

Delegate of the Director of Liquor Licensing

Decision Notice

MATTER:	Application for the grant of a licence with a community club authority
APPLICANT:	Works Cricket Club Inc.
PROPOSED PREMISES:	2/78 Lovegrove Drive Alice Springs
OBJECTORS:	Nil
LEGISLATION:	<i>Liquor Act 2019</i> - Part 3 and 4
DECISION OF:	Manager Licensing - Liquor, Gambling & Racing
DATE OF DECISION:	11 February 2022

BACKGROUND

1. Pursuant to section 52 of the *Liquor Act 2019* (the Act), Mr Michael Trull, the President of Works Cricket Club Inc., lodged an application for a liquor licence with a **community club authority** on 25 October 2021.
2. The licence sought is to allow for a club house for the cricket club, catering for members and their bona fide guests. Snacks and light food will be available at all times during trading hours, as well as hot meals and more substantive options such as BBQ's, roasts and the like when events are being held by the club.
3. The premises will sell pre-packaged beer, wine and spirits including a range of low and mid-strength options, as well as non-alcoholic products.

CURRENT SITUATION

4. The applicant has secured the lease for the premises statute at 2/78 Lovegrove Drive, Alice Springs from Leighton Holdings (NT) Pty Ltd. The lessor is a company of which Mr Trull is the equal joint shareholder with Mrs Tanya Maree Trull, his wife. He is also the sole director of the company.
5. The applicant has provided the material prescribed in section 52 of the Act including:
 - an affidavit made under section 54;
 - a draft notice of the applications;
 - evidence necessary to satisfy the onus specified in section 51;

- a summary of the evidence suitable for publication; and
- the application fee.

ADVERTISING AND OBJECTIONS

6. In compliance with section 57(2) of the Act the application was published online through the Alice Springs News website on 11 and 14 January 2022, in which interested parties were directed to the Director of Liquor Licensing's (the Director) website for a more fulsome brief of materials on the matter.
7. A comprehensive account of the application was uploaded to the Director's website in line with the requirements for the required 28 days, along with a sign being erected at the premises of the details of the application.
8. No objections were received.
9. Notification was also sent to the Commissioner of Police, the Department of Health and the Alice Springs Town Council of the application.
10. No response has been received from the Alice Springs Town Council.
11. On 31 January 2022, Police responded advising they supported the application.
12. On 4 February 2022, the Department of Health advised they had no adverse comments although they made suggestions regarding the maintenance of a family friendly atmosphere, the promotion of safe drinking and the preference for restrictions to be placed on the sales of liquor.
13. Accordingly, no adverse comments or objections were received in relation to this application.

APPLICATION

14. The applicant has provided a comprehensive suite of materials in support of the applications including all materials prescribed by the Act.
15. The authority sought by the applicant is in pursuance of section 47(1)(l) of the Act.
16. The determination of applications under section 60(1) of the Act has been conditionally delegated by the Liquor Commission to the Director of Liquor Licensing. The limitation including the authorities which may be granted under delegation includes a **community club authority**.

17. The Director further delegated these powers to the Manager Licensing – Liquor, Gambling and Racing by instrument dated 29 November 2021.

18. The prescribed hours of trade under a community club authority are “...the hours specified in the authority issued to the licensee”. This provides a very wide discretion to the determiner in relation to the hours of trade.

19. The applicant has sought the following hours of trade:

Monday	18:00 hours to 21:00 hours
Tuesday	18:00 hours to 21:00 hours
Wednesday	18:00 hours to 23:00 hours
Thursday	18:00 hours to 23:00 hours
Friday	17:00 hours to 23:00 hours
Saturday	12:00 hours to 23:59 hours
Sunday	12:00 hours to 23:00 hours

20. The applicant states whilst they will not offer full meals in general, other than for larger gatherings and specific events, they will at all times have on offer:

- Hot and cold sandwiches;
- Pies, pasties and other bakery goods;
- Vegetarian options

21. The application as well as the *Liquor Regulations 2019* (the Regulations) are silent in relation to trade on Good Friday and Christmas Day. The wide discretion given in the Regulations would allow for trade on these days. The applicant has made no mention of these days specifically, only the general days and hours of trade.

22. It is noted the applicant will not be providing meals, only snacks and minimal food offers unless for specific events.

23. Whilst historically trade on Good Friday and Christmas Day has been either prohibited, or heavy restricted, the more secular nature of business today has resulted in a relaxation of previous prohibitions.

24. The Regulations now in general provide for limited trade on these days for many authorities, invariably to patrons purchasing full meals during those hours. Noting the requirement for a full meal and this applicant’s operation, it would therefore not be appropriate to allow for trade on these days in the similar manner as other authorities.

DISCLOSURE OF PERSONS

25. Section 54 of the Act requires the applicant to make an affidavit disclosing each person who, if the licence is issued, may:
 - (a) be able to influence the applicant; or
 - (b) expect a direct or indirect benefit from the applicant.
26. I am satisfied by the materials provided by the applicant in relation to this requirement.

RESULTS OF INVESTIGATION

27. Section 58 of the Act enables the Director to conduct an investigation into an application as considered appropriate. No materials have been provided or discovered to indicate there are any adverse matters in relation to this application.
28. The proposed premises are intended to be a small and discrete sporting club house for members of Works Cricket Club, as well as other like clubs for family-oriented social activities.

FINANCIAL STABILITY

29. The applicant has provided materials sufficient to satisfy me in relation to their financial position.
30. I am satisfied they meet the requirements in relation to financial stability.

FIT AND PROPER PERSON

31. Section 59(3)(g)(i) of the Act requires the decision maker to consider whether the applicant and as the applicant is a body corporate, their nominated licensee, are fit and proper to hold a licence.
32. Mr Michael Trull is the President of the applicant and has been appointed as the proposed nominee.
33. Mr Trull has provided identification and probity documents, including character references, along with a clear criminal history check and work history.
34. The applicant is an incorporated association under the *Associations Act 2003* (NT) and is at this time, compliant with their obligations under that Act.
35. It should also be noted the applicant has previously held special licences and the like for events without incident.

36. Having considered the materials provided I am satisfied the applicant and proposed nominee are fit and proper persons to be granted the authority and act as nominee.

PUBLIC INTEREST AND COMMUNITY IMPACT

37. Section 49 of the Act requires the decision maker to be satisfied the applicant is fit and proper, the licence or authority is in the public interest and will not have a significant adverse impact on the community.
38. The first branch of the requirement has already been addressed.
39. It remains to consider whether the application is in the public interest, to do so consideration must be given to the objectives prescribed in section 49(2) of the Act which include:
- a. minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor;
 - b. ensuring liquor is to be sold, supplied, served and consumed on or in licensed premises in a responsible manner;
 - c. safeguarding public order and safety, particularly when large numbers of people would be attracted to licensed premises or an area adjacent to those premises;
 - d. protecting the safety, health and welfare of people who use licensed premises;
 - e. increasing cultural, recreational, employment or tourism benefits for the local community area;
 - f. promoting compliance with this Act and other relevant laws of the Territory;
 - g. ensuring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business;
 - h. preventing the giving of credit in sales of liquor to people;
 - i. preventing the practices that encourage irresponsible drinking;
 - j. reducing or limiting increases in anti-social behaviour.
40. In determining whether there would be a "significant adverse impact on the community" section 49(3) of the Act requires the Commission "must consider the following:
- a. the risk of undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed licensed premises or who are using, or travelling to or from, a place of public worship, a hospital or a school;
 - b. the geographic area that would be affected;

- c. the risk of harm from the excessive or inappropriate consumption of liquor;
 - d. the people or community who would be affected;
 - e. the effect on culture, recreation, employment and tourism;
 - f. the effect on social amenities and public health;
 - g. the ratio of existing liquor licences and authorities in the community to the population of the community;
 - h. the effect of the volume of liquor sales on the community;
 - i. the community impact assessment guidelines issued under section 50;
 - j. any other matter prescribed by regulation.
41. The Act is clear in that the applicant bears the onus of satisfying the decision maker of the relevant matters, irrespective of whether no objections were received as is the case in this matter.
42. In relation to the issue of the community impact and public interest, those matters have previously been published under section 6A of the *Liquor Act 1978* and in force immediately before the commencement of the *Liquor Act 2019* are taken to be community impact assessment guidelines issued under section 50 of the Act.
43. Those matters remain as previously published in numerous decisions by the Liquor Commission.

CONSIDERATION CRITERIA

44. With regards to the matters raised in section 49(2) of the Act, I note the following:
- a. minimising the harm or ill-health caused to people, or a group of people, by the consumption of liquor is to be minimised:

I am satisfied the restrictive nature of membership or invitation being the only means of admission to the premises will minimise the potential for harm.
 - b. ensuring liquor is to be sold, supplied, served and consumed, on or in licensed premises in a responsible manner:

Having considered all the material, it is unlikely any liquor sold, supplied, served and consumed will be done so in an irresponsible manner. The nature of the business model would not support the excessive consumption of liquor.
 - c. safeguarding public order and safety, particularly when large numbers of people would be attracted to licensed premises or an area adjacent to those premises:

This is a small venue with limited capacity and unlikely to attract large numbers of patrons. Although the proposed premises are situated across from a Town Camp, its neighbours are part of the industrial estate with no nearby residences on that side of the road.

- d. protecting the safety, health and welfare of people who use licensed premises:

The policies developed by the applicant, and the nature of the business model applicable to the premises are considered to adequately protect the safety, health and welfare of people who are likely to use the licensed premises during its hours of operation.

- e. increasing cultural, recreational, employment or tourism benefits for the local community area:

The business model highlights the recreational aspect of this consideration. The club is intended for the use of members and bona fide guests for cricket club events, operations and social activities. It is not a public bar for the general public to frequent.

- f. promoting compliance with this Act and other relevant laws of the Territory:

There are no materials provided which would suggest the applicant will not comply with the Act and any other relevant laws. As written earlier, they are compliant with their obligations under the *Associations Act* and have held liquor licences previously for events without incident.

- g. ensuring each person involved in the business conducted at licensed premises receives training suitable to the person's role in the business:

I am satisfied the applicant will appropriately manage and supervise service staff.

- h. preventing the giving of credit in sales of liquor to people:

No issues have been raised to suggest there is any concern in relation to this objective.

- i. preventing the practices that encourage irresponsible drinking:

No issues have been raised to suggest there is any concern in relation to this objective.

- j. reducing or limiting increases in anti-social behaviour:

No issues have been raised to suggest there is any concern in relation to this objective.

45. Turning to the matters under section 49(3):

- a. the risk of undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity of the proposed licensed premises or who are using, or travelling to or from, a place of public worship, a hospital or a school:

There are no materials to suggest there is a significant risk of undue offence, annoyance, disturbance or inconvenience likely to be caused by the granting of this authority. The premises are located within an industrial area and the nearby businesses are aware of the application.

The premises have previously been *inter alia* a shoe repair store and the adjoining business, has provided acknowledgment of the proposed licence premises, stating they "...do not have a problem with the proposal".

- b. the geographic area that would be affected:

The proposed premises are in an industrial area, it is however noted they are opposite a Town Camp. This proximity notwithstanding, I am comforted the nature of the operation will not adversely affect the residents.

- c. the risk of harm from the excessive or inappropriate consumption of liquor:

As previously indicated, there is no materials to suggest there will be excessive consumption of liquor.

- d. the people or community who would be affected:

Given the nature of the operation it is unlikely there will be adverse impact on the community by the granting of this authority.

- e. the effect on culture, recreation, employment and tourism:

There is nothing to suggest there will be an adverse effect from the conduct of this licence.

- f. the effect on social amenities and public health:

It is unlikely there will be any significant adverse impact on the social amenities and public health by the granting of this authority to the applicant.

- g. the ratio of existing liquor licences and authorities in the community to the population of the community:

There are no similar premises nearby, and although in the wider area there is a small number of licensed premises, it is not considered to be an over proliferation of premises.

- h. the effect of the volume of liquor sales on the community:

The minimal and restricted nature of the operation is unlikely to significantly increase the volume of liquor sales in the area.

- i. the community impact assessment guidelines issued under section 50:

These have been considered and referred to earlier in this matter.

46. Section 85 of the Act has previously required a term of the licence to be fixed and it is to remain force until it expires or is abandoned, surrendered or otherwise dealt with.

47. This section has since been amended to simply hold a licence to remain in force until it expires or is abandoned, surrendered, suspended or cancelled.

48. Having regards to the foregoing, I am satisfied that the granting of the authority as sought is in the public interest and will not have an adverse effect on the community.

DECISION

49. On the basis of the information provided in relation to this matter and with reference to sections 48 and 60 of the Act, I have determined to issue the licence with a **community club authority** to Works Cricket Club Inc., for the premises situated at 2/78 Lovegrove Drive, Alice Springs.

50. The conditions applicable to the licence are in accordance with the regulations prescribed for this authority as well as the following:

a) The hours of trade are:

Monday	18:00 hours to 21:00 hours
Tuesday	18:00 hours to 21:00 hours
Wednesday	18:00 hours to 23:00 hours
Thursday	18:00 hours to 23:00 hours
Friday	17:00 hours to 23:00 hours
Saturday	12:00 hours to 23:59 hours
Sunday	12:00 hours to 23:00 hours

No trading on Good Friday or Christmas Day.

- b) At all times the premises are open for trade, snacks in the nature of hot and cold sandwiches, pies, pasties and other bakery goods as well as vegetarian options must be available for purchase.
- c) The licensee is to maintain a register and members must sign-in along with their guests when entering the premises.
- d) In pursuance of section 60(5)(a) of the Act, trade at the premises is not permitted until such time as the licensee has demonstrated to the Director they have the necessary permits and approvals in relation to the building, including those required under the *Fire and Emergency Act 1996*, and received written permission to commence trade.

REVIEW OF DECISION

51. Section 27 of the Act provides for the applicant or a person who made a submission the subject of the decision, to seek a review of a decision made by the delegate of the Director.
52. The Director delegated the determination of applications for a **community club authority** made under section 52 of the Act by instrument to the person from time to time holding, acting in or performing the duties of the position in the Department of the Attorney-General and Justice specified in Schedule 2 of the instrument. This decision was made by a person referred to in that schedule.
53. An application for review must be lodged with the Director within 28 days after written notice of the decision is given to the person and must be in the form approved by the Director, stating the grounds for the review and the facts relied on to establish the grounds.
54. Accordingly, the affected persons in relation to this decision are, Works Cricket Club Inc., Police and the Department of Health.



Mark Wood
Manager Licensing – Liquor, Gambling & Racing
Delegate of the Director of Liquor Licensing

11 February 2022