

Decision Notification

Application Details

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| Application no. | 211481, 211482 |
| Licence No. | 57104643 |
| Licence Class | On Premises |
| Premises Name | Hains & Co. / Ralph Louis Frederick |
| Premises Address | 21-23 Gilbert Place Adelaide SA 5000 |
| Applicant | Hains & Co Pty Ltd, Motteram Business Trust |
| Application Type | Application for a Liquor Licence, Application for Extension of Trading Area (S 69) |
| Representative | Patrick Connelly - Clelands Lawyers |

Outcome

| | |
|----------------|-------------|
| Decision | Granted |
| Effective Date | 15 Nov 2021 |

Procedural

I allow the applicant to vary their application as follows:

- vary capacity from 170 persons to 180 persons

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:

- Marcus Daniel Motteram (26478)
- Marissa Galatis (129141)

Premises

New Premises

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

Capacity

The capacity of the venue is set at 180.

Licence Plan

The licensee is authorised to sell and supply liquor in an area adjacent to the premises for consumption in that area, as outlined in red on the approved plan.

Licensee

I note that the applicant will hold the licence as trustee for Motteram Business Trust .

Community Impact Assessment

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

This application may only be granted if the licensing authority is satisfied that the grant is in the community interest. In accordance with section 53A(2) of the *Liquor Licensing Act 1997* (the Act), in determining this application, I must have regard to the following:

- 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 which states, *“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.”*

I will have regard to the applicant’s community impact submission, the application itself and supporting material in making my determination

Nature of the business

The premises currently operates under an existing small venue licence, this application for a new licence is to enable the licensee to expand its venue and increase its capacity by 50 patrons.

The ground floor of the building will continue to trade as Hains & Co dedicated to gin and rum products. A proposed whisky bar will operate on the first floor which will be home to the most comprehensive whisky collection in Adelaide. The dedicated whisky bar has received a great deal of support from the local whisky community.

It will be a “high end” whisky bar within an Art Nouveau / Art Deco space with a focus on ‘true service’, expert conversation and a passion for whisky. There will be educational tasting sessions, whisky club gatherings and private classes.

There will be a quality selection of small plates, focussing on great food pairings with whisky. The target market is those who want to experience a high level of service and enjoy their whisky.

There will be no accommodation on premises and the entertainment will be limited to background jazz, opera and classical music.

Potential harm

The applicant has been operating Hains & Co (under a small venue licence) at the site for a number of years, and notes that there are a number of ‘at-risk’ groups in the locality including the homeless, drug and alcohol dependants, unemployed and members of the indigenous community.

The licensee maintains that its venue is either not of interest, or beyond the affordability of these 'at-risk' groups. There have not been any issues with these groups to date and the licensee expects that the addition of a high end whisky bar on the first floor of the premises will have no further impact.

A number of facilities have been identified in the locality including drug and alcohol centres designed to provide support to members of the community. The applicant confirms that there have not been any problems with persons from these centres accessing the licensed premises.

It was submitted that Hains & Co already has a comprehensive risk assessment and alcohol management policy in place, all staff have undertaken relevant responsible service of alcohol training as well as refresher courses as needed. The range of liquor and price points are unlikely to be attractive to minors and similarly there will be not be any promotions encouraging the rapid and excessive consumption of liquor, nor otherwise targeting the underage market.

Cultural, recreational, employment or tourism impacts

This venue is a small specialised bar intended to fill a void in the Adelaide bar scene, it will provide a 'whisky experience' which is more than just the sale of liquor. This new venue is likely to complement Adelaide's current offering to interstate conference delegates given its proximity to large hotels and the convention centre.

The bar will have a particular appeal to whisky aficionados, and on that basis, it is anticipated that it will attract tourists from around the country.

It is expected to create employment opportunities for 4 full time staff members.

Social impact and impact on the amenity of the community

The venue is located on Gilbert Place in the midst of the West End small venue precinct, and so draws a wide array of customers. There are already a large number of licensed premises in the locality, but the applicant maintains that none will offer the same level of service, range of whisky products, knowledge or atmosphere.

The building has been fitted with acoustic treatment to soften the sound, and in any event it is not intended to operate as a nightclub style venue that would cause noise or other disturbance to the amenity of the area.

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor in an approved place adjacent to the licensed premises authorised

Trading hours

The following are the approved trading hours

| | Consumption on premises | Consumption off premises |
|-----------|--------------------------------------|--------------------------|
| Monday | 7:00 am to 2:00 am the following day | - |
| Tuesday | 7:00 am to 2:00 am the following day | - |
| Wednesday | 7:00 am to 2:00 am the following day | - |
| Thursday | 7:00 am to 2:00 am the following day | - |
| Friday | 7:00 am to 2:00 am the following day | - |
| Saturday | 7:00 am to 2:00 am the following day | - |
| Sunday | 7:00 am to 2:00 am the following day | - |

Reasons for Decision

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

This is an application for an up-market whisky to be located on the first floor of an existing licensed premises known as Hains & Co. As the current venue is limited to a capacity of 120 under a small venue licence, the applicant has sought an On Premises licence for the site, and if granted, the current licence will be surrendered.

The applicant has gone to great lengths to explain its focus on premium whisky products, superior customer service, the uniqueness of a dedicated whisky bar in Adelaide allowing an overall “experience” unlike any other.

I note that no submissions opposing the grant of the licence were received by the licensing authority, and the proposal has gained a great deal of support from a number of relevant stakeholders and industry representatives.

The applicant has indicated that it has been running licensed premises of a similar nature and on the same site as the proposed new venue, without incident. It has a number of measures in place to reduce the risk of harm, and I accept that the nature of the business suggests that the grant of this licence would have a minimal impact on vulnerable groups in the locality.

The onus is on the applicant to satisfy the licensing authority that the grant of the application is in the community interest. It is expected that a larger venue featuring an exclusive dedicated whisky bar with a unique offering is in the interest of both the ‘whisky devotees’ and the broader community.

I am satisfied that the grant of this application will pose little risk, and is consistent with the expectations and aspirations of the public and is likely to facilitate the responsible development of the licensed liquor industry and associated industries in a manner consistent with the other objects of the Act. Accordingly, under section 53A(1) of the Act I grant the application.

Under Delegation from the Liquor and Gambling Commissioner



Vicki Brunello

Hearings Delegate

15 Nov 2021

