

# NORTHERN TERRITORY LICENSING COMMISSION

## REASONS FOR DECISION

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<b>PREMISES:</b>	<b>BELLA AMORE RESTAURANT</b>
<b>LICENSEE:</b>	Ms Leah Potter
<b>LICENCE NUMBER:</b>	80515890
<b>COMPLAINTS:</b>	Cancellation of Liquor Licence Pursuant to Section 72(5)(a) of the <i>Liquor Act</i>
<b>HEARD BEFORE:</b>	Mr Richard O'Sullivan (Chairman)
<b>DATES OF HEARING:</b>	29 September 2009
<b>APPEARANCES:</b>	Inspector Travis Te Whata for Director of Licensing

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### BACKGROUND

- 1) Inspector Travis Te Whata, on behalf of the Director of Licensing made application on 23 July 2009 for the cancellation of the licence of Ms Leah Potter trading as Bella Amore Restaurant from a premises at 2/52 Marina Boulevard, Cullen Bay.

### HEARING

- 2) At hearing Inspector Te Whata advised the Commission that Ms Leah Potter, the Licensee of Bella Amore Restaurant has not been able to be contacted following Licensing Inspectors becoming aware in June 2009 that the restaurant was not trading. All correspondence to the Licensee has been returned to sender or not responded to.
- 3) Mr Greg Chan, a Director and General Manager of Beretta Australia Pty Ltd, has confirmed that his company is the land owner of 2/52 Marina Boulevard and that the Bella Amore Restaurant has ceased to trade and has vacated the premises (with rent payments outstanding).
- 4) The premises is now in the hands of L J Hooker, a Real Estate Agent, for reletting.
- 5) Information provided by the landlord is consistent with and helps confirm that the restaurant has not been trading for over ninety (90) days. The landlord supports the cancellation of the licence.

**DECISION**

- 6) 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”.
- 7) The Licence of Ms Leah Potter trading as Bella Amore Restaurant is therefore cancelled forthwith.

Richard O’Sullivan  
CHAIRMAN

29 September 2009