

Decision Notification

Application Details

Application no.	216121
Licence No.	57204906
Licence Class	Club
Premises Name	Booleroo Centre Bowling Club
Premises Address	55-57 Stephens Street BOOLEROO CENTRE SA 5482
Licensee	Booleroo Centre Bowling Club Inc
Application Type	Variation to Conditions (Upgrade)

Outcome

Decision	Granted
Effective Date	07 Sep 2022

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

Community Impact Assessment

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

Exemptions

The following exemptions are added to the licence

- Responsible Person

Conditions

The following conditions are added to the licence

- The exemption from the Responsible Person requirements is granted on the condition that a committee member must be contactable by phone at all times the premises is open for trade.
- The licence does not authorise the sale or supply of the following for consumption off the licensed premises: cask wine of any description (including port/ fortified wine).

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption off the licensed premises authorised

Reasons for Decision

The Booleroo Centre Bowling Club (BCBC) (the Applicant) has applied to vary their Club Licence (No. 57204906) to permit the sale of alcohol for 'consumption off' to non-members, and is seeking approval of the following hours of trade for same:

Monday: 4:00pm – 8:00pm

Tuesday: 4:00pm – 8:00pm

Wednesday: 4:00pm – 8:00pm

Thursday: 4:00pm – 8:00pm

Friday: 12:00pm – 10:00pm

Saturday: 12:00pm – 10:00pm

Sunday: 4:00pm – 6:00pm

This application is a designated application for the purposes of s 53A of the *Liquor Licensing Act 1997* (**the Act**), and may only be granted if the Licensing Authority (**the Authority**) is satisfied that the grant of the application is in the community interest.

Pursuant to s 36(2) of the Act the Authority has the discretion to include a condition on a Club Licence authorising the sale of liquor on the licensed premises on any day over a continuous period (which must not exceed 13 hours) between 8am - 10pm for consumption off the licensed premises. The hours of trade for consumption off as sought by the Applicant are compliant with this requirement. However, pursuant to s 36(3) of the Act, a club licence is subject to the condition that the licence does not authorise the sale of packaged liquor from a drive through bottle shop facility.

The Applicant has provided Area and Location Reports, has completed a Community Impact Form, and has provided several letters in support of the application.

The Applicant has applied a 15km radius from the premises to determine the locality using CBS' Community Impact Portal. The Location Report identifies 10 suburbs as falling within the locality, including: Booleroo Centre; Pekina; Melrose; Appila; Murray Town; Wirrabara; Tarcowie; Wongyarra; Willowie; and Bangor.

The population by SA2 (census 2016) for Peterborough - Mount Remarkable and Jamestown is 10,138 people.

I have reviewed the Area and Location Reports and there is nothing therein that would cause me concern about approving the application (subject to appropriate conditions being imposed).

The Applicant has also advised the Authority that it wishes to retain its Responsible Person (**RP**) exemption for the following reasons:

"The club wishes for the RP exemption to remain. As a club which is not open for trade on a full time basis and managed by a volunteer workforce, it is not practical for a Responsible Person to be on premise at all times. It is also the case that the Board of Management has a fluid membership and contact with any one individual can not be guaranteed at any time.

As an alternative arrangement I would propose the following:

The exemption from the Responsible Person requirements is granted on the condition that an Elected Member of the Board of Management must be contactable by phone at all times the premises is open for trade"

No objections have been filed in relation to the application, by any persons or entities, and I note that SAPOL have not objected to the application.

The Applicant has provided the following background information about the BCBC:

- BCBC was established more than 60 years ago at its current location. The club has held a Restricted Licence for many years which was subsequently changed to a Club Licence under the new Liquor Licencing laws in 2019. During this time the club has never been in breach of its licence obligations.
- BCBC is a successful sporting club which is also a community hub for the small town. The premises has been extensively upgraded over the past five years and acts as a community venue for funerals, birthdays and family gatherings in addition to being a facility for club members.
- The Booleroo Centre Hotel has traded for many years but closed its doors in August 2021 and there is uncertainty about its future. The closest hotel is located at Melrose, 21Kms from Booleroo Centre. The Marray Town Hotel (17Kms) whilst maintaining a liquor licence has not traded since 2004.
- Members of the Booleroo Centre and surrounding areas community now need to drive the 21Kms in order to purchase Take-Away alcohol and along with the inconvenience this increases other related risks.
- BCBC is seeking to vary the conditions of its current Club licence to allow sale of liquor for Off Premise consumption in order to alleviate the travel.
- The BCBC also intends to extend its bar operation to provide evening meals on a regular basis, and intends to provide pub standard evening meals, including Schnitzels, Fish and Chips, Burgers etc.

The Applicant submits that an informal survey of BCBC members has shown strong support for this proposal which was communicated to the Board of Management and provided the impetus for their application, and that anecdotal evidence from the general community also indicates strong support for this application. Ordinarily the reference by an Applicant to an informal survey would carry little to no weight, but given that the Authority has not received any objections to the application, the letters of support provided by the Applicant, and given the present inconvenience to community members (approx 40 km round trip to purchase alcohol), I see no reason to doubt that there would be strong community support for the application and place some weight on this assertion by the Applicant.

The Applicant does not foresee that the grant of the application will result in harm to the community, and submits:

"The BCBC is located on the Southern outskirts of the town of Booleroo Centre and only residential housing is located in the immediate surrounding area.

The Hospital, Aged Care facility and School are located at the extreme Northern end of the township.

There is no immediate or foreseeable impact to any 'at risk' persons or groups."

The Applicant also notes that:

"BCBC has a number of policies and procedures in place to deal with the responsible provision of liquor.

BCBC is a member of both the Mid-North Star Club and Clubs SA and is in constant receipt of updates that relate to liquor matters.

All members who staff the licenced area are RSA trained and accredited and uphold the principles of Responsible Service of Alcohol.

At this point in time the club intends to be regularly open for 'Off Premise' purchases Wednesday to Friday 4:30pm - 7:30pm, extending to Saturdays during the summer bowling season. Other times within our prescribed trading times may be offered in the future if there is sufficient community demand."

The Applicant has advised that the premises will be staffed by BCBC members only.

In respect of the benefits that the grant of the application will provide, the Applicant submits:

"All community members, other sporting clubs and tourists will be able to purchase liquor for Off Premise consumption."

and

"If Booleroo Centre Bowling Club were successful in its application to alter its condition of licence to include the sale of alcohol for off-premise consumption, it would provide the local and broader community a local and accessible point of purchase.

This will alleviate the need for a 40+ Km round trip to another town in order to purchase Take Away liquor.

In addition, the increase in trade would see profits stay within the town and greatly benefit the operation of the BCBC and the services it can provide to the immediate community."

Mr Ryan Ackland, the Director of Nursing for the Yorke and Northern Local Health Network, has written a letter in relation to the application, that I consider to be particularly relevant, and advises that:

"I am aware of the above application. The Booleroo Centre District Hospital does not presently carry any notable burden from the misuse of alcohol within the local community. This was also the case when the only hotel in Booleroo Centre was in operation some time ago. Therefore, I express no concern or objection in relation to the application."

Having reviewed the application, I am satisfied that subject to the imposition of appropriate conditions, the grant of the application is in the community interest as it will alleviate the need for residents of Booleroo to undertake up to a 40 km round trip to purchase alcohol.

Additionally, provided the licence is subject to appropriate conditions to ensure harm minimisation, I see no reason why the application need be refused on any public interest grounds.

I grant the licence variation sought to permit the sale of alcohol for 'consumption off', subject to the following restriction:

- The licence does not authorise the sale or supply of the following for consumption off the licensed premises: cask wine of any description (including port/ fortified wine) .

Sale of liquor for consumption off to non-members is limited to the following hours of trade:

Monday: 4:00pm – 8:00pm

Tuesday: 4:00pm – 8:00pm

Wednesday: 4:00pm – 8:00pm

Thursday: 4:00pm – 8:00pm

Friday: 12:00pm – 10:00pm

Saturday: 12:00pm – 10:00pm

Sunday: 4:00pm – 6:00pm

I am also satisfied that the Responsible Person exemption sought can be granted, in view of the limited scope of the business conducted under the licence, without compromising the principle of responsible service and consumption of alcohol, subject to the condition that the following arrangements shall apply:

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

Note: 'Committee Member' and 'Member of the Board of Management' are interchangeable terms for the purpose of this order and the licence.

Under Delegation from the Liquor and Gambling Commissioner



Paul Bertram

Hearings Delegate

07 Sep 2022