

# NORTHERN TERRITORY LICENSING COMMISSION

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**APPLICANT:** Edward Francis Winter

**APPLICATION:** Liquor Licence

**PROPOSED PREMISES:** Berry Springs Palms Café

**HEARING DATE:** 15 March 2005

**COMMISSION:** Ms Brenda Monaghan (Presiding)  
Mr Paul Costigan  
Mr John Brears

**APPEARANCES:** Mr EF Winter (Applicant)  
Ms A Worsnop for NT Police  
Mr D Crowe for Mr and Mrs Liebelt

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## HISTORY

- 1) The applicant has applied for a tavern licence with takeaway for his restaurant/café at Berry Springs. The premises do not currently hold a licence. There are two (2) objectors - the Police and a couple who reside and work in the neighbourhood. Both oppose the tavern and takeaway components of the liquor licence application but do not oppose a restaurant licence being granted.
- 2) The Commission at the outset of the hearing advised the applicant that it has strong reservations about the application for a tavern licence with takeaway. One reason is that the written application and documents supplied do not cover all of the matters one would expect to be addressed when seeking such a licence. We consistently require persuasive evidence of community support together with sufficient evidence to satisfy us that a new tavern licence on these particular premises is a viable, positive improvement to the amenity of the neighbourhood.
- 3) After some discussion at the hearing, the applicant sought a change to his application by only asking for a restaurant licence to allow him to serve liquor with a meal. He also maintained his request for a limited takeaway facility so that someone could purchase a bottle of wine or six (6)-pack when they purchased their takeaway meal.
- 4) Whilst the Police - and in particular Sergeant Berry of Humpty Doo Police Station - did not have any particular concerns about this revised proposal, the Commission indicated to Mr Winter their concern that allowing takeaway liquor to be sold with a takeaway meal might create an unwanted precedent. The ramifications of granting such an application

would need to be very carefully considered by the Commission. Ultimately however, the takeaway liquor component of the application was refused when it was realised that the applicant's development permit did not allow a takeaway outlet from his premises.

## **DECISION**

- 5) The Commission is satisfied that the premises are suitable for the sale of liquor on the basis of what is commonly called a restaurant licence. The Commission is also satisfied that Mr Winter is a fit and proper person to hold such a licence.
- 6) We intend to grant the licence on the following terms:
  - a) A restaurant licence is granted allowing the sale and supply of liquor between 10.00am and 12 midnight Monday to Sunday excluding Good Friday and Christmas Day.
  - b) The type of liquor to be sold is limited to beer in cans, mixed spirits in cans and wine by the bottle or the glass. Wine sold by the glass may be poured from a cask but no entire casks are to be sold.
  - c) The licence shall contain a Special Function Condition of the type distributed to parties at the hearing allowing liquor to be served without a meal for private functions provided seven (7) days notice is given to the Director of Licensing and provided finger/snack food is served.
  - d) A general noise restriction condition shall be included in the licence.
  - e) The grant of the licence is subject to:
    - i) the Director of Licensing being satisfied that the means of secure storage of liquor on premises after hours is sufficient; and
    - ii) the applicant providing a plan clearly defining the licensed area.
- 7) The Commission further indicated to the applicant that upon receipt of written advice from the Development Consent Authority that they approve the same, a further condition will be added to the licence allowing patrons dining at the premises to "takeaway" partially consumed bottles of wine purchased there.

Brenda Monaghan  
Presiding Member

16 March 2006