

# Northern Territory Licensing Commission

## Reasons for Decision

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<b>Premises:</b>	Alice Springs Plaza Hotel
<b>Licensee:</b>	Pinecot Pty Ltd
<b>Licence Number:</b>	80303189
<b>Nominee:</b>	Darren Lynch
<b>Proceeding:</b>	Application for Variation of Licence Conditions
<b>Heard Before:</b>	Ms Brenda Monaghan (Presiding) Ms Helen Kilgariff Mrs Jane Large
<b>Date of Hearing:</b>	14 June 2006
<b>Date of Decision:</b>	19 June 2006
<b>Appearances:</b>	Senior Inspector Wayne Sanderson Mr John Stirk for the Licensee Mr Mark Blackburn, Alice Springs Town Council

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1. This is an application by Mr Darren Lynch, as Nominee for a variation to licence conditions for Alice Springs Plaza Hotel (commonly known as Melankas). There are two (2) valid objections received relating to this application.
2. The variation sought relates to the licensing conditions for the Courtyard. Under the current conditions, patrons in the Courtyard are required to be seated at a table. In the written application the change sought would allow patrons to stand so long as seating for 80% of the maximum patron numbers was provided. As the maximum patron numbers is 208 this would require seating for some 160 patrons.
3. The Nominee, Mr Darren Lynch seeks this change on the basis that the current condition requiring all patrons to be seated in the Courtyard is unworkable. The Courtyard is at the front of the premises and is some 200 square metres in size. It fronts onto Gapview Road with a footpath and driveway in between the premises and the road. The Courtyard itself is bisected by a Walkway (the Walkway) which is the main entrance to the internal area. We understand that patrons often queue along this Walkway as they wait to enter the internal area of the premises.
4. On either side of the Walkway are twelve low tables and bench seats each seating approximately ten (10) patrons. This furniture occupies most of the available space. There is a small stage area in one corner for live music and a small food area where hot snack food is provided from a barbeque at certain times. The venue is a late night trading venue frequented by young patrons. It is part of a complex with some four hundred (400) beds and international tour groups frequently stay there.
5. Although the Northern Territory Fire Service has advised that the maximum patron capacity for the Courtyard is 208, the Nominee submits that due to the need to leave adequate egress and access through the Walkway, the most he wishes to cater for within the Courtyard area is 150.
6. Mr Sanderson for Racing, Gaming & Licensing (RGL) submits that Melankas is well managed but that it has all the difficulties faced by popular late night trading venues and therefore any change to licence conditions must be carefully considered.

7. Mr Lynch submits that a workable variation to the licence would be to require seating for 120 patrons on the basis that the maximum patrons in the Courtyard will be limited to 150. Currently his security and bar staff spend far too much time asking patrons to be seated and they are often met with an antagonistic response. Mr Lynch is confident that the licence change will not increase the number of patrons standing at any one time. He estimates that twenty (20) to thirty (30) patrons routinely choose to stand at present. Mr Sanderson agrees with this estimate.
8. The current concerns expressed by objectors (Alice Springs Town Council and Department of Health and Community Services) and by RGL include the following:
  - a) The fact that this late night trading venue which is popular with young patrons is situated on a main thoroughfare, name Gapview Road in an area where anti-social behaviour is prevalent. A 24 hour takeaway outlet is situated directly across the road from the hotel and the flow of people between that outlet and the hotel is concerning.
  - b) That the low walls surrounding the Courtyard means the area is in full view of passing traffic and pedestrians. Patrons standing to drink are highly visible and any change in the use of the Courtyard which encourages more patrons to stand is of concern.
  - c) That the type of patron that Melankas attracts means that there is an increased level of anti-social behaviour that needs to be managed on site and any increase in patron numbers may mean a deterioration in standards of behaviour and in Management's ability to control this behaviour.
  - d) That the Walkway within the Courtyard must be kept clear if possible so that people can enter and exit from the internal premises without hindrance.
  - e) The need for security to have a clear path to safely remove disruptive patrons from the premises if required.
9. After viewing the premises and hearing from Mr Lynch, Mr Blackburn and Mr Sanderson, we intend to make an interim decision to trial new licence conditions based on the following agreed facts.
  - a) For various reasons, the current condition requiring patrons to sit is not working at Melankas. These reasons include the fact that the Courtyard is also the main entrance way to the premises so that people stand to talk to friends awaiting entry. Further it seems that international tourists often prefer to stand. The Licensee is wanting to regularise what is happening at present within the Courtyard as the venue is often in breach of its licence conditions because of this issue.
  - b) Under the current licence conditions the number of persons standing in the Courtyard at any one time (excluding those awaiting entry) will be twenty (20) to thirty (30). It is anticipated by both the Nominee and RGL that this figure is unlikely to change with a change to an 80% seating rule.
10. We agree to a variation of licence conditions as follows:
  - a) The maximum number of patrons in the Courtyard at any time is limited to 150. Seating must be provided for 120 patrons.
  - b) A seating plan for the Courtyard or any subsequent variations shall require the approval of the Deputy Director of Licensing.
  - c) The Licensee must construct / provide a level of screening around the Courtyard to the satisfaction of the Deputy Director of Licensing.
  - d) The Licensee must ensure that the Walkway within the Courtyard is clearly delineated in a manner approved by the Deputy Director of Licensing.

- e) The variation to licence conditions shall be reviewed on 5 December 2006 at 09:00 hours. The Deputy Director of Licensing may seek an earlier review date upon request should concerns arise regarding the effectiveness of the variation. Liberty also to the Deputy Director of Licensing to liaise with parties and to seek a vacation of the review date by consent should the new conditions prove to be effective.

Brenda Monaghan  
Presiding Member