

**LICENSING COURT OF SOUTH AUSTRALIA**

REDLOVE

**JURISDICTION:** Application for the transfer of a special circumstance licence

**FILE NO:** 722 of 2013

**HEARING DATE:** 25 March 2013

**JUDGMENT OF:** His Honour Judge BP Gilchrist

**DELIVERED ON:** 25 March 2013

**REPRESENTATION:**

Counsel:

Applicant: Brevet Sergeant C Brannan

Respondent: Mr J Firth

Solicitors:

Applicant: Commissioner for Police

Respondent: Starke Lawyers

- 1 This is an application for the transfer of a special circumstances licence in respect of premises known as Redlove, in Pultney Street Adelaide.
- 2 The licence was held by MGK Karafotias Investments Pty Ltd as landlord in possession. It wishes to transfer the licence to Redlove OZ Pty Ltd. The directors and shareholders of that company are Mr Aneel Flehan and Mr Ammar Flehan.
- 3 The police opposed the transfer because of their concerns about the fitness of these men to hold office under the Act.
- 4 As it is they conduct other licensed premises. Disciplinary action is pending in respect of their involvement with those premises. But at the moment they comprise of no more than bare allegations.
- 5 The applicants contended that the police have put up no actual evidence to show that the transfer should not take place, and that the transfer is essentially a commercial matter and if that transfer having occurred, if the police succeed in the disciplinary action the disciplinary matters, can take their course.
- 6 I suggested that the way forward might be for me to allow the transfer on an interim basis and give the parties liberty to apply depending upon the outcome of the disciplinary matters.
- 7 In the event that the action fails the applicants can seek a permanent order and if the disciplinary action taken by the police succeeds then they can explore issues regarding the suitability of the applicants as office holders under the Act.
- 8 Neither party opposed that course.
- 9 In the circumstances, I allow the application by Redlove Oz Pty Ltd for the transfer of the special circumstances licence in respect of premises situated at first floor, 170 Pulteney Street, Adelaide and known as Redlove. The application is granted to take effect forthwith, but on an interim basis for a period of six months and I grant all parties liberty to apply.