

Licensing Board of Tasmania: Decision.

**In the matter of the Liquor and Accommodation Act 1990  
In the matter of the Application  
for a Club Licence by Ross Community and Sports Club**

The Board at Launceston heard this matter on 19<sup>th</sup> June 2002.

Mr Kevin White, Vice President, Bill Pullford, President, George Robertson, Committee and Anna Burbury, Committee represented the applicant.

Susan Butterworth appeared for the Australian Hotels Association (AHA) and Mr Ted Jansen Licensee of the Man O Ross Hotel (general licensed Premises) at Ross appeared. Both were in opposition to the application..

The Board has taken into account written submissions from the applicant and those opposed to the application, the previous licensee of the Man O Ross Hotel, the AHA, the owners of the Man O Ross freehold premises Ted and Helen Jansen and Mrs Dorothy Lloyd-Bostock of the Tasmanian Scottish Centre at Ross.

The Board has taken note of a letter from the Mayor of the Northern Midlands Council; Kim Polley in support of the application the letter appeared to be in her personal capacity, albeit that she holds the position of mayor. It did not appear to be an indication of a Council resolution in favour of the proposal. Mrs Polley was not called by the Applicant to give evidence.

The premises subject of the application currently holds an Unlicensed Club Permit (UCP) in the name of the Ross Cricket Club with the following hours: -

Sunday	12.30 to 16.30
Thursday	18.00 to 23.00
Saturday	18.00 to 24.00

The Club currently has 123 members, which the Board was advised is unlikely to increase.

Mr White gave evidence that the committee of the Ross Community and Sports Club was formed in place of the Ross Football Club, which has gone into recess, to provide a centre/premises with facilities for recreational, social and cultural activities for the benefit of the citizens of Ross.

He indicated that the current UCP, with stated hours, provided no flexibility to cater for functions such as wakes after funerals and outside sporting groups such as super rules and soccer and advised that an extra 10 hours a week would be needed to satisfy their requirements. The Board noted that the Club did not participate in soccer or super rules other than to provide a convenient location for these sports to use.

The applicant stated that the Club had taken on an expanded role of the management of the swimming pool and the recreation ground and needed to generate funds for this purpose as well as support numerous local sporting clubs and groups in Ross and

outside sporting groups that use Ross as a convenient central meeting location. Little evidence was provided to support these facts. .

Mr Pulford advised that the Northern Midlands Council was putting pressure on the Club to support and assist in upgrading facilities in the village of Ross such as the swimming pool and the recreation ground. He stated that it was important for the local community, for sporting facilities to be maintained to keep people in Ross. Other than general support for the application expressed by the Mayor, on behalf of the Council, no other evidence of this matter was provided.

Mr Robertson stated that the application process should not be seen as a conflict between the Club and the local hotel and that the 150 000 to 170 000 tourists that visit Ross annually would not be interested in the Club facilities or be eligible to attend the Club. To emphasise this point the Ross Cricket Club had not allocated hours on Friday evenings because this is regarded, as is a traditional 'pub' night. The Board noted that if a club licence was granted, continuing these trading hours could not be guaranteed.

The Licensee of the Man O Ross Hotel Mr T Jansen gave evidence that as key employer in the town the granting of second licence may jeopardise employment at his premises. He advised the Board of the current precarious trading position of the premises and that he had just taken back the operation of the licence from lessees who had allowed the business to critically run down.

He stated that the premises had traditionally provided facilities for the local community and act as a key meeting place for sporting and social groups in the Midlands. He indicated that he was now in the process of rebuilding the business back to its previous position as a social focal point for the village.

Ms Butterworth stated that the hotel supports the Club, but was concerned that the application goes against the framework of the Act.

Ms Butterworth advised that the AHA objected to the granting of the licence on the grounds that the Club is adequately served by the existing permit, as under the Liquor Guidelines the Board need to be satisfied that an Unlicensed Club Permit would not satisfy the need to be satisfied by the applicant..

In addition, Ms Butterworth referred to the decision of the Brighton Football Club where the Applicant in that matter had provided evidence of expected membership increase, the provision of meals and a substantial level of public support with many popular football and sporting attractions.

The Board took account of the applicant's genuine intent to provide support for the continued provision of community facilities in the town, but also noted that the maintenance and support of these facilities is the primary responsibility of the Northern Midlands Council.

In considering s 216 of the Act and the evidence provided, the Board concluded that to grant a club licence would not aid and promote the economic and social growth of

Tasmania by encouraging and facilitating the orderly development of the hospitality industry in the State.

Although the Board concluded that there is community interest in maintaining local sporting facilities through the support the Club could generate and that the community would be adversely affected if these facilities were not maintained, it was not satisfied that sufficient evidence was provided to support this assertion.

The Board is obliged under the Liquor Guidelines to be satisfied that an UCP permit would not satisfy the need intended to be satisfied by the applicant and concluded that although there was an issue of flexibility of hours for the Club the Board was not satisfied that the Club's intentions could not be adequately met by an UCP.

The Board in considering whether a licence should be granted did not have regard to whether the business of any other licensee may be adversely affected by the grant of the application.

It may be that in due course a further application would have merit and that more substantial evidence could then be advanced as to the applicant's capacity to provide services to the members and the need for those services in areas other than the provision of liquor.

We direct the Commissioner to refuse the application.

Dated 5<sup>th</sup> July 2002

W F Morris; Member

L Finney; Member