

Licensing Board of Tasmania	Decision
Legislation:	Liquor Licensing Act 1990
Applicant:	Robert Hosken
Nature of application:	For an on licence
Premises: name	Gas Bistro & Bar
Premises: address	Gasworks Village, 2 Maquarie St, Hobart
Name of decision:	Gas Bistro & Bar
Date & place of hearing:	22 nd June 2006 at Hobart
Date of decision:	24 th July 2006
Members of the Board:	PA Kimber (chairman), L Finney and K Sarten (members)

DECISION

The Applicant presented a very lively application with a lot of promise and content, and demonstrated a clear intention to present premises with a high quality fit out.

The issue the Board had to consider was whether it was demonstrated by the Applicant to be in the best interests of the community for the licence to be granted (s24A).

The Australian Hotels Association (Tasmanian Branch) appeared and Mr Hanna their executive director made submissions. He referred to the National Alcohol Strategy for 2006-2009 p15 and listed issues of relevance:

- Community and patron safety
- Legal obligations
- Responsible service of alcohol issues
- Premise design to minimise harm
- Responsible marketing
- Community education
- Public transport issues

His concerns were that that:

1. There was insufficient detail in the application to make adequate judgment about such issues;
2. Tasmanian police advise that style of management is important in the context of the adverse impact new licensed premises may have in the community – without detail of the intention, this was not capable of assessment; and
3. Patron safety issues: a popular bar may result, he said, in a number of patrons wishing to smoke cigarettes outside the premises, and the premises were not adequate from a safety perspective to cater in this regard.

The Applicant indicated his reticence in his application was commercial sensitivity, and was keen to expand on his application. He indicated he supported Mr Hanna's propositions, but that his application and premises were not likely to contribute to the harm associated with sale and consumption of liquor.

He said he had run licensed premises for 30 years and that he has an enviable safety record. He said he places staff and client comfort and safety as paramount.

He indicated he would not be desiring to cater for smoking patrons, and that they might find it uncomfortable to smoke in the street, if they wished to do that, was not a matter for him to accommodate. He said he would be encouraging people to be inside his premises, and not smoking, not coming to the premises and seeking to smoke outside.

The Applicant indicated he seeks to cater for the over 30 demographic . He plans an expensive fit out. He described premises of a similar nature to the style he wishes to employ in operating the Gasworks Bistro & Bar. He indicated it would have 'very good food', superior service with efficiency. He said he intends to be attempting to cater for people 'asset rich but time poor'.

He described the layout of the premises, and the different segments; lounge, dining, bar etc.

He said he does not seek an out of hours permit. He said he prefers to have the flexibility of an on-licence compared with an on-licence (restaurant), as he perceives the market he seeks may not generally wish to dine.

He described the intended entertainment in a manner which did not indicate intensive intrusion and of the nature which attracts excessive consumption of liquor.

He said he intended a low profile start to the premises and to build up the desired clientele over time. He indicated he will manage the business personally, and will live on the Gasworks site.

CONCLUSION

The Board's perception was that the concerns put forward by the AHA were answered by the Applicant's intentions. There is every reasonable anticipation that he will operate the premises in the manner in which he stated he intends to do. In that manner, it should not present a risk of adding to the harm associated with consumption of liquor.

The premises are in or adjacent to a substantial tourist area. More intensive businesses may add to the negative aspects associated with alcohol consumption. However, in this instance provided the Applicant keeps to his expressed intentions, the premises should be a positive addition to social life in Hobart. We consider the criteria implicit in s24A are met, and direct the Commissioner to grant the licence.

PA Kimber; Chairman.

L Finney; Member.

K Sarten; Member