

Decision Notification

Application Details

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| Application no. | 213604, 213614 |
| Licence No. | 57611412 |
| Licence Class | Liquor Production & Sales |
| Premises Name | Paracombe Premium Perry |
| Premises Address | 169 Murphy Road Paracombe SA 5132 |
| Licensee | Paracombe Premium Perry Pty Ltd |
| Application Type | Variation to Conditions (Upgrade), Application for Redefinition |

Outcome

| | |
|----------------|-------------|
| Decision | Granted |
| Effective Date | 25 Feb 2022 |

Requirements

The following requirements in support of the application have been satisfied:

- All approvals, consents or exemptions have been obtained
- The application for variation to conditions has been advertised

Premises

Capacity

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

Alterations/Redefinition

- I redefine the licensed premises in accordance with the plan lodged with the application.
- The licensed area is outlined in red on the approved plan.
- The licensed area is redefined to include the orchard.

Trading hours

The following are the approved trading hours

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

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.

As part of the application to increase the trading hours, capacity and licensed area, 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 trading hours for consumption on premises are Monday to Sunday 10am to 8pm. As part of this application the licensee now seeks to trade until midnight on Friday and Saturday.

The capacity for the premises is 50 and as part of this application the licensee has sought a capacity of 100.

Given the significant increase to the capacity and the extension of hours it is 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 note that the exemption from responsible persons was granted in August of 2012. The premises is a cellar door open to the public. It is therefore quite evident that liquor is their primary and predominant purpose.

I have considered the submission made by the licensee, the category of licence held by the licensee, the extent of the trading hours and the capacity of the premises.

Given all of the above, I am not satisfied that an exemption from the responsible person requirements can remain on the licence without compromising the principle of responsible service of alcohol and consumption of liquor. The exemption from responsible persons is therefore removed from the licence.

The licensee must ensure that a responsible person, or person approved in a position of authority in the licensee entity, are present to supervise and manage the business at all times the premises are open to the public

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
25 Feb 2022