

# Decision Notification

## Application Details

Application no.	209893
Licence No.	57008287
Licence Class	General & Hotel
Premises Name	Antojitos Latinos
Premises Address	849 Main North Road Pooraka SA 5095
Applicant	Antojitos Latinos Pty Ltd
Application Type	Application for a Liquor Licence

## Outcome

Decision	Granted
Effective Date	21 Sep 2021

## Requirements

The following requirements in support of the application have been satisfied:

- Landlord's consent has been obtained
- The application has been advertised
- All approvals, consents or exemptions have been obtained

## People

### Position of Authority

The following persons are approved to occupy any position of authority in the entity holding the licence:

- Viviana Olga Torres Opazo (168051)

## Premises

### New Premises

The licensed area is outlined in red on the approved plan.

### Capacity

The capacity of the venue is set at 40.

## Community Impact Assessment

The application is a designated application for the purposes of section 53A of the Act.

## Conditions

The following conditions are added to the licence

- The sale and supply of liquor for consumption off the licensed premises is restricted to Latin American products.

## Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised
- Sale of liquor for consumption off the licensed premises authorised

## Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	10:00 am to 10:00 pm	10:00 am to 10:00 pm
Tuesday	10:00 am to 10:00 pm	10:00 am to 10:00 pm
Wednesday	10:00 am to 10:00 pm	10:00 am to 10:00 pm
Thursday	10:00 am to 10:00 pm	10:00 am to 10:00 pm
Friday	10:00 am to 10:00 pm	10:00 am to 10:00 pm
Saturday	10:00 am to 10:00 pm	10:00 am to 10:00 pm
Sunday	10:00 am to 10:00 pm	10:00 am to 10:00 pm

## Reasons for Decision

Antojitos Latinos (the Applicant) has applied for a General and Hotel Licence in respect of premises situated at 849 Main North Road, Pooraka SA 5095.

In order for this application to be granted I must be satisfied that the granting of the application is in the community interest. In making this determination, under section 53A(2) of the *Liquor Licensing Act 1997* (the Act), I must have regard to:

- the harm that might be caused (whether to a community as whole or a group within a community) due to the excessive or inappropriate consumption of liquor; and
- the cultural, recreational, employment or tourism impacts; and
- the social impact in, and the impact of the amenity of, the locality of the premises or proposed premises; and
- the nature of the business conducted or to be conducted under the licence (as prescribed).

I must also apply the Community Impact Assessment Guidelines (the Guidelines) when making a determination on the application. Importantly, the Guidelines state that: *“The onus is on the applicant to satisfy the licensing authority that the grant of the application is in the community interest and to provide relevant evidence and submissions to discharge this onus.”*

Pursuant to section 3(2) of the Act, when deciding whether or not to grant this application, I must have regard to the objects of the Act as set out in section 3(1) of the Act.

As part of the application, the Applicant has submitted a Community Impact Assessment Form as their community impact submission. It is the content of this form, as well as the application itself, that my decision is based on.

### Nature of the Business

Antojitos Latinos currently operates as a family friendly café featuring Latin American food. The Applicant has applied for a General and Hotel Licence in order to sell a small selection of Latin American beer and wine with meals, as well as takeaway purchases.

It is proposed that the business will operate 7 days per week from 10:00am to 10:00pm.

The menu is exclusively Latin American offering a range of empanadas, flatbreads, burgers, hotdogs, salads and main meals.

The Applicant consulted with the community by way of an online poll using social media. A total of 199 votes were received, with 99% of respondents supporting the application. The Applicant also provided the names and contact details of 44 customers who signed an in-house petition.

### **Potential Harm**

The Applicant has not specifically addressed whether there are any 'at-risk' groups or sub-communities within the locality. The Applicant says:

*"We do not wish in any way to harm or impact negatively the community around us.*

....

*Even when we have had a liquor licence granted for the day, we have never seen anyone wanting to get drunk. Customers have come in and had a beer or two with their family and friends, and then go on their way.*

*There is an Asian Restaurant which serves alcohol with their meals 400m from us and they have not had any issues despite being closer to the local primary school in the area and the childcare centre."*

The Applicant has identified a primary school, child care centre and local place of workshop all located within 700 metres of the premises.

In terms of policies and procedures to minimise any potential harm, the Applicant advises that a responsible person will be in attendance at all times. Alcohol will not be served to underage patrons or those who are intoxicated. Water will be made available at all times. The Applicant will also ensure that all staff undertake appropriate responsible service of alcohol training, and are made aware of the applicable liquor licensing laws and requirements.

### **Cultural, Recreational, Employment and Tourism Aspects**

The Applicant submits that the granting of the licence will provide additional employment opportunities as they anticipate the need to employ one or two more responsible persons.

The Applicant expects to bring more people to the locality given that it serves Latin American food exclusively, thereby providing economic benefits to the local community.

### **Social Impact and Amenity**

The Applicant advises that the premises is located within 400 metres of another licensed premises.

The Applicant has not provided any other information to assess any social impact on the community, and I query whether the Applicant has used the Community Impact Portal to answer this section of the application as recommended on the Community Impact Assessment Form.

### **Decision**

I have considered and have had regard to the objects of the Act, as required by section 3(2) of the Act, in determining the application.

Harm minimisation is a key component of the community interest test, underpinned by the first object of the Act: "to

*ensure the sale and supply of liquor occurs in a manner that minimises the harm and potential for harm caused by the excessive or inappropriate consumption of liquor.”*

I have considered the harm that might be caused (whether to a community as a whole or a group within a community) due to the excessive or inappropriate consumption of liquor, and I am satisfied on the material before me that the risk of harm posed by the proposed licence is low. The Applicant has identified measures which I consider will adequately mitigate the risk of harm, particularly in light of the small size of the premises and the basis on which this particular licence is sought.

I note that the Licensing Authority has not received any submissions from individuals, entities or stakeholders opposing the application, and the Applicant has provided evidence of significant community support for the application.

There is no reason why the application should be refused on the basis of the matters outlined in s 57 of the Act such as the suitability of the premises; the potential for them to cause undue offence, annoyance and the like to nearby workers, residents and worshippers in their vicinity; or prejudice to the safety or welfare of children attending nearby kindergartens and schools.

There is also no basis for refusing the application under the broad discretion available pursuant to section 53 of the Act. I am of the view that granting the application is in the public interest and will further the objects of the Act. I am also satisfied that granting the application is in the community interest as it will provide the community with a unique Latin American experience with specialised liquor products.

For the reasons set out above, the application for a General and Hotel Licence is granted. However, given the intended purpose of the licence, I impose a condition that consumption off premises is to be limited to Latin American products.

## Under Delegation from the Liquor and Gambling Commissioner



Stephanie Burke  
Hearings Delegate  
21 Sep 2021