

Decision Notification

Application Details

Application no.	207813
Licence No.	57318365
Licence Class	Restaurant & Catering
Premises Name	Scoffed Cooking School
Premises Address	441/d Magill Road St Morris SA 5068
Applicant	SCOFFED PTY LTD
Application Type	Application for a Liquor Licence
Representative	Andrew Wong - Lion Liquor Licensing Consultants

Outcome

Decision	Granted
Effective Date	02 Jun 2021

Procedural

I grant permission for Andrew Wong to represent the applicant in this matter.

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:

- Nadine Amanda Silverberg (166812)
- Mark Christopher Busse (166813)

Determination Details

Submissions from the following persons or corporate entities were received and taken into consideration when determining this application: Anne Lamont

Ms Lamont has lodged a submission, pursuant to section 77 of the Liquor Licensing Act 1997 (the Act), opposing the grant of this application.

Section 77(4) of the Act requires a person who makes written submissions under this section to ensure that the applicant is given a copy of the written submissions at least 7 days before the day appointed for the hearing or determination of the application (or such lesser period as the licensing authority may allow).

I note that the Licensing Authority has sought to confirm this has taken place, however no response has been received from Ms Lamont.

I have exercised my discretion to provide the relevant documents to the applicant after the date appointed for determination, but prior to me making a decision on the application.

In summary, Ms Lamonant's grounds for opposing the application are as follows:

- The location of the premises is inappropriate for the consumption of liquor, as it is close to a residential street.
- Concerns with proposed trading hours from 10am to 11pm seven days a week
- There is the potential for noise from the cooking school to impact nearby residents
- There is inadequate car parking

The Act requires me to consider whether granting the application would result in undue offence, annoyance, disturbance or inconvenience to people who reside in the area. The Licensing Court has considered 'undue noise' on many occasions, and has held that for the noise to be 'undue' it must be excessive or beyond what is appropriate or natural, and that residents should expect to tolerate a degree of disturbance or inconvenience in the interest of the community having access to a licensed premises. Applying the test in this scenario, I do not believe there is sufficient evidence to conclude that the granting of this application would cause undue noise to nearby residents.

Whilst the premises is located in a suburban area, the licence class sought is a Restaurant and Catering licence which restricts the licensee to providing liquor only to persons with a meal, seated at a table, or attending a function. This licence class will not allow the applicant to operate a 'bar' which is commonly associated with noise. I do not consider the trading hours unreasonable either, with the applicant only seeking to sell and supply liquor until 11pm, which is not unusual for a Restaurant in a suburban area.

In relation to concerns raised in the submissions about potential issues regarding parking at the premises these are planning related matters and therefore, in accordance with section 77(3) of the Act I am not required to consider these points.

After considering the submission lodged I am of the opinion that the application should be granted as sought.

Premises

New Premises

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

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised
- Sale of liquor for consumption at the site of a function off the licensed premises authorised

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	10:00 am to 11:00 pm	-
Tuesday	10:00 am to 11:00 pm	-
Wednesday	10:00 am to 11:00 pm	-
Thursday	10:00 am to 11:00 pm	-
Friday	10:00 am to 11:00 pm	-
Saturday	10:00 am to 11:00 pm	-
Sunday	10:00 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*.

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
02 Jun 2021