

**Application by Robert Arvier for a general licence for the premises The Penguin Pantry at 86B Main Road, PENGUIN, 7316.**

**Decision: Licence refused**

**Date: 14 October 2024**

The applicant seeks authority for the sale of liquor for consumption on and off the premises at The Penguin Pantry, 86B Main Road, PENGUIN, 7316 under the authority of a general liquor licence.

I am satisfied that the applicant is qualified to hold a liquor licence.

The premises to which the licence application has not previously been licenced and initially comprised 86A and 86B Main Road Penguin. The applicant subsequently advised that the premises size would be reduced, and would only comprise 86B Main Road Penguin. An application has since been received for a general liquor licence at 86A Main Road Penguin for a Wine Bar, from a different applicant.

One representation was received in relation to the liquor licence application, principally objecting to the hours of operation which the objector assumes incorrectly would be 5am to midnight, and to the need for a further premises selling liquor given the preponderance of licenced premises in the immediate area, particularly that there is “a bottle shop next door; a pub (Neptune Grand Hotel) on the other corner opposite this so-called 'grocery' store that is now a cafe; licensed restaurant directly across the street and a craft beer bar across the street”.

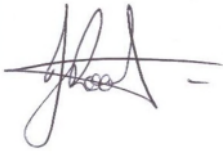
I have considered the application and constituent materials, the objection, and the applicant's response. I have also reviewed the premises website and social media sites.

The premises is described as a speciality grocer and has the general types of gifts, fresh food and produce of such stores. It includes a café with a selection of offerings focussed on local produce.

I have set out the reasons why it is not generally in the best interests of the community to grant a licence allowing the off sale of liquor to a premises trading as a grocery store (see for example decisions in Evandale Providore 2021 and Blac Fig 2023) and I will not repeat them here. While those other applications applied to special licences, the principles apply equally to a general licence application for the same type of store where it is necessary to evidence that the licence would support the best interests of the community beyond the private interests of the applicant and the addition of another product to the grocery offering (ie had those premises simply changed their application type they would have still confronted similar challenges to receiving a licence). The benefits of granting must still outweigh the costs.

The applicant has set out a number of benefits to the community, some of which are no longer relevant given the reduction to the size of the business, others are general in terms of supporting local producers etc. It is relevant to consider the benefit of an additional source of off sales in the context of the existing licenced premises immediately adjacent to the applicant premises and the applicant does not provide any specific evidence supporting a precedent that specialist grocer stores might generally, or the premises specifically, be provided a licence allowing the off sale of liquor.

As a result of the considerations above, I do not grant the licence as applied for, however I would be satisfied that it would be appropriate to grant an On licence for consumption of liquor in the café area.

A handwritten signature in black ink, appearing to read 'J.C. Root', with a horizontal line extending to the right.

J C Root  
Commissioner for Licensing  
14 October 2024