

Director-General of Licensing

Decision Notice

MATTER:	Grant of a Liquor Licence
LICENSEE:	Dtown Group Pty Ltd
PREMISES:	Besser Kitchen & Brew Bar
NOMINEE:	Lisa Mary Heames
OBJECTORS:	Nil
LEGISLATION:	<i>Liquor Act Section 26</i>
DECISION OF:	Delegate of the Deputy Director-General
DATE OF DECISION:	10 November 2016

BACKGROUND

1. Pursuant to section 26 of the *Liquor Act* (the Act), Dtown Group Pty Ltd applied to the Director-General of Licensing for the grant of a "Restaurant" liquor licence, for the premises known as "Besser Kitchen & Brew Bar", located at Shop 6, 116-120 Coonawarra Road, Winnellie, NT 0820.

CURRENT SITUATION

2. The applicant provided a submission regarding the relevant criteria referred to in section 6(2) of the Act identifying the operations of the proposed business. The applicant submitted the information provided demonstrates the grant of the licence will be in the public interest.
3. The proposed applicant has provided an affidavit pursuant to section 26A of the Act, identifying the directors of the company, being Ms Lisa Mary Heames, Mr Adam Gregory Mann and Mrs Dannielle Lee Mann as the only persons or entities to have influence over the liquor licence.

4. The business proposed to be conducted will be in the nature of a café where alcohol will be ancillary to a meal. The sale of liquor is proposed to be sold from 11:00 hrs until 23:59 hrs seven days a week not including Good Friday and Christmas Day. The sale of liquor is to be ancillary to a meal. The proposed liquor trading hours are longer than the actual café opening hours at the moment but the extended hours will provide the licensee opportunities to undertake evening functions, corporate bookings and expand the business into the future.
5. The applicant will be the proposed Licensee for the premises.
6. The trading name "Besser Kitchen & Brew Bar" is a registered business name held by the applicant.
7. Ms Lisa Mary Heames will be nominee; Ms Heames has supplied the Director-General with Responsible Service of Alcohol certificates, photo identification, referee reports attesting to good character and work ethics and undertaken the necessary criminal history checks of all relevant directors of Dtown Group Pty Ltd. No matters arise from the probity examination of the applicant that would prevent them being granted a liquor licence.
8. The application was advertised in the Northern Territory News in the correct format on Friday, 2 September 2016 and Wednesday, 7 September 2016. A Green advertising sign was displayed at the proposed premises for the required period.
9. No objections were received in relation to this application.
10. The Northern Territory Fire and Rescue Service have advised that the premises are fire compliant and have issued maximum patron number for the premises. They being maximum of 75 patrons inside and 30 patrons outside.

ASSESSMENT OF MATTER

11. I have reviewed all the available material submitted in relation to the application and also note that there have been no public objections to the granting of this licence.
12. The granting of this licence presents minimal risks given the nature of the operation proposed at the premises. The applicant has provided sufficient evidence regarding this application to meet the requirements prescribed in the Act.

CONSIDERATION CRITERIA

13. All relevant criteria have been considered in this application as outlined in the previous section of this notice, including Sections 6(2), 26, 26A and 28 of the Act. No issues arise from these considerations that would prevent the approval of this application.

SUMMARY

14. Having considered the application and noting that no objections from the public were received in relation to the application, I am satisfied that there are no public interest factors which ought to prohibit the grant of a licence in this case.
15. The premises are suitable for the category of liquor licence requested. There appears no valid reason to refuse this application.

DECISION

16. The decision is to grant a liquor licence as particularised in the application. The licence will be issued immediately following the publication of this decision.

REVIEW OF DECISION

17. Section 8 of the *Licensing (Director-General) Act* prescribes a delegate decision is a decision, under any Act, of the Director-General that is made by a delegate of the Director-General. The Director-General delegated the determination of applications made under Section 29 of the *Liquor 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 that instrument. This decision was made by a person referred to in that schedule. Section 10 of the *Licensing (Director-General) Act* provides that an affected person for a delegate decision may apply to the Director-General for a review of the decision. This application for review must be made within 28 days after written notice of the delegate decision is given to the affected person, or within any additional time that the Director-General allows. Section 9 of the *Licensing (Director-General) Act* prescribes an affected person for a delegate decision to be the applicant for the special licence and a person who made a submission, complaint or objection (however described) during the process that resulted in the decision being made.

18. Accordingly, the affected persons in relation to this decision are Dtown Group Pty Ltd.



Sally Ozolins
Deputy Director-General (Operations)

10 November 2016