

# Decision Notification

## Application Details

Application no.	217318
Licence No.	57212048
Licence Class	Club
Premises Name	Eden Valley Cricket Club
Premises Address	1845 Eden Valley Road Eden Valley SA 5235
Licensee	Eden Valley Cricket Club Inc
Application Type	Variation to Conditions (Upgrade)

## Outcome

Decision	Granted
Effective Date	21 Sep 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 proposed trading hours. The amended trading hours have been advertised.

## Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	-	-
Tuesday	-	-
Wednesday	-	-
Thursday	5:00 pm to 10:00 pm	-
Friday	5:00 pm to 10:00 pm	-
Saturday	Midday to Midnight	-
Sunday	Midday to 8:00 pm	-

## Reasons for Decision

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

### Trading hours

The trading hours have increased from:

Saturday and Sunday - Midday to 9pm

to:

Thursday and Friday 5pm to 10pm

Saturday Midday to Midnight

Sunday Midday to 8pm

### 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 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:

During the week ie Thursday night. We may only have 5 people at training and for a drink afterwards. Hence we might not have an RSA person there. We are a very small club. I'm currently making a list of people at the Club with there RSA.

### 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 and the trading conditions of the licence. The club is a relatively small local sporting club. The sale of liquor is ancillary to the predominant operation of the club. The club only trades four days a week.

I do note that as part of the application the trading hours will permit the licensee to trade until midnight on a Saturday night. In addition to this the current capacity of their club licence does permit the club to have up to 100 patrons on the premises at any one time. I do not consider the trading hours and capacity of the club to be of limited scope.

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 on 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.

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  
21 Sep 2022

