

Director-General of Licensing

Decision Notice

Matter:	Application for Variation of Conditions on Application by Licensee
Premises:	The Tap on Mitchell 56 Mitchell Street, Darwin NT 0801
Licensee:	Value Inn Pty Ltd
Legislation:	Section 32A of the <i>Liquor Act</i>
Decision of:	Director-General of Licensing
Date of Decision:	14 October 2015

Background

1. The Director-General of Licensing received an application pursuant to section 32A of the *Liquor Act* (the Act) for a permanent variation to the licensed premises known as The Tap on Mitchell (Liquor Licence Number 80818038).
2. Mr Ray Murphy of Murphy and Associates, on behalf of the Value Inn Pty Ltd (the Applicant), Licensees of The Tap on Mitchell, applied for a variation of conditions on application by licensee (permanent variation) to the licensed premises known as The Tap on Mitchell, located at 56 Mitchell Street, Darwin NT.
3. Mr Murphy sought approval to change the liquor licence endorsement from Authority On-Licence to Authority Tavern without the need to advertise, for the purpose of allowing Value Inn Pty Ltd to make an application for a Gaming Machine Venue Licence in the near future.
4. The Director-General determined to not waive the requirement to advertise the application due to the nature, public interest and the need to community consultation.

Current Situation

5. The premises is located in the Mitchell Street precinct at 56 Mitchell Street, Darwin and is surrounded by high rise residential buildings, government offices, retail shops and comparable licensed premises, many with current gaming machine licenses.
6. The current licensed conditions and trading hours will remain unchanged and the applicant advises they have no intention of selling takeaway liquor.

Advertising

7. The application was advertised in the Northern Territory News on Wednesday, 5 August 2015 and Friday, 7 August 2015. The objection period expired on 7 September 2015.

Objections

8. There were no objections received during the objection period.

Comments from Stakeholders

9. Comments on the application were sought from various agencies that may have an interest with the application.
10. NT Police advise they do not oppose the changing of the licence authority however, request the Director-General consider the potential harms to the community with respect to the granting of gaming machine numbers and the views of counselling services such as Amity be taken in to account at the time of application.
11. NT Health stated they have no adverse comment however, asks the Director-General consider patron and community safety and amenity when determining this application and request the venue clearly display signage to delineate the non-smoking areas from the smoking areas.
12. City of Darwin Council state they cannot identify any reasons that would be grounds for objection.
13. Development Consent Authority did not make comment on the application.

Summary

14. The Applicant has provided adequate details and information in support of the application to satisfy the requirements set out in the *Liquor Act* for the approval of a permanent variation to the licensed premises to change the liquor licence endorsement from Authority On-Licence to Authority Tavern for the purpose of allowing Value Inn Pty Ltd to make an application for a Gaming Machine Venue Licence in the near future.

Decision

15. In accordance with section 32A (7) of the Act, and on the basis of the information provided in respect to the application, and for the reasons set out above, I approve the permanent variation to the licensed premises to change the liquor licence endorsement from Authority On-Licence to Authority Tavern.

Review of Decision

16. Section 120ZA of the Act provides that a decision of the Director-General, as specified in the Schedule to the Act, is a reviewable decision. An application for a variation of conditions on application by licensee pursuant to section 32A of the Act is specified in the Schedule and is a reviewable decision. Section 120ZC of the Act provides that a person affected by this decision may seek a review before the Northern Territory Civil and Administrative Tribunal. Any application for review of this decision must be lodged within 28 days of the date of this decision.



Cindy Bravos
Director-General of Licensing