

Decision Notification

Application Details

Application no.	218736
Licence No.	57702124
Licence Class	Packaged Liquor Sales
Premises Name	Little Tokyo
Premises Address	Shop 2A Victoria Square ADELAIDE SA 5000
Proposed Premises Address	Tenancy 59-60, Market Plaza, 61-63 Grote Street ADELAIDE SA 5000
Licensee	Little Tokyo (Australia) Pty Ltd
Application Type	Application for Removal of Licence

Outcome

Decision	Granted
Effective Date	30 Nov 2022

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

Premises

Removal

- The licence is removed to:
Tenancy 59-60, Market Plaza, 61-63 Grote Street
ADELAIDE SA 5000.
- The licensed area is outlined in red on the approved plan.

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.

Reasons for Decision

In reaching my determination, I have had regard to the objects of the *Liquor Licensing Act 1997*. The licensee has applied to remove their licensed premises to Tenancy 59-60, Market Plaza, 61-63 Grote Street, Adelaide.

Applications for the removal of a packaged liquor sales licences are designated applications for the purposes of the *Liquor Licensing Act 1997* (the Act). The application can only be granted if it is in the community interest to do so. In determining whether or not a designated application is in the community interest, the licensing authority (the Authority) must have regard to the matters set out at section 53A(2) of the Act, being:

- 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);
- the cultural, recreational, employment or tourism impacts;
- the social impact in, and the impact on 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.

The licensee has addressed each of these matters in their community impact submission and their application. Their submissions on each of the points can be summarised as follows:

Harm - the licensee has indicated that there are some at-risk individuals in the locality of the new premises. The licensee, however, has indicated that their premises will be located inside an arcade with security and that their limited and specialist selection of liquor does not attract at-risk persons. The licensee has also indicated that though there are a few schools within the locality and that school age children visit the premises, that the sale of liquor will not occur to minors.

Cultural, Recreational, Employment or Tourism Impacts - the licensee submits that the removal of the premises will provide economic benefits to the Adelaide Central Market area and Chinatown area. The licensee submits that their premises plays a part in enhancing the popularity of the area and promoting the area as tourist destination.

Social Impact and Impact to Amenity - The premises is currently located within an arcade in the Adelaide Central Markets and will be moving to another shop within the same locality.

Nature of the Business - The licensee submits that people are attracted to the Adelaide Central Markets because of the diversity of the food and drink offerings. The licensee will continue to only sell Japanese liquor.

I have had regard to each of the considerations and I am satisfied that the grant of the application is in the community interest. I am satisfied that the trade to be undertaken will not contribute to harm in the community and rather, will continue to add to the cultural diversity of food and drink within the Adelaide Central Market area.

I note that in their Community Impact Submission, the applicant indicated that, from time to time, high-school age students enter the premises to purchase sweets. I remind the licensee of the obligations under section 112 of the Act which prohibit a minor from entering a licensed premises subject to a packaged liquor sales licences unless the minor is accompanied by a responsible adult at all times.

I note that the Authority has not received any submissions opposing the application.

In support of their application, the licensee has provided a letter from the City of Adelaide indicating that there is no requirement to obtain development approval as the new premises has existing use rights as a 'shop'. As such, pursuant to section 60(1) of the Act, I am satisfied that the premises to which removal of the licence is sought are of an appropriate standard for carrying on business under the licence and that the removal of the licence is unlikely to result in undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of the premises or prejudice the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of the premises.

Pursuant to section 60(2) of the Act, I am satisfied that all approvals, consents and exemptions required under the law relating to planning to permit the use of the premises for the sale of liquor have been obtained and that any other relevant approvals, consents and exemptions required for carrying on the business from the premises have been obtained.

Pursuant to section 72 of the Act, I am satisfied that the lessor has consented to the application.

I do not consider that there is any other reason why I should refuse the application under the broad discretion available in section 53 of the Act.

On the material before me there is no reason to refuse the application pursuant to either section 53(1a) or section 53(1b) of the Act.

I am of the view that granting the application is in the community interest, is not contrary to the public interest, and is consistent with the objects of the Act.

The removal application is granted.

Under Delegation from the Liquor and Gambling Commissioner



Natasha Tsourtos
Manager, Liquor and Gambling
30 Nov 2022