

# Northern Territory Licensing Commission

## Reasons for Decision

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<b>Premises:</b>	<b>The Cinema Cafe</b>
<b>Licensee:</b>	Luke Wigan
<b>Licence Number:</b>	80515920
<b>Complaints:</b>	Cancellation of Liquor Licence Pursuant to Section 72(5)(a) of the Liquor Act
<b>Heard Before:</b>	Mr Richard O'Sullivan (Chairman)
<b>Date of Hearing:</b>	2 March 2011
<b>Appearances:</b>	Inspector Mark Wood for Director of Licensing

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### Background

- 1) Inspector Graham Tribe, on behalf of the Director of Licensing made application on 20 January 2011 for the cancellation of the licence of Mr Luke Wigan trading as The Cinema Cafe from a premises at the Katherine Cinema, 29 First Street, Katherine NT 0850.

### Hearing

- 2) At Hearing Inspector Mark Wood advised the Commission that Mr Luke Wigan, the Licensee of The Cinema Café, on 25 July 2006 applied to have the liquor licence suspended as it was in the process of being sold. The licence was accordingly suspended indefinitely on 16 August 2006.
- 3) More recently the café has been leased to Mr Duane Barclay and has been renamed the silver Screen Café. Mr Barclay contacted Mr Wigan to attempt to facilitate a transfer of the licence however they have been unable to agree on terms for a transfer of the liquor licence.
- 4) Letters were sent to Messrs Wigan and Barclay and the freehold owner, Mr Tony Adams on 30 December 2010 advising of the proposed cancellation of the liquor licence. Mr Adams responded on 7 January 2011 advising that he supported the licence cancellation. Mr Barclay also submitted an e-mail on 22 December 2010 which supported the cancellation of the licence. Mr Wigan did not respond.

### Decision

- 5) The Commission finds that the conditions laid out in Section 72(5)(a) of the *Liquor Act* have been met, that is that a licence may be cancelled where the Commission is satisfied that the premises has "not been used for the sale or supply of liquor for a period of ninety (90) days".
- 6) The Licence of Mr Luke Wigan trading as The Cinema Cafe is therefore cancelled forthwith.

Richard O'Sullivan  
Chairman

7 March 2011