

## **BRIGHTON FOOTBALL CLUB**

### **In the matter of the Liquor & Accommodation Act**

### **In the manner of the Application for a Club Licence by Brighton Football Club Inc.**

### **Decision of the Licensing Board of Tasmania**

This matter was heard at Hobart on 26<sup>th</sup> March 2002.

The Applicant was represented by Mr Ross Howard, President of the Brighton Football Club and John Stafford (Treasurer and Life Member) and Mr Kevin Foster.

Mr Daniel Leesong appeared for the Australian Hotels Association (Tasmanian Branch) and Mr Danny O'Brien, Licensee of the Crown Inn at Pontville appeared. Both were in opposition to the application.

Mr Howard referred to the supporting documentation dated 12<sup>th</sup> February 2002 and highlighted his evidence to the effect that the unlicensed club permit (which enables sale of alcohol for a maximum period of 15 hours per week) was too restrictive for the club's activities, and even when supplemented by a number of occasional and public permits, still left the club hamstrung in meeting member requirements.

He indicated that with training 3 nights a week and a match most weekends through the season that they were simply not able to cater for member needs.

He gave evidence that the club had applied for permits during the last month at a cost of over \$200.00 being 6 either occasional or public event permits to supplement the unlicensed club permit they have at present.

He gave evidence that he expected the club would need to be open for 2 ½ hours of an evening Mondays, Tuesdays and Thursday, 3 hours on Fridays and for a period which might be from 12.00 noon through to 12.00 midnight on Saturdays at a maximum. He stated there was no intention on behalf of the club to operate as a "pub" by trying to attract the public generally to the premises. He advised that most

of the work associated with the club was and would continue to be done by voluntary assistance from members.

He advised there was no intention to include poker machines, TAB or Keno in the club environment.

He highlighted that the Brighton Hotel/Motel had not objected.

He stated that the club premises, being capable of catering for 180 to 200 people was without comparison in licensed establishments in the vicinity including Mr O'Brien's premises.

His evidence was that the club has approximately 90 adult playing members and a similar number of adult non playing members and that he expected membership to increase with the better service the club would be able to offer with a club licence.

He advised that meals have been and would continue to be made available to players at various times including after games on Saturdays.

The applicant had tendered a letter from the Mayor of Brighton, Mr Foster, indicating support for the application. There was discussion about the level of support indicated by the letter and it is accepted by the Board that the letter indicates support from the Mayor and that there are surrounding circumstances which indicate a level of support from the Council, but that the letter itself does not indicate that the Council has specifically resolved that it (the Council) specifically supports the application.

Mr Howard gave evidence that he and approximately 5 others of the bar staff had completed the responsible service of alcohol course and his intention was that all serving members would take the course.

Reference should be made to the licence application papers, which were not in any significant degree disputed. The material in the document evidenced that the club

has a proven membership structure, is incorporated under the Associations Incorporation Act, that the primary activities of the club relate to activities other than the sale, supply or consumption of liquor and that the granting of the club licence would not be contrary to the interests and concerns of the community (as defined in the liquor guidelines).

In this matter regard the Board specifically took account of representations made to the Board by the Mayor and by the objectors and had regard to the extent to which businesses carried on under licences and permits in the area are satisfying the need intended to be satisfied by the applicant. The Board felt that a significant level of the "need" is satisfied by the club's existing unlicensed club permit and that there would only be an incremental increase and that to a large extent it was quite fair that consumption of liquor in association with the club's principal activities should be able to be conducted on the substantial club premises.

The Board is obliged under the Liquor Guidelines to consider whether the grant of the application would be likely to have an adverse effect on the interests of the community, and concluded that there was no evidence to that effect.

The Guidelines indicate that the Board is not generally to have regard to whether the business of any other licensee or permit holder may be adversely affected by the grant of the application or whether the "business" proposed to be carried on under the licence would be successful.

Notwithstanding this, the level of evidence indicating adverse effect to Mr O'Brien's licensed premises was not sufficient to indicate any grave concern that there might, overall, be a reduction in services to the community due to the grant of the club licence to the Brighton Football Club.

It was apparent from the application documents and the evidence given that the unlicensed club permit in place would not continue to satisfy the need intended to be satisfied by the applicant.

As part of the application the applicant undertook to ensure the constitutional rules of the club would be amended as per schedule 1 of the Guidelines to establish minimum constitutional requirements designed to ensure the club operates principally for the benefit of members.

In considering s.216 of the Act the Board concluded that a direction to the Commissioner to grant the licence would best aid and promote the economic and social growth of Tasmania by encouraging and facilitating the orderly development of the hospitality industry in the State, particularly having regard to the legitimate interests and concerns of the community as a whole.

Clearly, on the evidence, the club provides a social focus for members and visitors, which has economic benefits to the club to enable it to grow and continue to meet those member requirements in both facilities and service. The Board took account of the legitimate interests and concerns of the AHA expressed through Mr Leesong and the concerns expressed by Mr O'Brien, but concluded that, on balance, the appropriate exercise of discretion would be to direct the grant of the licence.

#### DECISION

The Board directs the Commissioner to grant the club licence, on receipt of satisfactory proof that the constitution of the club has been amended to meet the minimum constitutional requirements reflected in the Liquor Guidelines.

Dated 3<sup>rd</sup> April 2002

PA Kimber  
Presiding Member

WF Morris  
Member

L Finney  
Member

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