

Northern Territory Licensing Commission

Reasons for Decision

| | |
|-------------------------------|---|
| Premises: | Al Fresco Todd Mall, Alice Springs |
| Applicant: | Al Fresco's Café and Pasta House Pty Ltd |
| Licence Number: | 80504834 |
| Proceeding: | Section 47I of the <i>Liquor Act 1978</i> , Decision on whether objections proceed to hearing |
| Date of these Reasons: | 8 March 2004 |
| Objector: | Superintendent Trevor Bell, Alice Springs Division, Northern Territory Police |

1. The applicant, through its nominated manager, Mr Glen Wallace, has applied to vary the conditions of the licence for the premises known as Al Fresco. The application was advertised in the public notice section of the "Centralian Advocate" on Tuesday 13 January and Friday 16 January 2004. The statutory period during which objections may be lodged closed on 15 February 2004.
2. The premises is a restaurant. The licence is subject to special conditions that permit the sale of liquor without the necessity for patrons to purchase a meal. These special conditions specify the requirement that the premises shall at all times have the appearance of and trade predominantly as a restaurant. The licence also permits the sale of liquor under special conditions to patrons of the adjoining cinema.
3. The applicant seeks to vary the conditions of the licence in the manner described below:
 - (a) To remove the condition that requires patrons of the current licensed area to be seated at a table.
 - (b) To increase the licensed area with the addition of an external "al fresco" dining area able to trade between 11:30AM and 01:00AM the following day, seven days a week subject to conditions that this area shall at all times have the appearance of and trade predominantly as a restaurant, that liquor shall only be sold for consumption ancillary to a meal and that patrons shall only consume liquor while seated at a table.
4. The information placed before me by the Deputy Director of Licensing shows that the application is objected to by Superintendent Trevor Bell of the Northern Territory Police. As Superintendent Bell is a member of the Police Force his objection satisfies the requirements of s.47F(3)(c) and can thus be further considered.
5. Superintendent Bell objected to the application in a signed letter to the Director of Licensing, dated 24 December 2003. His objection is clearly stated and based in the main on issues pertinent to the amenity of the neighbourhood in which the premises is located. Accordingly I find that the requirements of s.47F(2) are satisfied and that the Commission must conduct a hearing of the objection.
6. It should be noted that this decision is confined to the threshold issue of whether the objection satisfies the requirements of the relevant sub-sections of Section 47F. It is not a judgement regarding the relative merits of the application or the objection; any such judgement is a matter for the Commission in its decision arising from the hearing of the objections that it must now conduct.

7. These reasons are to be forwarded to the applicant, to the objector and to the Deputy Director of Licensing at Alice Springs.

Peter R Allen

Member selected by the Chairman pursuant to s471(2) of the *Liquor Act 1978*