

Northern Territory Licensing Commission

Decision

Premises:	Howard Springs Tavern
Licensee:	Majestic Logistics Pty Ltd
Licence Number:	80303036
Proceedings:	(1) Variation to Licensed Area (2) Transfer of licence from Majestic Logistics Pty Ltd to NT Pubco Pty Ltd
New Nominee:	Ms Karen Kathleen Houlihan
Commissioners:	Mrs J M Large Mr J Brears Mrs K Williams
Appearances:	Mr T Dowling for NT Pubco Pty Ltd Mr D Dowling for NT Pubco Pty Ltd Mr J Elsdon for Majestic Logistics Pty Ltd Ms K K Houlihan Prospective Nominee

Background

- 1) On 11 September 2007 Mr Jim Elsdon, part owner of the Howard Springs Tavern made application to increase the premises licensed area, namely for the licence to cover the total area of the premises, including the car parks. At an on-site meeting on 20 November 2007 Mr T Dowling for NT Pubco Pty Ltd the prospective owner of the Tavern endorsed the application.
- 2) On 23 November 2007 the Commission approved the transfer of Licence Number 80303036 from Majestic Logistics Pty Ltd To NT Pubco Pty Ltd. Further the Commission approved a variation to the existing area of the licensed premises to the extent that :
 - (a) it extends the current approved area on the eastern side of the licensed area (opposite the Howard Springs Shopping Centre) to the Tavern's boundary which is marked with a chain mesh fence but does not include the Manager's residence and surrounding landscaping area:
 - (b) it extends the current approved area on the western side of the licensed premises (opposite the main car parking area) so that it runs in a straight line from the outside of the Verandah Bar/Beer Garden to the Whitewood Road entrance and to the northern boundary of the premises which is marked with a chain mesh fence.
- 3) The approval did not include the major car parks on the western side of the premises and the Commission undertook to have further discussions and to make a timely decision on the inclusion into the licensing area of the remaining area of the premises namely, the car park.
- 4) A check of the licences of other taverns shows that, whilst only a small number of taverns do include the car parks within their licence, there is a precedent for this to happen. Advice received from the Licensing and Regulation office is that, in the case of the Howard Springs Tavern, there does not seem to be any real problem with the request to include the car park as part of the licensed area. Mr Dowling is aware of his responsibilities and knows that he

must ensure compliance with both the *Liquor Act* and liquor licence conditions for the area. There have not been many complaints concerning licensed car parking areas.

- 5) The Commission was concerned about ensuring that the extension of the licence area did not cause any disturbance to nearby residents and noted that there is a Primary School directly opposite the Tavern. There is an extensive Entertainment and Noise Disturbance Condition in the current licence and the car park should be specifically identified in this Condition.
- 6) In addition, a further condition should be included in the licence which requires the Licensee to provide prior notification to the Director of Licensing of any events that will be held in the car parking area.

Decision

- 7) The Commission approves the licensed area of the Howard Springs Tavern being extended to cover the entire block upon which the Tavern is situated, with the exception of the Manager's residence and surrounding landscaping area, on the proviso that the following additions are included in the Entertainment and Noise Disturbance Condition of the premises liquor licence:
 - (a) words "/Car Parking Area" should be added wherever the words "Beer Garden" are included.
 - (b) an additional clause (g) to be added as follows:

"The Licensee is to provide prior notification to the Director of Licensing of any events that are to be held in the outside car parking area of the licence".

Mrs J M Large
Presiding Member