

Northern Territory Licensing Commission

Reasons for Decision

Premises:	Starvin
Licensee:	Garvin & Kerr Pty Ltd
Licence Number:	80517183
Complaints:	Cancellation of Liquor Licence Pursuant to Section 72(5)(a) of the <i>Liquor Act</i>
Heard Before:	Mr Richard O'Sullivan (Chairman)
(on papers)	
Date of Decision:	November 2009

Background

- 1) Inspector Mark Wood, on behalf of the Director of Licensing made application on 31 August 2009 for the cancellation of the licence of Garvin & Kerr Pty Ltd trading as Starvin from a premises at Shop 1, 32 Katherine Terrace, Katherine.

Consideration of the Issues

- 2) Shop 1, 32 Katherine Terrace, Katherine has recently commenced trade as New Shangai Restaurant. The premises formerly traded as Starvin with a liquor licence number 80517183. Advice to the Commission is that the Starvin licence and business has not operated for approximately three (3) years. Mrs Stacy Kerr was the Nominee and Gavin and Kerr Pty Ltd was the Licensee.
- 3) Mr Rodney Garvin has informed Inspector Mark Wood that the business was sold in 2006 and has not operated since. Since this time there has been no liquor licence transfer, suspension or cancellation.

Decision

- 4) The Commission finds that the conditions laid out in Section 72(5)(a) of the *Liquor Act* have been met, that is that a licence may be cancelled where the Commission is satisfied that the premises has "not been used for the sale or supply of liquor for a period of ninety (90) days".
- 5) The Licence of Garvin & Kerr Pty Ltd trading as Starvin is therefore cancelled forthwith.

Richard O'Sullivan
Chairman

26 November 2009