

Northern Territory Licensing Commission

Reasons for Decision

Premises:	Emerald Springs Wayside Inn
Licence Number:	81201732
Applicant:	Director of Licensing
Hearing:	Application by Director to cancel the liquor licence pursuant to Section 72(5)(a) of the <i>Liquor Act</i>
Heard Before:	Mr Craig Spencer
Date of Hearing:	1 April 2005
Date of Decision:	1 April 2005
Appearances:	Applicant: Mr Doug Bell

Background

1. On Friday 11 June 2004, a Notice of Suspension of Liquor Licence was issued effective that date for an indefinite period, pursuant to Section 66(1)(b) of the *Liquor Act*. The suspension related to the failure of the premises to provide fuel, a breach of its licence. The licence had been previously suspended a number of times for failing to provide fuel.
2. On 15 February 2005, an application was made by the Director of Licensing pursuant to Section 72(5)(a) of the *Liquor Act* seeking cancellation of the liquor licence for Emerald Springs Wayside Inn. The basis of the application was the premises had not been used for the sale or supply of liquor for a period of 90 days.
3. The previous Licensee vacated the premises about 12 July 2004. Efforts to contact the licensee by the Director of Licensing and the landlord for the premises have been to no avail. These efforts appear to have been reasonable.
4. The landlord who has resumed operations of the premises. The landlord has indicated they do not wish to seek reinstatement of the existing licence. It is noted that the contact for the sale of the premises by the landlord to the licensee was never signed and have resumed possession of the premises.
5. Based on information supplied to the Commission, the Commission is satisfied that reasonable efforts have been made to contact the current licensee and any other interested party. The cancellation of the licence is supported by the current operator on the basis the premises had not traded for 90 days and has no intention to resume trading under the existing licence.
6. The evidence indicates the premises had not traded in the sale or supply of liquor since 11 June 2004.

Decision

7. Pursuant to Section 72(5)(a) the Commission is satisfied that Emerald Springs Wayside Inn has not been used for the sale or supply of liquor for a period of 90 days and therefore cancels the liquor licence for the said premises forthwith.

Craig Spencer
Member