

# Decision Notification

## Application Details

|                  |  |
|------------------|--|
| Application no.  | 205575, 205574   |
| Licence No.      | 57317806   |
| Licence Class    | Restaurant & Catering  |
| Premises Name    | Zambrero Blair Athol   |
| Premises Address | 398 Main North Road<br>Blair Athol SA 5084                                     |
| Licensee         | ZAM BA PTY LTD   |
| Applicant        | ZAM BA PTY LTD   |
| Application Type | Application for Exemption\Responsible person, Application for a Liquor Licence |

## Outcome

|                |             |
|----------------|-------------|
| Decision       | Granted     |
| Effective Date | 08 Feb 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

### Position of Authority

The following persons are approved to occupy any position of authority in the entity holding the licence and to receive proceeds of the business conducted under the licence:

- Rowan Mark Garrard (142112)

## Premises

### New Premises

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

### Capacity

The capacity of the venue is set at 58.

## Exemptions

The following exemptions are added to the licence

- Responsible Person

## Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor for consumption on the licensed premises authorised

## Trading hours

The following are the approved trading hours

|           | Consumption on premises | Consumption off premises |
|-----------|-------------------------|--------------------------|
| Monday    | 10:00 am to 10:00 pm    | -                        |
| Tuesday   | 10:00 am to Midnight    | -                        |
| Wednesday | 10:00 am to Midnight    | -                        |
| Thursday  | 10:00 am to Midnight    | -                        |
| Friday    | 10:00 am to Midnight    | -                        |
| Saturday  | 10:00 am to Midnight    | -                        |
| Sunday    | 10:00 am to Midnight    | -                        |

## 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. 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 licensee of the premises has applied for an exemption from this requirement.

The applicant has submitted the following reasons why they should be granted an exemption:

Zambrero is a quick service restaurant, providing fresh, healthy Mexican food. Alcohol plays very minimal part of our trade. Other licensed Zambrero restaurants in South Australia typically generate less than 3% of their income via selling alcohol, and they are exempted from the RP requirement as well. Therefore we would like to ask you to grant the exemption for our new Blair Athol Restaurant.

Having considered all of this, 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.

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



Vicki Brunello

Hearings Delegate

08 Feb 2021

