

A/Deputy Director-General (Operations)

Decision Notice

Matter:	Grant of a Liquor Licence
Proposed Premises:	The Trader Bar
Applicant:	The Trader Bar Darwin Pty Ltd
Proposed Licensee:	The Trader Bar Darwin Pty Ltd
Objectors:	Nil
Legislation:	<i>Liquor Act</i> - section 26
Decision of:	A/Deputy Director-General (Operations)
Date of Decision:	26 August 2016

Background

1. Pursuant to section 26 of the *Liquor Act* (the Act), The Trader Bar Darwin Pty Ltd has applied to the Director-General of Licensing for the grant of a "On" liquor licence, for the premises known as "The Trader Bar Darwin" , located at 3 Harriet Place, Darwin NT 0800.

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 that the information provided demonstrates that 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 that the directors of the company Mr Andrew Henry Hewitt Giles and Ms Pippa Jane Ainsworth, 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 and wine bar. Liquor may be sold from 10:00 hours until 23:59 hours seven days a week.

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5. The company trading name "The Trader Bar Darwin" has been registered with ASIC.
6. Mr Giles and Ms Ainsworth are the proposed nominees for the premises and have provided all the necessary materials to allow their appointments.
7. The application was advertised in the required manner and no public objections were received.
8. Whilst not an objection as defined in the Act there was also submissions provided by the following persons in relation to this application:
 - Ms Amanda Lush, Project Officer, Strategic Policy Division Office of the Commissioner and CEO.
 - Ms Sandra Schmidt, Acting Director of Alcohol and Other Drugs Services.
9. The premises are still under construction, preventing the Northern Territory Fire and Rescue Service to conduct a fire compliance check.
10. The Department of Health requested the Director-General consider patron and community safety and amenity when determining this application, further that they clearly display signage delineating and non-smoking and smoking areas.
11. The Northern Territory Police recommended the Director-General place conditions on the licence such as liquor must be ancillary to a meal, liquor is only to be sold through the provision of table service and that the hours "...reflect those provided with the Liquor Act and Regulations".
12. As there are no hours prescribed by the Act or Regulations it is unclear what hours the Police refer to. The applicant has sought what is considered standard hours for similar premises.

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 applicant must comply with the requirements of the Tobacco Control Act and will be required to provide a Smoking Management Plan.
15. I note the recommendation of Police that the sale of liquor be ancillary to a meal and that it be done through table service only. The applicant has specifically asked for the provision of liquor sales without the requirement for a meal. Food will be available throughout the day and patrons will be encouraged to eat there however the business plan also allows for the consumption of liquor without a meal.

16. The premises is situated on the fringe of the Darwin Central Business District and the residential suburb of Larrakeyah adjoining neighbouring businesses comprise of a café, fast food eatery, art shop, backpackers and automobile repair shop.
17. It not expected that the grant of a liquor licence will have an adverse impact on the amenity and safety of the community.
18. 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

19. All relevant criteria have been considered in this application as prescribed in the Act. No issues arise from these considerations that would prevent the approval of this application.

Summary

20. The applicant has made a full and thorough application demonstrating the grant of a liquor licence will be in the public interest.
21. I am satisfied the planned premises are suitable for the category of liquor licence requested. As it remains under construction it is yet to pass relevant fire and safety compliance examination however will be examined once complete. Conditional upon receiving the necessary approvals there appears no valid reason to refuse this application.

Decision

22. 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.

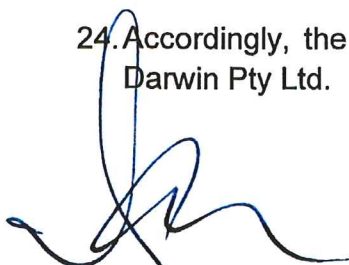
Review of Decision

23. 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

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person who made a submission, complaint or objection (however described) during the process that resulted in the decision being made.

24. Accordingly, the affected persons in relation to this decision are The Trader Bar Darwin Pty Ltd.



Mark Wood
A/Deputy Director-General
26 August 2016