

Decision Notification

Application Details

Application no.	213859
Licence No.	57008392
Licence Class	General & Hotel
Premises Name	Banquet Fine Foods and Wines
Premises Address	992 Port Road Albert Park SA 5014
Applicant	LIQUOR FROM PTY LTD
Application Type	Application for a Liquor Licence

Outcome

Decision	Granted
Effective Date	23 Sep 2022

Procedural

I allow the applicant to vary their application as follows:

The size of the licensed area has been reduced and the applicant has submitted revised plans showing that liquor will be available for sale on part of the premises only.

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:

- Domenico Totino (13594)
- James Rinaldi (23872)
- Dominic Reppucci (154295)
- MICHAEL DAVID AMEY (163689)
- Athena Amey (163690)

Premises

New Premises

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

Capacity

The capacity of the venue is set at 120.

Community Impact Assessment

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

Liquor From Pty. Ltd. (**the Applicant**) has applied for a general and hotel licence in respect of premises situated at 992 Port Road, Albert Park to be known as Banquet Fine Foods & Liquor.

This application is a designated application for the purposes of section 53A of the Act and may only be granted if the licensing authority is satisfied that the grant of the application is in the community interest. In determining this application 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 a whole or a group within community) due to the excessive or inappropriate consumption of liquor;
- 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 which state, *“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.”*

As part of the application the applicant has submitted a completed Community Impact Assessment Form as their community impact submission. It is the content of this form and the application material itself that my decision will be based on.

Nature of the business

The Applicant is currently operating a speciality food and beverage outlet at the site. It holds a restaurant and catering licence over part of the premises which trades as a café style eatery known as Don’s at Banquet. The Applicant also holds a Liquor Production and Sales Licence which permits the retail sale of packaged liquor in quantities of 4.5 litres or more.

The current business model has operated at the site for over 30 years and provides customers with a speciality range of continental food and liquor products. The Applicant also offers food education sessions, cooking workshops and caters to off-site functions and events.

The products offered by the Applicant include specialty goods and traditional foods not readily available in most supermarkets as well as imported liquor products not available from existing outlets.

The Applicant has applied for a general and hotel licence in order to sell liquor for consumption on the premises (in the café area) and for consumption off the premises, in quantities of less than 4.5 litres, it does not intend to operate a ‘pub’ style venue.

The Applicant has defined the locality as a 2km radius from the premises, although expects to draw customers from the wider metropolitan area who wish to purchase the unique products available from the store. The food and liquor products available cater for the needs of many European cultures including (but not limited to) Italian, Greek, Serbian and Polish.

The proposed trading hours for the premises are Monday to Thursday 8am to 5pm, Friday and Saturday 8am to 9pm and Sunday 10am to 4pm. I note these proposed trading hours are more in line with retail outlets, rather than venues trading as ‘pubs’

The Applicant has submitted that the fit out of the premises will remain largely unchanged to maintain the warehouse feel. The liquor products will be moved from their current position at the entrance of the store to be located together

with the café. On that basis, only part of the premises will be licenced and part of the premises with the food products (deli and butcher) will remain unlicensed.

The cafe-style onsite eatery will continue to provide light meals and pizzas as it currently does, and the existing restaurant and catering licence will be surrendered should the current application be granted.

The Applicant contends that its core market is various migrant groups seeking particular products from their 'homeland'. Statistical data for the locality based on the 2016 census, shows that in the Woodville-Cheltenham area only 59% of the population was born in Australia, compared to the State average of 71%.

Harm Minimisation

The Applicant has identified 'at risk' groups in the locality as children and young people, members of Aboriginal communities, people of low socio-economic backgrounds and notes the following:

- whilst there are children in the locality, the census data shows that the median age for the locality is over 38 years, and the area is home to many couples without children (42.2%) compared to the State average of (40%)
- the Applicant is not aware of any Aboriginal community groups living near the proposed premises.
- The unemployment rate in the area is on par with the State average and the socio-economic indicators (SEIFA index) shows that the locality is above average.

The Applicant has been involved in the liquor industry for over 30 years and is aware of its obligations and responsibilities as a licensee and will continue to implement strategies and procedures in accordance with its management plan.

All staff will undertake appropriate RSA training, and there will be an in-house focus in respect of minors and persons affected by alcohol. Security lighting and cameras have been installed to provide for additional harm minimisation measures.

I note that the Applicant currently operates under two licences at the site and has not been subject to any disciplinary actions. The Applicant submits that a change in the licence type, should the application be granted will not alter the policies and procedures which have been in place for many years.

Cultural, Recreational, Employment and Tourism impacts

The Applicant is of the view that the existing store plays an important role in the local community, acting as a quasi 'cultural institution' for customers who come to purchase goods not readily available elsewhere. The venue also hosts events such as "Porchetta" lunches featuring traditional Italian-style seasoned roast pork, and holds sausage making workshops, providing an opportunity for customers of diverse cultural backgrounds to engage in traditional 'old fashioned' Italian sausage making.

The Applicant has identified 41 other licensed premises in the locality including 3 General and Hotel licences and 7 packaged liquor sales licences. It appears that these venues generally operate as 'pubs' or bottle shops, which is very different to the Applicant's proposed offering.

It is expected that the grant of the application will create employment opportunities for at least two new staff members.

In terms of community consultation, the Applicant has engaged with local council, police, community members and existing customer base all of which support the application. In particular, the Applicant obtained over 120 signatures on a petition to support the sale of packaged liquor (in smaller quantities than the current 4.5 litres) from the premises.

I am satisfied that the granting of this application is in the community interest.

Authorisations

The following authorisations/restrictions are added to the licence

- Bottle Shop
- 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	8:00 am to 5:00 pm	9:00 am to 5:00 pm
Tuesday	8:00 am to 5:00 pm	9:00 am to 5:00 pm
Wednesday	8:00 am to 5:00 pm	9:00 am to 5:00 pm
Thursday	8:00 am to 5:00 pm	9:00 am to 5:00 pm
Friday	8:00 am to Midnight	9:00 am to 7:00 pm
Saturday	8:00 am to Midnight	9:00 am to 7:00 pm
Sunday	10:00 am to 6:00 pm	10:00 am to 4:00 pm

Reasons for Decision

In reaching my determination, I have had regard to the objects of the *Liquor Licensing Act 1997*.

This is an unopposed application for a General and Hotel licence, which purports to be a different style of venue from the existing licences of this category already in the locality. The grant of this application will simply allow the Applicant to continue to operate its existing business model under one licence rather than two and no longer be restricted to the sale of packaged liquor in aggregate quantities of 4.5 litres or more.

The applicant will continue to provide continental grocery style items, along with fresh meats from the in-house butcher as well as cured meats, cheeses and other delicatessen items. A separate part of the premises will house the existing café-style eatery providing coffee, cakes, light meals, alcoholic and non-alcoholic beverages together with a bottle-shop area which will allow customers to purchase take-away liquor products for consumption off the premises.

The venue will provide limited employment opportunities at the outset, but given the flexibility offered by the new licence category, the Applicant may choose to further develop parts of the business which may create more employment opportunities.

I note that the applicant has provided information from the Community Impact portal, as well as support from the local community and no opposition from SA Police or council.

I accept that the nature of the proposed business is such that it is unlikely to attract or otherwise have a negative impact on 'at risk' groups in the community, and I note the Applicant has been operating in a similar manner at this site for a number of years without incident. The applicant has addressed potential harm, and has put a number of strategies and procedures in place to mitigate this risk.

The onus is on the applicant to satisfy the licensing authority that the grant of the application is in the community

interest. On the basis of the detailed information provided, together with the community support for the application, I am satisfied that the grant of this licence is in the community interest

Under Delegation from the Liquor and Gambling Commissioner



Vicki Brunello
Hearings Delegate
12 Sep 2022