

# Northern Territory Licensing Commission

## Reasons for Decision

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<b>Premises:</b>	<b>Il Lido Italian Restaurant</b>
<b>Applicant:</b>	Sea Dragon (NT) Pty Ltd trading as Il Lido Italian Restaurant
<b>Dual Nominees:</b>	Mr Darren Lynch and Mr Jimmy Shu
<b>Licence Number:</b>	80818245
<b>Proceeding:</b>	Application for Temporary Variations of Liquor Licence
<b>Commission Member:</b>	Mr Richard O'Sullivan (Chairman) Mr Philip Timney (Legal Member) Mr Wally Grimshaw

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### Background

- 1) Mr Darren Lynch, a dual Nominee of the Il Lido Italian Restaurant ("the Restaurant") made application for temporary variations to waiver licence conditions for functions on Friday 8 March 2013 and Thursday 30 May 2013. Both applications seek a temporary licence variation to exempt the requirement for patrons to be seated and to enable the use of high tables in the alfresco area.
- 2) Details of the functions are:
  - 8 March 2013 – A function to celebrate International Women's Day from 5.00pm until 9.00pm for a group of approximately forty patrons.
  - 30 May 2013 – Medicare networking function from 6.00pm until 10.00pm involving one hundred persons.
- 3) The licence conditions that "*all patrons be served by wait staff*" will be maintained.

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- 4) The Darwin Waterfront Corporation has objected to the granting of the licence variation for the function on 30 May 2013 but due to time constraints for the function on 8 March 2013, Gambling and Licensing Services had not had sufficient time to make contact with stakeholders such as the Darwin Waterfront Corporation to determine a position on the application.
- 5) While the Commission, in a Decision handed down on 21 February 2013, did not grant the previous two applications for temporary variation of the Restaurant licence, to allow patrons to remain standing and for the presence of high tables and bar stools, the Commission has taken account of the following two factors in assessing the current applications.
  - a) Both functions for which variation of licence condition are sought are for a duration of four hours and the function closing times are well within the licence hours for the Restaurant, which is licensed up until 02:00am (the following day)

seven days a week. The Commission notes the previous non approved applications were for events of eight hours and eleven hours duration.

- b) The Commission has received an undertaking from Mr Darren Lynch, a dual Nominee of the Restaurant, that he will make formal application to permanently vary conditions in the current licence to enable the Restaurant to trade in a manner consistent with its current business model and to overcome the practice of seeking ongoing temporary variation applications. The Commission expects this application to be lodged in a timely manner and in the meantime there is no assurance that the Commission will approve temporary variations applied for following this Decision. Each temporary variation application will be assessed independently on its merits.

## **Decision**

- 6) On the basis of there being little risk of harm resulting in the conduct of both functions under consideration in a manner anticipated by the Licensee and also taking into consideration that the Licensee has undertaken to formally seek permanent amendment of licence conditions, the Commission grants the temporary variations sought for 8 March 2013 and 30 May 2013.

Richard O'Sullivan  
Chairman

14 March 2013