



## Director-General of Licensing

### Decision Notice

---

<b>Matter:</b>	Application for Liquor Licence
<b>Proposed Premises:</b>	Enchanted Moments 1/111 Coonawarra Road Winnellie NT 0820
<b>Applicant:</b>	Enchanted Moments Events Pty Ltd
<b>Proposed Nominee:</b>	Ms Debra Lee Barnett
<b>Objectors:</b>	Nil
<b>Legislation:</b>	<i>Liquor Act</i> Part III, Division 1
<b>Decision of:</b>	Director-General of Licensing
<b>Date of Decision:</b>	16 June 2016

---

### Background

1. Pursuant to section 26 of the *Liquor Act* ("the Act"), Ms Debra Barnett and Mr Alleyne Prewett, Co-Directors of Enchanted Moments Events Pty Ltd ("the Applicant") applied to the Director-General of Licensing ("the Director-General") for a liquor licence for the purpose of providing bar services, including the service of alcohol, at corporate events, weddings and private functions. The Applicant is also seeking a liquor licence to authorise the sale of alcohol as a part of the retail supply of gift baskets and special occasion balloons.
2. The Applicant has premises at unit 1/111 Coonawarra Road, Winnellie and currently operates as a wedding and events company conducting and facilitating a range of corporate and private events at various unspecified locations throughout Darwin. The Applicant seeks a liquor licence authorising it to provide alcohol to guests at such events. For the component of the business proposing to sell alcohol in conjunction with gift baskets and balloons, the Applicant advises that such sales will be by way of delivery service with orders being placed via telephone or the internet. It is also proposed that clients will be able to purchase gift baskets and balloons, including alcohol, directly from its premises. Apart from those sales the premises will predominantly be used for the storage of supplies for the business, including alcohol.
3. Given the nature of the events component of the business specific details cannot be provided in respect of the type of events, times, dates and venue locations as these will vary dependent on the requests and needs of clients of the business. However, the Applicant advises that it does not anticipate any such event being held outside of the greater Darwin area. It should also be noted that the Applicant is required to seek a permit through the relevant local government body for each event. The applicant will also be required to provide relevant notification to Licensing NT and the NT Police for events catering for in excess of 200 patrons.

## Current Situation

4. The Applicant provided a submission regarding the relevant criteria referred to in section 6(2) of the Act identifying the operations of the proposed business. The applicant submitted that the information provided demonstrates that the grant of the licence will be in the public interest. The Applicant has also lodged an affidavit pursuant to section 26A of the Act, identifying that the directors of the Applicant Company are the only persons able to influence the conduct of the business under the liquor licence.
5. The business proposed to be conducted will include wedding, functions and corporate events bar services, similar in nature to a restaurant liquor licence, for which liquor may be sold from 12:00 noon until 11:59 pm, seven days a week. The second component of the business includes the sale and delivery of gift baskets and celebratory balloons which may include alcohol for which trading hours will be from 11:00 am until 9:00 pm, seven days a week.

## Advertising

6. The application was advertised in the Northern Territory News in the correct format on Wednesday 2 March 2016 and Friday 4 March 2016. No objections were received in relation to the application.

## Stakeholder Consultation

7. Letters were sent to the usual stakeholders, being NT Police, NT Fire and Rescue Services ("NTFRS") and City of Darwin advising of the application and seeking comment.
8. The Drug and Alcohol Policy Unit of NT Police advised that the application was supported.
9. The Department of Health advised that it had no adverse comment in respect of the application on the understanding that appropriate licence conditions were imposed in respect of the proposal to sell gift baskets including alcohol, including a condition that pre-orders were delivered no earlier than the next day and the alcohol content was a small proportion of the overall cost.
10. City of Darwin provided a response advising that the Council does not object to the grant of the licence.
11. City of Palmerston also provided a response advising that the Council does not object to the grant of the licence so long as the business was run in accordance with the business plan attached to the application. Council also requested that consideration be given to including a licence condition that deliveries of gift baskets containing alcohol be made only by employees who are over 18 years of age and who hold a Responsible Service of Alcohol certificate.

## Consideration and Summary

12. The Applicant has provided sufficient evidence to meet the requirements set out in the Act for the grant of a liquor licence authorising the supply of alcohol in the manner described in the Applicant's business plan and as summarised above. The application is for a restricted type of liquor licence limiting sales of alcohol to pre-booked social and corporate events together with the supply of alcohol included in gift baskets and accompanying celebratory balloons.

13. I am satisfied that the type for licence sought by the Applicant presents minimal risks in terms of potential public harm in the community. The business is proposed to operate in a niche market and as such falls within the objects of the Act in respect of facilitating a diversity of licensed premises and associated services for the benefit of the community.
14. Having reviewed the financial information lodged with the application, I am satisfied that Enchanted Moments Events Pty Ltd has sufficient financial resources to conduct the business under a liquor licence. The probity checks conducted during the assessment of the application, and the testimonials provided in support, indicate that the co-directors of the company, Ms Debra Barnett and Mr Alleyne Prewett, are fit and proper persons as required by the Act and that Ms Barnett is an appropriate person to perform the functions of nominee/manager for the licence.
15. No objections were lodged in respect of the application and no adverse comments were received from the usual stakeholders, as noted above. The submissions by stakeholders in respect of special licence conditions reflecting the nature of the business are acknowledged and noted.
16. In all the circumstances I am satisfied that the grant of the type of liquor licence sought by the Applicant is appropriate and in the public interest.
17. The licence will be issued subject to the following special conditions:
  - Trading hours for the service and sale of alcohol at functions or events shall be between the hours of 12:00 noon to 11:59 pm seven days per week;
  - Trading hours for the delivery of gift baskets and balloons shall be between the hours of 11:00 am and 9:00 pm seven days per week;
  - Orders for delivery of purchases including alcohol shall be made via online order, telephone or in person at the licensed premises;
  - Delivery of purchases including alcohol shall take place no sooner than the day following receipt of the order by the licensee and no purchases containing alcohol may be collected from the licensed premises by the purchaser, regardless of the means of placing the order;
  - Restriction on the delivery of liquor to restricted areas and private restricted premises;
  - Requirement for delivery of alcohol in conjunction with gift baskets or balloon to be to a designated address and to a person over the age of 18 years;
  - Authorisation for the Director-General to issue directions in respect of the Applicant's online operations;
  - Requirement to notify the Director-General and NT Police in respect of functions and events where patron numbers exceed 200 persons; and
  - Restriction on the value of alcohol included with gift baskets or balloons to no more than two litres of alcohol in any single order with the cost of the alcohol not exceeding 49% of the entire package.

## Decision

18. In all the circumstances I am satisfied that the granting of a liquor merchant licence in this case presents minimal risk to the public or to the community within which the business will operate. The Applicant has provided adequate details and information in support of the application to satisfy the requirements set out in the Act for the grant of a Restaurant/Liquor Merchant Liquor Licence, pursuant to section 29(1)(a) of the Act, for the purpose of operating the type of business described in the business plan presented in support of the application.
19. The Nominee (Manager) for the premises, and the person responsible for the day to day management of the business and the premises and compliance with the requirements of the licence conditions and the Act is Ms Debra Barnett, who has been assessed as an appropriate person to manage a liquor licence.
20. In accordance with section 29(1)(a) of the Act, I have determined to grant a Liquor Licence with the Authorities of Restaurant and Liquor Merchant to the Applicant. The licence issued will be subject to special conditions as set out above.

## Review of Decision

21. 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. A decision to grant a liquor licence pursuant to section 29 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. For the purpose of this decision the affected person is the Applicant.



**Cindy Bravos**  
**Director-General of Licensing**

16 June 2016