

Decision Notification

Application Details

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| Application no. | 211322 |
| Licence No. | 57601580 |
| Licence Class | Liquor Production & Sales |
| Premises Name | RedHeads Wine |
| Premises Address | 258 Angaston Road ANGASTON SA 5353 |
| Licensee | Handcrafted Wines Pty Ltd |
| Application Type | Variation to Conditions (Upgrade) |
| Representative | Jonathan Dodd - Piper Alderman |

Outcome

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| Decision | Granted |
| Effective Date | 18 Nov 2021 |

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

Premises

Capacity

- The capacity of the venue is set at 100.
- The capacity of the premises has increased from 50 persons to 100 persons.

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 *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 when there are less than 25 patrons at any one time.

As part of the application to increase the capacity, I have reviewed this exemption and asked the applicant to provide a submission as to why the exemption should remain on the licence. The applicant has supplied a short submission.

The approved capacity for consumption on is 50.

As part of this application the licensee now seeks a capacity of 100.

This is a significant increase to the approved capacity, and it is therefore prudent to review whether the exemption from the responsible person requirements is still appropriate in the circumstances.

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. To allow the continuation of the exemption, I must be satisfied that the business conducted under the licence is of a limited scope.

I do not consider a premises trading with up to 100 people at any one time to be of a 'limited scope'. However, I am prepared to retain the exemption subject to the condition that it only applies when there are less than 50 patrons at any one time. A director of the licensee company must be contactable by phone at all times where the exemption from the Responsible Person requirements applies.

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
18 Nov 2021