

Decision Notification

Application Details

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| Application no. | 205650 |
| Licence No. | 57618896 |
| Licence Class | Liquor Production & Sales |
| Premises Name | Maison Mere |
| Premises Address | 31 Torrens Street Torrensville SA 5031 |
| Applicant | C.S Fleming & S.L Mcdonald & J Phan |
| Application Type | Application for a Liquor Licence |

Outcome

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| Decision | Granted |
| Effective Date | 04 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

Licensee

The following persons are approved to hold the licence and receive proceeds of the business conducted under the licence:

- Stephen Lachlan McDonald (165122)
- Joanne Phan (165123)
- Callan Scott Nielsen Fleming (117610)

Premises

New Premises

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

Capacity

The capacity of the venue is set at 0.

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor by direct sales transactions and the sale of liquor for consumption off the licensed premises restricted to the licensee's product only
- Sale of liquor for consumption on the licensed premises authorised, but restricted to sampling only

Reasons for Decision

Pursuant to section 3(2) of the *Liquor Licensing Act 1997* (the Act), when deciding whether or not to grant this application, I must have regard to the objects of the Act as set out in section 3(1) of the Act.

Section 3(1) of the Act provides that:

(1) The object of this Act is to regulate and control the promotion, sale, supply and consumption of liquor -

(a) to ensure that the sale and supply of liquor occurs in a manner that minimises the harm and potential for harm caused by the excessive or inappropriate consumption of liquor; and

(b) to ensure that the sale, supply and consumption of liquor is undertaken safely and responsibly, consistent with the principle of responsible service and consumption of liquor; and

(c) to ensure as far as practicable that the sale and supply of liquor is consistent with the expectations and aspirations of the public; and

(d) to facilitate the responsible development of the licensed liquor industry and associated industries, including the live music industry, tourism and the hospitality industry, in a manner consistent with the other objects of this Act.

(1a) For the purposes of subsection (1)(a), harm caused by the excessive or inappropriate consumption of liquor includes -

(a) the risk of harm to children, vulnerable people and communities (whether to a community as a whole or a group within a community); and

(b) the adverse economic, social and cultural effects on communities (whether on a community as a whole or a group within a community); and

(c) the adverse effects on a person's health; and

(d) alcohol abuse or misuse; and

(e) domestic violence or anti-social behaviour, including causing personal injury and property damage.

The Applicant must also satisfy the Authority that the pre-requisites in s 57 of 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.

I note that the City of West Torrens Council have not objected to the application provided that the activities proposed fit within the definition of "home activities" in the *Development Regulations 2008*.

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 appropriate planning consents and approvals have been obtained/ are not in issue.

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 Liquor Production and Sales Licence is granted.

Under Delegation from the Liquor and Gambling Commissioner



Paul Bertram

Hearings Delegate

04 Feb 2021