

Decision Notification

Application Details

Application no.	215123, 215124
Licence No.	57003499
Licence Class	General & Hotel
Premises Name	Rob Roy Hotel
Premises Address	106 Halifax Street ADELAIDE SA 5000
Licensee	EST 1840 Pty Ltd
Applicant	ROB ROY HOTEL 1840 PTY LTD
Application Type	Application for Transfer of Licence, Application for Extension of Trading Area (S 69)
Representative	Cheryl HO - H&O Lawyers

Outcome

Decision	Granted
Effective Date	27 May 2022

Requirements

The requirement to provide the following in support of the application has been waived:

The requirement to advertise the application by notice placed on the premises

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:

- Shang Ju Yang (93148)
- Liu Chien Yang (139146)

Premises

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

Transfer

The licence is transferred to ROB ROY HOTEL 1840 PTY LTD effective from 27 May 2022.

The licence is transferred, subject to settlement taking place on or before that date. If settlement does not take place on or before that date the applicant must advise this office in writing of the new settlement date.

Determination Details

An intervention was lodged by the Commissioner of Police regarding the application.

An intervention was lodged by the Commissioner of Police regarding the approval of Lu Chien Yang .

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dining area shall lapse and become of no effect if the permit issued by the local council lapses, or is cancelled, withdrawn or revoked.

Reasons for Decision

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

In accordance with section 81 of the Act, this application will be determined on the basis of the written submissions as lodged, without holding a hearing.

The Commissioner of Police has lodged an intervention, opposing the grant of the application and the approval of Mr Liu Chien Yang on the basis of prior disciplinary proceedings against him in the Licensing Court.

In particular, the police referred to a recent disciplinary action before the Court *Yang and K Illusion Pty Ltd trading as K Illusion Karaoke Lounge [2021] SALC 76*, where the Court made the following order:

I revoke Mr Yang's approval. In lieu thereof, I grant K Illusion an interim licence and I grant Mr Yang an interim approval. Both are for a period of two years. If K Illusion does nothing seriously wrong over that period, then the status will revert to an ongoing basis.

Given that Mr Liu Chien Yang is currently subject to an order of the Licensing Court, I am required to consider this application in light of the existing order. The Court has considered Mr Yang's history as a licensee, (and as a person in a position of authority of an entity holding a licence), and whilst the offending was so serious that his approval was revoked, the Court deemed it appropriate to grant an interim approval, on that basis, I find that Mr Liu Chien Yang is approved to occupy a position in the entity holding the licence, for an interim period until 23 September 2023, if Mr Yang does not come to the attention of the licensing authority during that period, then the approval will become ongoing.

Similarly, the application for transfer is granted for an interim period until 23 September 2023, if the licensee does not come to the attention of the authority during that period, then the licence will be held by the licensee on an ongoing basis

Under Delegation from the Liquor and Gambling Commissioner



Vicki Brunello

Hearings Delegate

27 May 2022