

Decision Notification

Application Details

Application no.	210893, 210894
Licence No.	57003813
Licence Class	General & Hotel
Premises Name	Spalding Hotel
Premises Address	19 Main Street SPALDING SA 5454
Licensee	Adrian Kevin Lewis, Julie Ann Lewis
Applicant	Long Dog Holdings Pty Ltd
Application Type	Application for Transfer of Licence, Application for Extension of Trading Area (S 69)
Representative	Amanda Humble - Jones Harley Toole

Outcome

Decision	Granted
Effective Date	28 Sep 2021

Requirements

The requirement to provide the following in support of the application has been waived:

The requirement to advertise the application by notice placed on the premises

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 advertising period for the application has been reduced to 23 days, to accommodate the scheduled sale and purchase of the business

People

Position of Authority

The following persons are approved to occupy any position of authority in the entity holding the licence:

- ANGELA MARGARET BEART (168760)

Premises

Licence Plan

The licensee is authorised to sell and supply liquor in an area adjacent to the premises for consumption in that area, as outlined in red on the approved plan.

Licensee

Transfer

The licence is transferred to Long Dog Holdings Pty Ltd effective from 28 Sep 2021.

The licence is transferred, subject to settlement taking place on or before that date. If settlement does not take place on or before that date the applicant must advise this office in writing of the new settlement date.

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 for the transfer of licence, 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 submitted the following:

The hotel will be run by the applicant and her partner. They have children. There may be times when the premises are open to the public but may be unattended by both of them as Responsible Person's to attend to errands for the business and school runs etc. They may be instances where one is out getting supplies and has been delayed, and the other still has to go and collect the children (for example). They will be contactable by phone during those times. It would only be for short absences. We are unaware of the current trading times of the premises. Our clients will assess the opening hours once they have settled on the business and commence trading. The opening hours are not relevant to the Applicant as the reason for the exemption.

The requirement under section 97 of the Act supports the second object of 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.

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

I have considered the submission made by the applicant, the category of licence, the extent of the trading hours authorised under the licence and the capacity of the premises.

The premises is a general and hotel licence, it is therefore quite evident that liquor, is their primary and predominant purpose.

The trading hours for consumption on the premises allows trade from 5am to 2am the following day, Tuesday to Saturday and on Sunday and Monday 5am to midnight. The trading hours for consumption off the premises allows trade from 5am to midnight, Monday to Saturday and 8am to 9pm on Sunday. The capacity of the premises is 100.

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.

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate

27 Sep 2021

