

Decision Notification

Application Details

Application no.	211162, 211163
Licence No.	57213963
Licence Class	Club
Premises Name	Cross Keys B.M.X Club
Premises Address	Lot 17 South Terrace Pooraka SA 5095
Licensee	Cross Keys BMX Club Incorporated
Applicant	Cross Keys BMX Club Incorporated
Application Type	Application for a Liquor Licence, Application for Exemption\Responsible person

Outcome

Decision	Granted
Effective Date	11 Feb 2022

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

Committee Members

I note the following persons are part of the committee of management of the club:

- Cross Keys BMX Club Incorporated null (168945)
- Tina Hooper (168946)
- Oktawia Guz (169935)
- Michael Hutchens (169936)
- Damien Hillebrand (169937)
- Chaye Edwards (169938)
- Nick Petz (169940)
- Andrew Roberts (169941)

Premises

New Premises

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

Capacity

The capacity of the venue is set at 799.

Exemptions

The following exemptions are added to the licence

- Responsible Person

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	Midday to Midnight	-
Tuesday	Midday to Midnight	-
Wednesday	Midday to Midnight	-
Thursday	Midday to Midnight	-
Friday	Midday to Midnight	-
Saturday	Midday to Midnight	-
Sunday	Midday to Midnight	-

Reasons for Decision

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

The applicant has addressed the objects of the Act in their application and I am satisfied the sale, supply and consumption of liquor will be undertaken safely and responsibly, consistent with the principle of responsible service and consumption of liquor and the expectations and aspirations of the public.

Pursuant to section 36(5) of the Act, a club licence may only be held by a club that is a non-profit association incorporated under the *Associations Incorporation Act 1986* or a company limited by guarantee under the *Corporations Act 2001* (Cth). The applicant has provided a Certificate of Incorporation (A8218) and I am satisfied the applicant is a non-profit association incorporated under the Associations Act. The Association's constitution has been provided.

Pursuant to section 56 of the Act, the applicant has provided the licensing authority with the composition of the association's committee of management and I am sufficiently satisfied the members of the committee are fit and proper persons to hold such positions.

Pursuant to section 57 of the Act, I am satisfied the premises for which the licence is sought are of a sufficient standard for the purpose of carrying on business under the licence. Further, I am satisfied the operation of the licence would be unlikely to result in undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of the premises and or to prejudice the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of the premises.

Salisbury Council has confirmed they have no objection to the proposed liquor licence and I am satisfied all relevant approvals, consents and exemptions are in place.

Pursuant to section 72 of the Act, I am satisfied the landlord has consented to the application.

I am satisfied that the grant of the licence would not be contrary to the public interest or inconsistent with the objects of the Act.

I note that capacity for inside the clubrooms is 100 and the total capacity for the premises, which includes a large outdoor area, is 799.

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. An exemption can only be granted if the licensing authority is satisfied that, in view of the limited scope of a business conducted under a licence, an exemption would not compromise the principle of responsible service of alcohol and consumption of liquor.

The applicant has provided the following information in support of their application for a responsible person exemption:

- *We intend to trade Mondays 5pm - 9pm, Wednesdays 5pm - 9pm, Saturdays 1pm - 9pm and Sunday 1pm - 9pm. The Saturdays and Sundays mentioned should only occur around 5 or 6 times a year.*
- *The number of patrons we expect to have on these days is maximum 400 people and this includes children and adults.*
- *The purpose of the drinks is for social and celebratory drinks.*
- *On large occasions, it is expected that all committee members attend so that there is more than one responsible person [committee member with a responsible service of alcohol certificate]. Currently, the committee members are in the process of individually obtaining their RSAs. The club currently has two people with their responsible services of alcohol licences being Adrian Armstrong who is the club official and Melissa Petz who is the canteen manager.*
- *We only expect to have 4 large events, at most, in a year.*

I understand most trade will occur during short social periods in the context of training sessions and race meets. I accept multiple committee members with RSA qualifications will be present for the small number of annual large scale events. 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 be granted without compromising the responsible service and consumption of liquor.

I note this exemption applies only to the requirement to have a responsible person present at all times, and 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



Ben Johns
Manager, Liquor & Gambling
11 Feb 2022