

A/ Deputy Director-General of Licensing

Decision Notice

Matter:	Grant Of A Liquor Licence
Proposed Premises:	SweetBrew Dining Room
Applicant:	Stock Standard and More Pty Ltd
Proposed Licensee:	Stock Standard and More Pty Ltd
Objectors:	Ms Anna Malgorzewicz - Darwin City Council
Legislation:	<i>Liquor Act</i> Section 26
Decision of:	A/Deputy Director-General (Operations)
Date of Decision:	11 August 2016

Background

1. Pursuant to section 26 of the *Liquor Act* (the Act), Stock Standard and More Pty Ltd applied to the Director-General of Licensing for the grant of a "Restaurant" licence, for the premises known as "SweetBrew Dining Room", located at 103/28 Bishop Street, Woolner 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 Licensee has provided an affidavit pursuant to section 26A of the Act, identifying the directors of the company, being Mr Joseph William John Stock and Ms Brigid Beilby (Stock) are the only persons to have influence over the liquor licence. They are also the only directors and shareholders of the proposed licensed entity.
4. The business proposed to be conducted will be in the nature of a Café/ Restaurant 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 including Good Friday and Christmas Day.

5. It is also noted the applicant intends to open from early morning providing breakfast and coffee prior, without the sale of liquor.
6. The applicant will be the proposed Licensee for the premises.
7. The trading name "SweetBrew Dining Room" is a registered business name held by the applicant.
8. Mr Stock and Ms Beilby will be dual nominees; they have supplied the Director-General with Responsible Service of Alcohol certificates, photo identification, referees reports attesting to their good character and work ethics and undertaken the necessary criminal history checks. No matters arise from the probity examination of the applicant that would prevent them being granted a liquor licence.
9. The application was advertised in the Northern Territory News in the correct format on Wednesday, 8 June 2016 and Friday, 10 June 2016. The Green Sign was displayed at the proposed premises for the required period.
10. One objection was received in relation to this application. The objector being Ms Anna Malgorzewicz, General Manager, Community & Cultural Services – City of Darwin
11. Whilst not an objection as defined in the Act there were submissions provided by the following in relation to this application
 - Ms Sally Graetz, Acting Urban Manager – Development Assessment Services
12. The Northern Territory Fire and Rescue Service confirmed the premises is compliant with their requirements.

Assessment of matter

13. 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.
14. The City of Darwin falls within the category of persons, organisations or groups who may make an objection as prescribed in Section 47F(3)(e) and the objection was made in the manner prescribed by Section 47F.
15. The grounds for the objection were pursuant to Section 47F(2)(b) relating to the health, education, public safety or social conditions in the community.
16. The objector submits the granting of this licence would be contrary to their Safer Vibrant Darwin Plan 2016 – 2019.
17. The objector submits that restaurant liquor licenses do not permit trading on Good Friday or Christmas Day for the majority of restaurants in the Darwin municipality.

18. The objector has not provided any further or better particulars as to how the operation will adversely impact the amenity and safety of the community. The objection being more general in nature and contrary to their policy document. The applicant has stated a willingness to acquiesce to Council's request.

19. The granting of this licence presents minimal risks given the nature of the operation proposed at the premises. Many restaurants trade, particularly lunch on Good Friday and Christmas Day and I see no reason to restrict trading for Good Friday and Christmas Day. The applicant has provided sufficient evidence regarding this application to meet the requirements prescribed in the Act.

Consideration Criteria

20. The one objection lodged by City of Darwin is noted however I am satisfied the proposed operation will not offend the council's Safer Vibrant Darwin Plan 2016 – 2019 in that there is no immediacy to the provision of liquor. The council may therefore take comfort in the fact that persons will not be able to purchase and consume liquor at the time unlike all other current takeaway outlets.

21. 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

22. The applicant has made a full and thorough application demonstrating the grant of a liquor licence will be in the public interest.

23. The premises are suitable for the category of liquor licence requested and has passed relevant fire and safety compliance examination. There appears no valid reason to refuse this application.

Decision

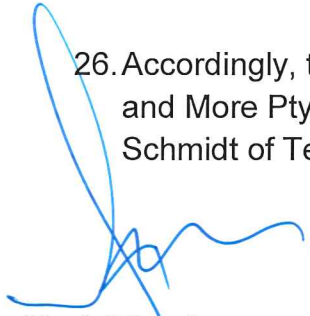
24. The decision is to grant a liquor licence as particularised in the application. The licence will be issued immediately following the publication of this decision.

Review of Decision

25. 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 Business 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.

26. Accordingly, the affected persons in relation to this decision are, Stock Standard and More Pty Ltd, Ms Anna Malgorzewicz, of the City of Darwin, and Ms Sandra Schmidt of Territory Health.



Mark Wood
A/Deputy Director-General (Operations)
11 August 2016