

Decision Notification

Application Details

Application no.	215144
Licence No.	57306130
Licence Class	Restaurant & Catering
Premises Name	Boony's Restaurant & Pizzeria
Proposed Premises Name	Fleet Street Social
Premises Address	Shop 1 32 Saltfleet Street PORT NOARLUNGA SA 5167
Licensee	Kevin James Boonham & Diane Jane Boonham
Applicant	FLEET STREET SOCIAL PTY LTD
Application Type	Application for Transfer of Licence
Representative	Ryan Feuerherdt - Minter Ellison Lawyers

Outcome

Decision	Granted
Effective Date	11 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

People

Position of Authority

The following persons are approved to occupy any position of authority in the entity holding the licence:

- Adam McGuinness (171011)
- Natalie Cullen (171915)

Premises

Premises Name

I note that the premises name has changed to Fleet Street Social.

Licensee

Transfer

The licence is transferred to FLEET STREET SOCIAL PTY LTD effective from 11 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.

Reasons for Decision

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

The Licensing Authority became aware that the applicant for the transfer of the restaurant and catering licence had been marketing the business as a cocktail bar, furthermore this had been communicated to the Licensing Authority by the applicant.

Section 35(2) of the Liquor Licensing Act 1997 (the Act), states:

A restaurant and catering licence is subject to the condition that business must be conducted at the licensed premises such that the supply of meals is at all times the primary service provided to the public at the premises, except as otherwise allowed by a condition of the licence.

The Licensing Authority wrote to the applicant's legal representative, Ryan Feuerherdt with concerns the proposed business to be conducted under the restaurant and catering licence may be inconsistent with the specific requirements that apply to a restaurant and catering licence contained in section 35 of the Act.

Mr Feuerherdt responded with submissions that the proposed business to be conducted under the licence would be consistent with section 35 of the Act and that the applicant has provided instruction that the phrase 'cocktail bar' has been removed (or has been instructed to be removed) from all advertising, marketing, and social media.

I note however that there is still some marketing material on line promoting the business as a cocktail bar.

Under section 43 of the Act, I impose the following condition on the licence:

The licensee shall not advertise or promote the restaurant as a bar, cocktail bar or similar.

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
11 May 2022