

Decision Notification

Application Details

Application no.	212144
Licence No.	57202580
Licence Class	Club
Premises Name	Sturt Basketball Club
Premises Address	Pasadena Sports Centre Daws Road PASADENA SA 5042
Licensee	Sturt Basketball Club Inc
Application Type	Variation to Conditions (Upgrade)

Outcome

Decision	Granted
Effective Date	23 Mar 2022

Procedural

I allow the applicant to vary their application as follows:

Under section 51(3) of the *Liquor Licensing Act 1997* (the Act), I allow the applicant to vary the application to increase the trading hours sought in the application. The varied trading hours have been advertised.

Requirements

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

- The application has been advertised
- All approvals, consents or exemptions have been obtained

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	5:30 pm to 11:00 pm	-
Tuesday	5:30 pm to 11:00 pm	-
Wednesday	5:30 pm to 11:00 pm	-
Thursday	5:30 pm to 11:00 pm	-
Friday	5:30 pm to 11:00 pm	-
Saturday	Midday to Midnight	-
Sunday	Midday to 7:00 pm	-

Reasons for Decision

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

It is a requirement under section 97(1) of 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 to increase the trading hours of the premises, I have reviewed this exemption and asked the licensee to provide a submission as to why the exemption should remain on the licence.

The licensee has supplied the following submission:

- We have limited capacity in our clubrooms with generally no more than 50 people in there at one time.
- Our predominate business activity is Basketball not sale of liquor.
- We have a limited scope in trading hours.
- Our senior NBL1 home games are not frequent, usually only 9 games a year.

The licensee has also provided sales data for liquor for the past 12 months.

The requirement under section 97 of the Act supports the second object of the "*...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 am satisfied that the sale of liquor at the premises is ancillary to their primary purpose as a basket ball club.

Whilst the licensee has submitted that the actual number of patrons attending at any one time is low, their licence does permit them to have up to 90 patrons on the premises at any one time.

The trading hours that will apply to their licence on the grant of this application will allow them to trade quite late.

Should the premises reach the maximum permitted capacity on a Saturday night, for example, then an exemption would not be appropriate. For this reason, I will condition the exemption to only apply when there are less than 50 persons at the premises, and also to only apply before 10pm. This will ensure that should they trade later in the evening or with a greater capacity that an appropriately approved person is present.

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
23 Mar 2022