

# Decision Notification

## Application Details

Application no.	207885
Licence No.	57104473
Licence Class	On Premises
Premises Name	Hanky Panky
Premises Address	2A Durham Street Glenelg SA 5045
Applicant	GHOST CO PTY LTD
Application Type	Application for a Liquor Licence
Representative	Andrew Wong - Lion Consulting Group

## Outcome

Decision	Granted
Effective Date	16 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:

- Michael Earle Papatolis (160343)
- Henry Earle Papatolis (149041)

## 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.

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

## Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	Midday to Midnight	-
Tuesday	Midday to Midnight	-
Wednesday	Midday to Midnight	-
Thursday	Midday to Midnight	-
Friday	Midday to 2:00 am the following day	-
Saturday	Midday to 2:00 am the following day	-
Sunday	Midday to 2:00 am the following day	-

## Reasons for Decision

GHOST CO PTY LTD (the **Applicant**) has applied for an On Premises Licence in respect of premises situated at 2A Durham Street, Glenelg, SA 5045, to be known as **Hanky Panky**.

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 completed 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 Proposed Business

Hanky Panky currently operates as a restaurant under a Restaurant & Catering Licence. The Applicant wishes to surrender the Restaurant & Catering Licence and obtain an On Premises Licence *“to give customers an amazing bar experience”*.

It is intended that Hanky Panky will trade from late afternoon until evening hours. A limited range of locally sourced beers, wine and spirits will be offered. Hanky Panky specialises in and is known for their toasties. Music will be played through the Applicant’s in-house sound system, and on occasion a DJ or acoustic artist will perform for patrons.

The Applicant has identified the ‘locality’ as Holdfast Bay, Marion and West Torrens, with the suburbs being Glenelg

North, Glengowrie, Glenelg East, Somerton Park, Glenelg, Novar Gardens, Glenelg South, Morphettville, Camden Park and Adelaide Airport. The Applicant notes that there are 85 licenced premises in the area at present and submits that the current proposal “*would add to the vibrancy of the area.*”

The Applicant has provided evidence of community consultation as follows:

- Letter from Lion Consulting Group and Hanky Panky seeking community support and feedback dated 30 May 2021
- Petition signed on 4 June 2021 by numerous individuals and businesses along Jetty Road
- Letter of support from The Jetty Bar, undated
- Letter of support from Angus Bathurst-Warren, Business Owner and Local Resident, dated 18 June 2021
- Letter of support from the City of Holdfast Bay dated 13 August 2021

### **Potential Harm**

The Applicant submits that it has not had any issues with any ‘at-risk’ groups or sub-communities within the locality, even though it currently operates two licenced venues in the area.

The Applicant has relied on the Community Impact Portal to identify the community buildings, facilities and areas within the locality. The closest recreational area is the main beach of Glenelg, which is a dry zone. The Applicant submits:

*“There is very low unemployment rate at 3%. The area is affluent and there are minimal at risk groups that will be affected by the business operation. There are no community buildings, facilities and areas within the immediate locality of the premises.”*

In terms of policies and procedures to minimise harm, the Applicant advises that all staff will be trained in relation to the responsible service of alcohol. Staff will monitor the consumption of liquor and ensure it is consumed appropriately. An age policy will be implemented where patrons who look under the age of 25 will be asked for identification.

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

The Applicant notes that Hanky Panky is located in the heart of Glenelg’s tourist attraction area and submits that the proposed business will create more exciting options for patrons in the area, as well as more job opportunities, thereby generating further economic growth for the local community.

### **Social Impact and Amenity**

The Applicant describes the locality as:

*“a high employment and affluent area with low crime rates. There are a significant number of licensed venues in the area as Glenelg is a destination area for people to enjoy the summer months.”*

### **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.

The Licensing Authority has not received any submissions from individuals, entities or stakeholders opposing the application, and I note that the City of Holdfast Bay supports the application.

The Applicant has provided evidence of community support for 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 will implement policies and procedures which, in my view, will adequately mitigate the risk of harm to members of the community.

There is no reason why the application should be refused on the basis of the matters outlined in section 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.

For the reasons set out above, the application for an On Premises Licence is granted.

## Under Delegation from the Liquor and Gambling Commissioner



Stephanie Burke  
Hearings Delegate  
16 Sep 2021