

Delegate of the Director-General of Licensing

Decision Notice

MATTER:	Application for Restaurant Liquor Licence
PROPOSED LICENSEE:	M A Juinio and Z Z Juinio
PREMISES:	Barrel & Cruse Bistro
PROPOSED NOMINEE:	Mr Michael Jean Atento Juinio
OBJECTORS:	Nil
LEGISLATION:	Part III, Division 1 of the <i>Liquor Act</i>
DECISION OF:	Delegate of the Director-General of Licensing
DATE OF DECISION:	25 July 2017

BACKGROUND

1. On 17 April 2017, Mr Michael Jean Atento Juinio and Ms Ziela Juinio in Partnership (the Applicants), submitted an application to the Director-General of Licensing for a Restaurant Liquor Licence. The application relates to the premises known as Barrel & Cruse Bistro located at the Katherine River Lodge, 50 Giles Street, Katherine, NT 0850.
2. Barrel & Cruse Bistro is a registered business name, held in joint ownership by Mr and Ms Juinio. The partnership was formed on 31 March, 2017.

CURRENT SITUATION

3. The Applicants seeks a liquor licence that authorises the sale of liquor for on premise consumption in conjunction with a meal, 7 days a week from 11:00 am to 11:59 pm. In accordance with section 6(2) of the *Liquor Act* (the Act), the Applicants have addressed the criteria relevant to the application and submit that the grant of the licence will be in the public interest.
4. The Applicants have submitted an affidavit in accordance with Section 26A of the Act, attesting there are no other persons, apart from Mr and Ms Juinio, able to influence the conduct of the business under the liquor licence if the application is successful.
5. The application was advertised in the NT News on Wednesday 31 May 2017 and Wednesday 7 June 2017, with the objection period ending on 7 July 2017, 30 days after the date of the second notice.

ASSESSMENT OF MATTER

6. I have reviewed all the available material submitted in relation to the application and note there were no objections or submissions received from members of the general public in response to the public notification of the application.
7. As per the normal practice, the application was forwarded to the Department of Health, NT Fire Safety, NT Police, Litchfield Council and the Development Consent Authority for comment. No adverse comments were received in response.
8. The application states that the sale of liquor is to be ancillary to the consumption of a meal and whilst the Applicants do not wish to trade in the sale of liquor on Good Friday, they do seek to be able to provide meals and drinks on Christmas Day. The Applicants have indicated they do wish to provide meals on Good Friday however they will not sell liquor. This is a matter for the Applicants as approval is not required for persons to enter and remain on licensed premises outside of their normal hours of trade where alcohol is not for sale. Given this would only allow for meals without liquor, similar to licensed premises that offer breakfast prior to the commencement of liquor trading hours, I am satisfied that should the licence be granted such an approval is appropriate.
9. In considering this application the Act requires the consideration of any objections to the application and the licensee's response to such objections. As noted above, in this instance there were no objections.
10. The application under consideration is for a restaurant liquor licence with alcohol only being available to patrons ancillary to the purchase of a meal in the Barrel & Cruse Bistro. The fact there have been no objections to the application is not surprising allowing that restaurant liquor licences, where alcohol is only available in conjunction with the consumption of a meal, are the least problematic licence type from a risk perspective and, with very few exceptions, are not the type of licences that result in alcohol related anti-social behaviour or other adverse outcomes.
11. The Applicants have provided adequate details and information in support of the application to satisfy the requirements set out in the Act for the grant of a Restaurant Liquor Licence, pursuant to section 29(1)(a) of the Act, for the purpose of operating the Barrel & Cruse Bistro.
12. The proposed Nominee (Manager) is Mr Juinio who has provided appropriate documentation attesting to his good reputation and character. Similarly Ms Juinio has provided satisfactory documentation indicating that she is an appropriate person to be involved in the management of a business holding a liquor licence. Mr and Ms Juinio have collective experience of more than 25 years in the restaurant and hospitality industry. Both Mr and Ms Juinio have provided satisfactory evidence indicating that they have sufficient financial assets to set up and operate the proposed restaurant.
13. On the basis of the matters set out above I am satisfied the granting of this application is appropriate in the circumstances.

DECISION

14. In pursuance of section 29(1)(a) of the Act, I have determined to grant a Restaurant Liquor Licence to the Applicants for the purpose of conducting a restaurant business including the sale of liquor at premises known as Barrel & Cruise Bistro located at the Katherine River Lodge, 30

Giles Street, Katherine. The trading hours for the sale of liquor at the premises are to those normally associated with a restaurant liquor licence, namely:

Monday to Sunday (7 days per week) - 11:00 am to 23:59 pm, and

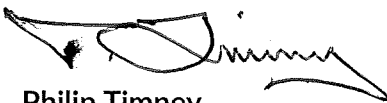
No trade in the sale of liquor on Good Friday; and

Christmas Day trading from 11:00 am to 16:00 pm.

15. Further, in accordance with the submissions of the Applicants, the stated intention is for the premises to operate predominately as a restaurant, the sale of liquor being ancillary to a meal. Children may enter or remain on the licensed premises however must be in the company of a parent, guardian or spouse. Appropriate licence conditions will be attached to the liquor licence in regard to those restrictions.

REVIEW OF DECISION

16. Section 8 of the *Licensing (Director-General) Act* defines a delegate decision as a decision of the Director-General, under any Act, that is made by a delegate of the Director-General, as is the case for the within application.
17. Section 11 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 delegate's decision. An 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.
18. Section 9 of the *Licensing (Director-General) Act* provides that an affected person for a delegate decision is the applicant or any person who made a submission, complaint or objection (however described) during the process that resulted in the decision being made.
19. As noted, there were no objections or submissions lodged in this case opposing the grant of a restaurant liquor licence. Accordingly the affected persons in relation to this matter are the Applicants, Mr Juinio and Ms Juinio (in Partnership).



Philip Timney
A/Deputy Director-General (Operations)

25 July 2017