

Northern Territory Licensing Commission

Decision on whether Objections will proceed to Hearing

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| Premises: | Planet Tenpin (Licence No 80816952) |
| Applicant: | Grape Pty Ltd (Licensee) David John Bailey (Nominee) |
| Objector: | Darwin City Council |
| Relevant Legislation: | Sections 47F, G & I of the <i>Liquor Act</i> |

Background:

- 1) The applicant has made an application for a variation to the licence conditions of the current liquor licence at Planet Tenpin. The applicant seeks an increase in trading hours, the ability to sell cask wine by the glass and a substantial increase in the licensed area.
- 2) The application was advertised in the public notices in the Northern Territory News on 23 and 28 September 2005. The content of the advertisement included details of the variations sought and the relevant information an objector requires in order to make a valid objection within the required timeframe.
- 3) Under section 47F (4) (d), an objection must be lodged with the Director within thirty (30) days after publication of the last advertisement. The last day for receipt of valid objections by the Director was Friday 28 October 2005 and the Director received one written objection from the Darwin City Council (the Council) on 27 October 2005.
- 4) The letter from the Council was signed by the Acting Senior Planner and confirmed a resolution passed by the Council at an earlier meeting objecting to the application. Only certain categories of people have standing to object (s47F (3) of the *Liquor Act*). The category relevant to me in this decision is “(e) *an agency or public authority that performs functions relating to public amenities, including health, education and public safety.*” The Council falls within this category and is a valid objector.
- 5) The Council's objection also fulfils the requirements of s 47F(4) of the *Act* in form and content and was received within time. It relies on both s47F (2) (a) and (b) of the *Liquor Act* and provides adequate facts constituting the grounds on which the objection was made. The concerns principally involve the fact that the premises are widely used by children and groups catering for children's needs and the letter queried the negative impact of the proposed licence changes on child patrons. The letter also addressed issues of public safety and the protection of neighbourhood amenity.
- 6) The Nominee provided a full response to the objection on 21 November 2005 challenging the concerns expressed by the City Council. The response notes the current provision in the licence that promotes responsible service of alcohol to patrons and bona fide spectators only and reinforces the view that the variations sought will not affect child patrons and public safety but will enhance market appeal.

Decision

As the member of the Commission appointed to consider the objections to this application for variation of the liquor licence, I have decided that the objection received from the **Darwin City Council** is a valid objection and the Commission must conduct a hearing in relation to it.

Brenda Monaghan
Legal Member

5 January 2006