

# Decision Notification

## Application Details

Application no.	209462, 209463
Licence No.	57008279
Licence Class	General & Hotel
Premises Name	Sheringa Roadhouse
Premises Address	12541 Flinders Hwy Sheringa SA 5607
Licensee	KATHLEEN ANNE KEOGH
Applicant	KATHLEEN ANNE KEOGH
Application Type	Application for a Liquor Licence, Application for Exemption\Responsible person

## Outcome

Decision	Granted
Effective Date	26 Jul 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

## People

### Licensee

The following persons are approved to hold the licence:

- Kathleen Anne Keogh (61432)

## 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 is granted for short term absences only, provided that the licensee is able to be contacted during these times.

## Premises

### New Premises

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

### Capacity

The capacity of the venue is set at 100.

## Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised
- Sale of liquor for consumption off the licensed premises authorised

## Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	9:00 am to 11:00 pm	9:00 am to 10:00 pm
Tuesday	9:00 am to 11:00 pm	9:00 am to 10:00 pm
Wednesday	9:00 am to 11:00 pm	9:00 am to 10:00 pm
Thursday	9:00 am to 11:00 pm	9:00 am to 10:00 pm
Friday	9:00 am to 11:00 pm	9:00 am to 10:00 pm
Saturday	9:00 am to 11:00 pm	9:00 am to 10:00 pm
Sunday	9:00 am to 11:00 pm	9:00 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*.

The applicant held, until recently, a restaurant and catering licence and a packaged liquor sales licence at the premises, albeit in different areas of the premises. The restaurant and catering licence, which was granted on 3 February 2005, authorised the sale of liquor between 5am and 2am daily, and the packaged liquor sales licence, which was granted on 18 November 1996, authorised the sale of liquor between 8am and 9pm daily. I note that a restaurant and catering licence authorises the sale of liquor with or ancillary to a meal provided by the licensee and in other limited circumstances and that the packaged liquor sales licence authorises the sale of packaged liquor products in sealed containers, bottles or cans for consumption off the licensed area.

The applicant has now applied for a general and hotel licence and surrendered her other two licences. The applicant has indicated that the application is for the purposes of reducing her annual fees and that there will be no change in the trade which occurs at the premises. She has indicated that the premises is located in a very remote part of South Australia with only approximately nine people living in the district.

In the circumstances, I have waived the requirement for the applicant to complete a community impact submission on the basis that the trade proposed under the new licence closely aligns with the trade currently authorised at that premises, and given the remote location of the licensed premises.

The application is for a general and hotel licence, which is a designated application for the purposes of the *Liquor Licensing Act 1997* (the Act). The application can only be granted if it is in the community interest. In determining whether or not a designated application is in the community interest, the licensing authority must have regard to the matters set out at section 53A(2) of the Act.

I have had regard to each of the considerations, and am satisfied that the grant of the application is in the community interest.

With respect to harm that might be caused due to the excessive or inappropriate consumption of liquor, as stated

above the licensee, until recently, held a packaged liquor sales licence, which allowed the licensee to sell liquor for consumption off between 8am and 9pm and a restaurant and catering licence, which allowed the licensee to sell liquor on the premises with or ancillary to a meal provided by the licensee, between 5am and 2am.

The current application before the licensing authority is for a general and hotel licence. The general and hotel licence will allow the licensee to continue to sell liquor in the same manner as their previous licence but, with respect to consumption on the licensed premises, removing the restrictions which are set by the restrictive nature of the restaurant and catering licence category. The applicant has also sought more restricted consumption on trading hours - between 9am and 11pm daily.

Given the applicants experience selling liquor for consumption on and off for many years from the premises, the locality of the licensed premises, and the trade proposed under the general and hotel licence, I am satisfied that the grant of the licence would be unlikely to cause harm due to the excessive or inappropriate consumption of liquor.

With respect to the cultural, recreational, employment or tourism impacts that the grant of the licence will have on the locality, I am satisfied that there will not be a change in the trade currently authorised at the premises. I am satisfied that the grant of this application would not have a negative cultural, recreational, employment and tourism impact on the locality.

For the reasons set out above, I am satisfied that the grant of the application is in the community interest.

I note that the licensing authority has not received any submissions opposing the application.

I do not consider that there is any other reason why I should refuse the application under the broad discretion available in section 53 of the Act.

On the material before me there is no reason to refuse the application pursuant to either section 53(1a) or section 53(1b) of the Act.

I am of the view that granting the application is in the community interest, the public interest, and is consistent with the objects of the Act.

Pursuant to section 57 of the Act, I am satisfied that the premises for which the licence is sought are of a sufficient standard for the purpose of carrying on business under the licence, noting that the trade at the premises will not differ from the trade authorised under the previous restaurant and catering and packaged liquor sales licences. Further, I am satisfied that 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.

Accordingly, the application for a general and hotel licence is granted.

The applicant has also applied for an exemption from the requirement to have a responsible person supervising the premises at all times when the licensed premises are open to the public.

It is a requirement under section 97(1) of 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 Liquor and Gambling Commissioner (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:

"I run a small roadhouse in remote South Australia and at times have to leave the premises for appointments. Liquor is only a small portion of the business and if i am not on premises I can always be contacted by telephone and would only be absent for short periods of time."

In the circumstances, 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. The exemption is granted for short term absences only, provided that the licensee is able to be contacted during those times.

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 responsible service of alcohol training.

## Under Delegation from the Liquor and Gambling Commissioner



Natasha Kontzisionis  
Manager, Liquor & Gambling  
26 Jul 2021