

NORTHERN TERRITORY LICENSING COMMISSION

REASONS FOR DECISION

Premises: Bayside Store

Licence Number: 80916764

Applicant: Director of Licensing

Hearing: Application by Licensee to Surrender Liquor Licence (prior to Hearing for Cancellation by Director Pursuant to Section 72(5)(a) of the *Liquor Act*)

Acting Chairperson: Ms Brenda Monaghan

- 1) On 27 November 2006, prior to the hearing of the cancellation of liquor licence for Bayside Store scheduled for 30 November 2006, the Licensee advised in writing that he wished to surrender Liquor Licence Number 80916764.

Section 39. of the *Liquor Act* (the *Act*) states:

Surrender of licence

(1) Subject to this section, a licensee may surrender his licence by lodging it with the Director.

(1A) The surrender of a licence shall not have effect until it is accepted by the Commission.

(1B) The Commission shall accept the surrender of a licence if it is satisfied that all persons who have an interest in the licensed premises to which the licence relates have been given by the licensee not less than 2 weeks notice of the licensee's intention to surrender the licence.

(2) Upon the acceptance by the Commission of the surrender of a licence, the person whose licence is surrendered shall cease to be a licensee, but shall remain liable for –

(a) an act or omission done, caused, permitted or made by him prior to the surrender; and

(b) a liability incurred by him under this Act prior to the surrender.

- 2) I am the Commissioner appointed by the Commission to consider this matter. On 28 November I received the Licensee's request for surrender together with a report on behalf of the Director of Licensing advising that, apart from the Licensee Mr Godward, the landlord is the only person who might have an interest the licence cancellation. Licensing Inspector Graham Tribe also confirmed that the landlord was advised by Racing Gaming and Licensing (RGL) on 12 July 2006 that the licence was to be cancelled and that he had shown no interest in opposing it at any time since then.
- 3) In order to ensure that the landlord had an opportunity to be heard, I elected to refrain from considering the request for surrender until after 30 November 2006 to give the opportunity to the landlord to attend at the scheduled hearing time and make submissions if he so wished. There was no appearance by anyone at the scheduled hearing.
- 4) Noting the history outlined above and noting particularly the following matters:
 - a) The Licensee ceased trading in March 2006;
 - b) Written advice received from the Licensee on 27 November 2006 surrendering the licence; and
 - c) No appearance by the landlord or any other interested person at the hearing on 30 November 2006 scheduled to consider cancellation of the liquor licence pursuant to s72(5)(a) of the *Liquor Act*;
- 5) The Commission is satisfied that the requirements of s39 of the *Act* has been complied with and the request for surrender of liquor licence number 80916764 by the Licensee is accepted.

Brenda Monaghan
ACTING CHAIRPERSON

11 December 2006