

Decision Notification

Application Details

Application no.	215240, 215239
Licence No.	57201429
Licence Class	Club
Premises Name	Greek Orthodox Community of Nativity Of Christ
Premises Address	5 Church Street PORT ADELAIDE SA 5015
Licensee	Greek Orthodox Community Of Nativity Of Christ Port Adelaide & Environs Inc
Application Type	Variation to Conditions (Upgrade), Application for Redefinition

Outcome

Decision	Granted
Effective Date	23 May 2022

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

Premises

Capacity

- The capacity of the venue is set at 500.
- The capacity has increased from 100 persons to 500 persons.

Alterations/Redefinition

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

Conditions

The following conditions are added to the licence

- The exemption from the Responsible Person requirements is granted on the condition that a committee member must be contactable by phone at all times the premises is open for trade.
- The exemption from the Responsible Person requirements only applies when there are less than 100 patrons at any one time.

Reasons for Decision

The licensee currently has an unconditional exemption from the requirements to have a responsible person present on the licensed premises at all times they are open for trade under section 97(1) of the Act. The applicant has applied to increase their capacity significantly and it is therefore prudent to review whether the exemption is still appropriate in light of the variation sought.

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. 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.

I do not consider instances where there are 500 persons attending the premises to be of "limited scope". This would be a significantly large gathering, and where liquor is being supplied and consumed, should be under supervision as required by the Act at all times.

However, I appreciate that the instances where they would have 500 people at the premises may be limited and for the most part they would in fact trade at a much lower capacity where any potential risks from alcohol consumption would likely also be reduced.

For these reasons, I think it is appropriate to retain the exemption but only where there are less than 100 persons at the licensed premises.

Further, I note that the licensee previously held an unconditional exemption from the requirement to have a Responsible Person present at all times they are trading. In accordance with s 97(1)(b) where an exemption from these requirements has been granted, alternative arrangements must be approved for the supervision and management of the business. I therefore impose the condition that when the exemption applies (i.e. when there are less than 100 persons) then a committee member must be contactable at all times.

Under Delegation from the Liquor and Gambling Commissioner



Ashleigh Hughes
Hearings Delegate
23 May 2022