

Decision Notification

Application Details

Application no.	211276, 211278
Licence No.	57213971
Licence Class	Club
Premises Name	Thomas Plains Tennis Club Incorporated
Premises Address	6 Thomas Plains Road Thomas Plains SA 5560
Applicant	Thomas Plains Tennis Club Incorporated
Application Type	Application for a Liquor Licence, Application for Exemption\Responsible person

Outcome

Decision	Granted
Effective Date	22 Oct 2021

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
- The applicant has satisfied the relevant eligibility criteria to hold a licence of this class

People

Committee Members

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

- Meagan Rebecca Daniel (159371)
- Peter John Daniel (70207)
- Vikki Jane Glasson (169022)
- Craig Ayles (169023)

Premises

New Premises

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

Capacity

The capacity of the venue is set at 200.

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 only applies when there are less than 50 patrons at any one time.
- The exemption from the Responsible Person requirements does not apply after 9 pm.

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	9:00 am to Midnight	-
Tuesday	9:00 am to 9:00 pm	-
Wednesday	9:00 am to 9:00 pm	-
Thursday	Midday to 1:00 am the following day	-
Friday	Midday to 1:00 am the following day	-
Saturday	9:00 am to 1:00 am the following day	-
Sunday	9:00 am to 1:00 am the following day	-

Reasons for Decision

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

Exemption from the responsible person requirements

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 submitted the following reasons why they should be granted an exemption:

Most of the time there will be less than 25 people present on game days when we wish to sell alcohol. On these days any person selling or supplying liquor will have their Responsible Service of Alcohol Certificate. We will have a Responsible Person supervise and manage the sale and supply of liquor when there are more than 50 adults on site.

Decision

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.

As the club have not yet held a liquor licence, the club is unable to provide sales data demonstrating the limited scope of liquor sales at the premises. However the clubs primary purpose is tennis and the sale, supply and consumption of liquor are ancillary to the activities of the club. Given the nature of the premises, being a relatively small local sporting club, I am satisfied that they will likely trade as they have outlined in their submission.

However, in saying this the trading conditions that will apply to their licence will allow them to trade quite late with a potential capacity of 200. 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 9 pm. This will ensure that should they trade later in the evening or with a greater capacity that an appropriately approved person is present.

Having considered all of this, 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 principle of responsible service of alcohol and consumption of liquor.

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
22 Oct 2021