

Decision Notification

Application Details

Application no.	216692
Licence No.	57100835
Licence Class	On Premises
Premises Name	Gawler Village Twin Cinema
Premises Address	11 Murray Street GAWLER SA 5118
Licensee	Thorpe J W
Applicant	Cinema Investments Pty Ltd
Application Type	Application for Transfer of Licence
Representative	Didier Vollerin - Australian Hotels Association (SA)

Outcome

Decision	Granted
Effective Date	20 Sep 2022

Requirements

The requirement to provide the following in support of the application has been waived:

The requirement to advertise the application by notice placed on the premises

The following requirements in support of the application have been satisfied:

- Landlord's consent has been obtained
- The application has been advertised

People

Position of Authority

The following persons are approved to occupy any position of authority in the entity holding the licence:

- Michelle Ann Wallis (86228)
- Lorna Marion Wallis (86229)
- Philip Bain Roberts (95027)
- Stephen James Thiele (173339)

Licensee

Transfer

The licence is transferred to Cinema Investments Pty Ltd effective from 20 Sep 2022.

Reasons for Decision

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

Responsible person exemption

It is a requirement under section 97(1) of the *Liquor Licensing Act 1997* (the Act) that premises must be personally supervised by a responsible person at all times that they are open to the public, however under section 97(2) of the Act

the Commissioner may exempt a licensee from this requirement and approve alternative arrangements for the supervision and management of the business.

I note that the licensee currently has an exemption from this requirement.

As part of the application, I have reviewed this exemption and asked the applicant to provide a submission as to why the exemption should remain on the licence.

In response to this request the licensee has provided the following submission:

The premises is a cinema, whereby people choose to go to this destination to watch a movie, and or a pre-booked function. It is not a bar in essence, only patrons that have purchased a ticket can purchase liquor. Times are also restricted.

As part of the submission, the licensee has also provided reference to the current conditions of the licence which restrict the sale and supply of liquor.

Decision

The requirement under section 97 of the Act supports the second object of the the Act *“...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.”*

The principle of responsible service of alcohol is an important aspect of the licensing regime and contributes to overall public safety surrounding the consumption of liquor. In deciding whether to grant an exemption from these requirements the interest of the public should be weighed against the burden of ensuring a responsible person is present at all times on a licensee.

I have reviewed the submission made by the licensee. The conditions on the licence currently ensure that the business trades predominantly as a cinema, with the sale of liquor being ancillary to this purpose. The licence also has restrictions on when liquor can be sold and to whom liquor can be sold to. It is evident by the restrictions on the way they can trade, that the sale of liquor is not their predominant service and is of a limited scope for the purposes of determining whether an exemption is appropriate.

Having considered all of this, I am satisfied that, in view of the limited scope of the business conducted under the licence, an exemption from the responsible person requirements can remain on the licence, subject to the following condition:

The exemption from the Responsible Person requirements is granted on the condition that a Responsible Person must be contactable by phone at all times the premises is open for trade.

I note that this exemption applies only to the requirement to have a responsible person present at all times, and that the licensee must still comply with the provisions of the General Code of Practice requiring all persons involved in the sale and supply of liquor to have completed approved responsible service of alcohol training.

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate

20 Sep 2022

