

Decision Notification

Application Details

Application no.	211265, 211563, 213123
Licence No.	57311868
Licence Class	Restaurant & Catering
Premises Name	Broadway Kiosk
Premises Address	Corner Broadway and South Esplanade GLENELG SOUTH SA 5045
Licensee	Gaetano Maniscalco Trevor Jenkins
Application Type	Variation to Conditions (Upgrade), Application for Redefinition, Application for Extension of Trading Area (S 69)
Representative	Andrew Wong - Lion Liquor Licensing Consultants

Outcome

Decision	Granted
Effective Date	10 Dec 2021

Requirements

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

Landlord's consent has been obtained

All approvals, consents or exemptions have been obtained

The application for variation to conditions has been advertised. The application has been advertised on the premises albeit noting that the notice was displayed 5 days late.

Premises

Alterations/Redefinition

I redefine the licensed premises in accordance with the plan lodged with the application.

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

The licensed area is redefined to extend the outdoor area and to exclude the cool room and storage area.

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.

Determination Details

Submissions from the following persons or corporate entities were received and taken into consideration when determining this application: City of Holdfast Bay

On 7 October 2021, the City of Holdfast Bay lodged a submission, pursuant to section 77(3) of the *Liquor Licensing Act 1997* (the Act), on the grounds that:

"The lease documents have not been signed by all parties and Council is awaiting confirmation of amendment to lease. The outdoor dining permit is pending awaiting indemnity insurance. Until both these matters are resolved Council can not support an amendment to the license"

On 19 October 2021, the City of Holdfast Bay withdrew their submission.

I am satisfied the applicant has the relevant approvals under section 69 of the Act.

Conditions

The following conditions are added to the licence

- The approval to sell liquor in an outdoor dining area shall lapse and become of no effect if the permit issued by the local council lapses, or is cancelled, withdrawn or revoked.

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	8:00 am to 10:00 pm	-
Tuesday	8:00 am to 10:00 pm	-
Wednesday	8:00 am to 10:00 pm	-
Thursday	8:00 am to 10:00 pm	-
Friday	8:00 am to 10:00 pm	-
Saturday	8:00 am to 10:00 pm	-
Sunday	8:00 am to 10:00 pm	-

Reasons for Decision

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

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
10 Dec 2021