

Decision Notification

Application Details

Application no.	209684, 209685
Licence No.	57104554
Licence Class	On Premises
Premises Name	Apollo 11
Premises Address	87 Torrens Road Brompton SA 5007
Applicant	Sotiris Lambrianou
Application Type	Application for a Liquor Licence, Application for Exemption\Responsible person

Outcome

Decision	Granted
Effective Date	14 Oct 2021

Requirements

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

People

Licensee

The following persons are approved to hold the licence:

- Sotiris Lambrianou (166776)

Premises

New Premises

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

Capacity

The capacity of the venue is set at 40.

Community Impact Assessment

The application is a designated application for the purposes of section 53A of the Act.

I am satisfied that the granting of this application is in the community interest.

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 on the condition that a Responsible Person must be present after 2:00pm and must be contactable by phone at all times.

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	9:00 am to Midnight	-
Tuesday	9:00 am to Midnight	-
Wednesday	9:00 am to Midnight	-
Thursday	9:00 am to Midnight	-
Friday	9:00 am to Midnight	-
Saturday	9:00 am to Midnight	-
Sunday	9:00 am to Midnight	-

Reasons for Decision

Mr Sotiris Lambrianou (**the Applicant**) has applied for an On Premises Licence in respect of premises situated at 87 Torrens Road, Brompton SA 5007, known as **Apollo 11**.

In order for this application to be granted I must be satisfied that the granting of the application is in the community interest. In making this determination, under section 53A(2) of the *Liquor Licensing Act 1997* (**the Act**), I must have regard to:

- the harm that might be caused (whether to a community as whole or a group within a community) due to the excessive or inappropriate consumption of liquor; and
- the cultural, recreational, employment or tourism impacts; and
- the social impact in, and the impact of the amenity of, the locality of the premises or proposed premises; and
- the nature of the business conducted or to be conducted under the licence (as prescribed).

I must also apply the Community Impact Assessment Guidelines (**the Guidelines**) when making a determination on the application. Importantly, the Guidelines state that: *“The onus is on the applicant to satisfy the licensing authority that the grant of the application is in the community interest and to provide relevant evidence and submissions to discharge this onus.”*

Pursuant to section 3(2) of the Act, when deciding whether or not to grant this application, I must have regard to the objects of the Act as set out in section 3(1) of the Act.

As part of the application, the Applicant has completed a Community Impact Assessment Form as his community impact submission. It is the content of this form, as well as the application itself, that my decision is based on.

Nature of the Proposed Business

Apollo 11 was established in 1983 as a social club for members of the local Greek Community.

The club provides an opportunity for people to socialise, play board games, watch sporting events and enjoy snacks,

light food and refreshments.

The Applicant has identified the 'locality' as being within a 2km radius of the premises and expects to draw customers from nearby suburbs including Croydon Park, Lockleys, Fulham Gardens, Mile End, Allenby Gardens, Brompton and Kilburn.

The Applicant has provided evidence of community consultation by way of a petition signed by 47 people who regularly attend at Apollo 11. The following statement is set out on the front page of the petition:

"We, the undersigned' are regular visitors to this club where we can speak our native language and engage with people of the community and interact with each other by playing board games and supporting each other during our lives. We would like to have the opportunity to have some alcohol served as we would like to celebrate birthdays and special culture events such as Name Days, Easter and Christmas. Most of us are over the age of 65 years old and we have no other place to go to gather together and this club is important to us as it provides a service to the elderly community. Please allow a liquor licence for this premises. Thank you."

Potential Harm

The Applicant has not identified any 'at-risk' groups or sub-communities within the locality.

The Applicant has provided the following submission in relation to potential harm:

"Whilst there is the potential of self harm to members of the community through excessive alcohol consumption, staff working at the venue will ensure that patrons do not drink excessive amounts of alcohol to present a problem to the local community."

The Applicant advises that Brompton Primary School is located within 100m of the premises. Staff would refuse entry to any minor seeking to gain entry.

In terms of policies and procedures to minimise any potential harm, the Applicant advises that alcohol will not be served to minors or people who are intoxicated. Staff members are aware of the requirements for the responsible service of alcohol.

Cultural, Recreational, Employment and Tourism Aspects

The Applicant provided the following submission to address cultural, recreational, employment and tourism impacts:

"The operating hours along with the number of patrons visiting the club require multiple staff to be employed with up to 3 staff working at any one time. Patrons do not frequent other businesses within the local area, specifically the adjacent tenancies, including the barber, food takeaway and local supermarket. As a result both neighbouring businesses may then require more staff."

Social Impact and Amenity

The Applicant describes the locality as Brompton.

The Applicant advises that there are 143 licensed premises within a 2km radius of the club. Most of these premises are located in the entertainment precincts surrounding North Adelaide and Hindmarsh, including the Entertainment Centre. The closest licensed premises to Apollo 11 is the Bombay Bicycle Club which is located 650m away.

Decision

I have considered and have had regard to the objects of the Act, as required by section 3(2) of the Act, in determining

the application.

The Licensing Authority has not received any submissions from individuals, entities or stakeholders opposing the application, and I note that the City of Charles Sturt has not objected to the application.

The Applicant has provided substantial evidence of community support for the application.

Harm minimisation is a key component of the community interest test, underpinned by the first object of the Act: “to ensure the sale and supply of liquor occurs in a manner that minimises the harm and potential for harm caused by the excessive or inappropriate consumption of liquor.”

I have considered the harm that might be caused (whether to a community as a whole or a group within a community) due to the excessive or inappropriate consumption of liquor, and I am satisfied on the material before me that the risk of harm posed by the proposed licence is low. The Applicant will implement policies and procedures which, in my view, will adequately mitigate the risk of harm to members of the community.

There is no reason why the application should be refused on the basis of the matters outlined in section 57 of the Act such as the suitability of the premises; the potential for them to cause undue offence, annoyance and the like to nearby workers, residents and worshippers in their vicinity; or prejudice to the safety or welfare of children attending nearby kindergartens and schools.

There is also no basis for refusing the application under the broad discretion available pursuant to section 53 of the Act. I am of the view that granting the application is in the public interest and will further the objects of the Act. I am also satisfied that granting the application is in the community interest.

I note that the Applicant is seeking an exemption from the requirement to have a responsible person supervising and managing the premises when open to the public pursuant to section 97(2) of the Act. The reason stated on the application is as follows:

“I, Sotiris Lambrianou, will be the responsible person, but sometimes another person might open the club and I won't start until lets say 2pm. I would like the person who opens the club to be allowed to sell alcohol until I get there. Will this be ok? The club consists of pensioner people who play board games and enjoy the same culture.”

While I understand the reasoning behind the request, it would not be appropriate for the Authority to grant a blanket exemption given that the Applicant is seeking to trade until midnight 7 days per week. I therefore grant the requested exemption on the condition that the exemption apply from 9:00am to 2:00pm each day, and the Licensee must be contactable by phone during that time.

For the reasons set out above, the application for an On Premises Licence is granted.

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 approved responsible service of alcohol training.

Under Delegation from the Liquor and Gambling Commissioner



Stephanie Burke
Hearings Delegate
14 Oct 2021