council suggested that if the applicant became a member of "Good Sports" they would give consideration to revisiting the objection. Mr Dudley registered Tennis Palmerston as a member of the "Good Sports" initiative but at a Special Council meeting on 7 March 2013 the Council resolved to continue with the objection but stated that it would raise no objection to the following hours:

Monday - Thursday 16:00 hours to 23:59 hours +++

Friday 15:00 hours to 23:59 hours

Saturday and Sunday 12:00 hours to 23:59 hours

+++ commencing one hour later than the times on the application.

- 6) On 7 March 2013 Inspector Steve Holehouse brought to the Commission's attention that the revised hours recommended by the Council were outside the time for objections and would need to be accepted by the Commission.

The Hearing

- 7) At the Hearing Ms Smith, representing the Palmerston City Council, submitted that it was the specific location of the tennis centre which gave rise to the objection by the Council as it is directly opposite a school and within a family sports centre. The earlier time proposed by the applicant is when students would be milling around the area.
- 8) In response Mr Dudley said that his company was operating two tennis centres, namely, AWOFF at Bagot Road, Darwin and Tennis Palmerston. They wanted the times and conditions for the liquor On Licence to mirror each other. Recently the Commission had granted a variation to the liquor licence to AWOFF Sports in Darwin which allowed commencement time of 15:00 hours Monday to Friday. He stated that adults also used the tennis centre in the afternoons plus parents accompanied their children for coaching lessons. In the Darwin heat these adults would like to have a drink.
- 9) The Commission brought to the attention of both parties the special conditions relating to Minors on Premises and the Sale of Liquor to Bone Fide players that were included in the AWOFF licence and would be considered for the Tennis Palmerston licence. These were accepted by all parties.

Consideration of the Issues

- 10) Firstly, in regards to the additional information provided by the Palmerston City Council namely, the registration for the "Good Sports" initiative and the revised commencement times for Monday to Thursday, the Commission noted that the Council did identify the operation hours as its main objection. The Commission considers the "Good Sports" initiative and the revised times as part of the negotiations between parties to reach a compromise on the application. Usually it is the applicant that undertakes compromise negotiations but this time it is the objector. It appears to have been done in good faith and the Commission accepts them.

- 11) The Commission, when considering Northern Territory Health's concerns, examined eight other similar liquor licences for sporting clubs that cater for adults and minors. It found that the starting times for trading on Monday to Friday are very variable with some starting at 10:00 hours and another commencing on Wednesday and Thursday at 18:00 hours. Similarly, the closing times are varied. It appears that the trading hours for sporting clubs depends on the type of sport played, when the club premises is used, where the premises are located and the schedule of activities.
- 12) The Commission acknowledges that adults do use the premises in the afternoons and understands the applicant's wish for consistency between the two premises owned and operated by ASEL. However, the location of these premises is very different. Unlike the Darwin premises the Tennis Palmerston is near a school and within a family sports area and the 15:00 hours commencement time is when there is likely to be an influx of under aged persons in the area. The Commission recognises that the Council is a key stakeholder in commercial and sporting developments within the boundaries of the City of Palmerston and as such has a role in promoting social wellbeing and public safety and their opinion must be taken into consideration. The operating times recommended by the Palmerston Council are a very reasonable compromise and not likely to greatly inconvenience any adults at the tennis centre.
- 13) In making its assessment on whether there should be a liquor licence granted to ASEL for Tennis Palmerston the Commission notes that the applicant has met all the requirements of Section 28 of the Act and addressed public interest criteria in the application as required under Section 6 and 26(3) of the Act. In addition, the applicant and the Nominee are known to operate the liquor licence at AWOFF in Darwin successfully.

The Decision

- 14) The Commission determined:
- a) To issue an On Licence liquor licence to Australian Sports, Education and Lifestyle Pty Ltd for the premises Tennis Palmerston at 16 Bonson Terrace Palmerston.
 - b) The operating hours of the licence are to be:

Monday - Thursday	16:00 hours to 23:59 hours
Friday	15:00 hours to 23:59 hours
Saturday and Sunday	12:00 hours to 23:59 hours
 - c) In addition to the standard conditions included in the licence the following Special Conditions are to be included:

Minors on Premises

No minors within the meaning of the *Liquor Act* shall be permitted to enter or remain on the licensed premises unless accompanied by a parent or person in loco parentis at the time, or unless such minor shall be present at the premises for the bona fide purpose of playing sport, whether competitively, socially or by way of participation in any coaching session.

Liquor shall not be consumed by any person on or in the immediate vicinity of any court or playing area while any junior game or lesson is in progress on that court or laying area”

Bona Fide Players

Liquor shall only be sold to bona fide players, support persons such as trainers and spectators.

Mrs J M Large
Presiding Member

20 March 2013