

Decision Notification

Application Details

Application no.	210462
Licence No.	57101857
Licence Class	On Premises
Premises Name	Cooper Ale House
Premises Address	Shop 11-13 Level 2 Adelaide Airport International Terminal, 1 James Schofield Drive ADELAIDE AIRPORT SA 5950
Licensee	Delaware North Companies Australia Pty Ltd
Applicant	DELAWARE NORTH RETAIL SERVICES PTY LTD
Application Type	Application for Transfer of Licence
Representative	Amelia Edwards - KHQ Lawyers

Outcome

Decision	Granted
Effective Date	09 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

The advertising period for the application has been reduced to 16 days.

People

Position of Authority

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

- Gary Peter Brown (126612)

Licensee

Transfer

The licence is transferred to DELAWARE NORTH RETAIL SERVICES PTY LTD effective from 09 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.

Exemptions

The following exemptions are removed from the licence

- Responsible Person

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 the exemption should remain on the licence. The applicant has submitted the following:

Delaware North is the licensee in respect of a number of licensed premises all within the same floor of Adelaide Airport, where Cooper Ale House is located. These premises are reasonably close in distance, and it is possible for managers, including responsible persons, to move between and monitor premises easily. Staff work across those premises as appropriate to meet resourcing/service needs and ensure the safe and responsible service of alcohol. Demand at any one premise may vary significantly throughout the day.

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.

I note that the exemption from responsible persons was granted in February of 2014. In addition to this I note that the premises has under gone various alterations, redefinition and an increase to capacity from 2014 onwards.

I have considered the submission made by the licensee, the category of licence held by the licensee, the extent of the trading hours authorised under the licence and the capacity of the premises. The trading hours for the premises allows trade from 6am to 2am the following day, these hours of trade are quiet substantial. The capacity of the premises is 245, this is considered a significant number of patrons.

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
09 Sep 2021