

# Decision Notification

## Application Details

Application no.	210778, 210779, 210780
Licence No.	57619999
Licence Class	Liquor Production & Sales
Premises Name	Three Little Birds Tasting Room
Premises Address	Shop 1, 34 Henley Beach Road Mile End SA 5031
Applicant	Three Little Birds Group Pty Ltd
Application Type	Application for a Liquor Licence, Application for Extension of Trading Area (S 69), Application for up to five endorsements

## Outcome

Decision	Granted
Effective Date	19 Oct 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:

- Lisa-Marie Elizabeth Gordon (168672)

## Premises

### New Premises

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

### Capacity

The capacity of the venue is set at 40.

### 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.

## Determination Details

An intervention was lodged by the Commissioner of Police regarding the approval of Leigh David Brown .

A hearing was held on 7 October 2021.

Subsequent to the hearing the Applicant has advised the Licensing Authority that Mr Brown is no longer a Director of the Company, and consequently the matters raised in the police intervention 'fall away' and need not be considered further.

## Conditions

### The following conditions are added to the licence

- The licence authorises the sale of liquor produced by the licensee either personally or under contract. Details of all contracts entered into must be available for inspection by an authorised officer.
- The licensee is authorised to sell or supply the licensee's product for consumption on and off the site of the event endorsement(s) as specified on this licence.

## 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, other than to residents, restricted to the licensee's product only
- Sale of liquor for consumption on the licensed premises authorised
- Sale of liquor in an approved place adjacent to the licensed premises authorised
- Endorsements apply

## Trading hours

### The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	9:00 am to Midnight	-
Tuesday	9:00 am to Midnight	-
Wednesday	9:00 am to Midnight	-
Thursday	9:00 am to Midnight	-
Friday	9:00 am to Midnight	-
Saturday	9:00 am to Midnight	-
Sunday	9:00 am to 11:00 pm	-

## Endorsements

I note that the licensee must comply with all other restrictions on their licence, such as capacity and trading hours, when operating under the endorsement(s) below.

## Reasons for Decision

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

I note that the Applicant has sought to amend their application and no longer seeks the approval of Mr Leigh David Brown as a person in a position of authority as he is no longer a Director of Three Little Birds Group Pty Ltd. I consider it appropriate pursuant to s 51(3) of the Act to allow the Applicant to vary the application as sought.

The Applicant must also 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 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'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 Liquor Production and Sales Licence is granted.

I am satisfied that the event would not be better authorised by an application for a short term licence or a licence of another category.

## Under Delegation from the Liquor and Gambling Commissioner



Paul Bertram

Hearings Delegate

19 Oct 2021