

Decision Notification

Application Details

Application no.	218133
Licence No.	57105013
Licence Class	On Premises
Premises Name	Blow Out Style & Bar
Premises Address	70 Unley Road Unley SA 5061
Applicant	Supergrouse Pty Ltd
Application Type	Application for a Liquor Licence

Outcome

Decision	Granted
Effective Date	25 Oct 2022

Procedural

I allow the applicant to vary their application as follows:

- Reduce capacity from 50 persons to 35 persons

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:

- Michelle Georgina Fahey (174340)
- Brett John Delaney (174374)

Premises

New Premises

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

Capacity

The capacity of the venue is set at 35.

Determination Details

Submissions from the following persons or corporate entities were received and taken into consideration when determining this application: Australian Hotels Association

The AHA first submit that the application ought to be declined on the grounds that the business may meet the

requirements to not require a licence under the *Liquor Licensing (General) Regulations 2012*. However, I note the applicant has confirmed that she wishes to charge for liquor and therefore does require a licence, hence the application.

Just because the Regulations provide an exemption for hairdressers in certain circumstances does not mean that all hairdressers must operate within the confines of these restrictions. Should a business choose to operate outside these restrictions set out in the exempt business types in the Regulations, they are permitted to, provided they hold an appropriate liquor licence, which is what the applicant is seeking to do.

The AHA then go on to submit that, should it be determined that the applicant does require a liquor licence, that more detail ought to be provided. However no further information is provided in relation to where they believe the deficiencies lie and/or what further detail should be provided by the applicant.

They conclude by submitting should the application be granted, it ought to be granted on the condition that "*Liquor may only be sold to a customer during, and for no longer than 30 minutes after the conclusion of, a genuine hair treatment.*" to ensure that the applicant trades consistent with the business described in their community impact submission.

I do not consider the fact that an exemption is available to this business type to be a reasonable ground to refuse the application. For the reasons outlined below, I have been satisfied, based on the information submitted, that the application is in the community interest and therefore ought to be granted. I do, however, consider the imposition of conditions appropriate, considering my finding that the application is in the community interest relies on the business type. I do not believe it is necessary to go as far as the AHA have suggested, and impose strict time frames, particularly as the applicant has specifically stated that the lack of flexibility such a condition would impose would negatively impact the way they wish to trade under the licence. I believe there are alternative conditions that I can impose that will ensure the applicant trades consistent with their business model described in this application, but give them the flexibility they desire.

Community Impact Assessment

The application is a designated application for the purposes of section 53A of the Act.

In order to grant the application I must be satisfied that it is in the community interest to do so taking into account the harm that might be caused, the cultural, recreational, employment or tourism impacts and the social impact on the amenity of the locality. I note that the application is for a hair styling bar in the inner city suburb of Unley. As well as traditional clients attending for a single appointment, they also envision hosting large groups attending the premises to get ready for a wedding or birthday party. They would also like to be able to host patrons for product launches.

I am satisfied that, given the nature of the business, this business will pose a very low risk of harm to the community. This is further supported by the trading hours, with the premises operating predominantly during the day - they are not seeking to become a late night licensed venue.

I am also satisfied that, given the number of other commercial and retail premises in the locality, that this application will not negatively affect the amenity of the locality, but rather add to the vibrancy and offerings in the area.

Having considered all the information before me, I am satisfied that the granting of this application is in the community interest.

As discussed above, I consider it prudent to impose a condition on the licence to ensure the premises trades consistent with the business model proposed in this application.

Conditions

The following conditions are added to the licence

- The sale and supply of liquor must be ancillary to the primary use of the premises as a hair styling salon.

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	-	-
Tuesday	9:30 am to 5:00 pm	-
Wednesday	9:30 am to 5:00 pm	-
Thursday	9:30 am to 5:00 pm	-
Friday	9:30 am to 6:00 pm	-
Saturday	8:00 am to 4:00 pm	-
Sunday	10:00 am to 2:00 pm	-

Under Delegation from the Liquor and Gambling Commissioner



Ashleigh Hughes
A/Team Leader
25 Oct 2022