

# Decision Notification

## Application Details

Licence No.	57317814
Licence Class	Restaurant & Catering
Application no.	205584
Premises Name	Johnnys Kitchen
Premises Address	Shop 101-103 Prospect Road Prospect SA 5082
Applicant	J Mogaparthi Investments Pty Ltd J Mogaparthi Family Trust
Application Type	Application for a Liquor Licence

## Outcome

Decision	Granted
Effective Date	11 Feb 2021

## 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 and to receive proceeds of the business conducted under the licence:

- Johnson Mogaparthi (157652)
- Jany Manoja Godi (157653)

## Premises

### New Premises

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

### Capacity

The capacity of the venue is set at 50.

## Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised

## Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	11:00 am to 11:00 pm	-
Tuesday	11:00 am to 11:00 pm	-
Wednesday	-	-
Thursday	11:00 am to 11:00 pm	-
Friday	11:00 am to 11:00 pm	-
Saturday	11:00 am to 11:00 pm	-
Sunday	11:00 am to 11:00 pm	-

## Reasons for Decision

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

The Applicant must satisfy the Authority that the pre-requisites in s 57 of the *Liquor Licensing Act 1997* (the Act) have been met, in relation to such matters such as: the suitability of the premises; the potential for them to cause undue offence, annoyance, disturbance or inconvenience to nearby residents, workers and worshippers in the vicinity; prejudice to the safety or welfare of children attending nearby kindergartens and schools in the vicinity of the premises; and whether the appropriate approvals, consents and exemptions, in respect of the proposed premises have been obtained.

Additionally, s 53 of the Act gives the Authority "an unqualified discretion to grant or refuse an application under this Act on any ground, or for any reason, the licensing authority considers sufficient (but is not to take into account an economic effect on other licensees in the locality affected by the application)", and s 53(1a) provides that the authority must refuse an application if it is satisfied that granting the application would be contrary to the public interest.

Section 53(1b) requires that the Authority must refuse an application for a licence if it is satisfied that granting the application would be inconsistent with the objects of the Act.

The City of Prospect Council have not objected to the application.

SAPOL have not objected to the application.

I've considered the matters in s 57 of the Act and am satisfied in relation to the suitability of the premises for the purposes of carrying on the business under the licence. I am also satisfied that the operation of the licence would be unlikely to result in the potential for them to cause undue offence, annoyance and the like to nearby workers, residents and worshippers in their vicinity; or prejudice to the safety or welfare of children attending nearby kindergartens and

schools; and that the appropriate planning consents and approvals have been obtained.

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

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

I am of the view that granting the application is in the public interest and is consistent with the objects of the Act.

Accordingly, the application for a Restaurant and Catering Licence is granted.

## Under Delegation from the Liquor and Gambling Commissioner



Paul Bertram

Hearings Delegate

11 Feb 2021