

# Decision Notification

## Application Details

Application no.	209093, 209094
Licence No.	57318593
Licence Class	Restaurant & Catering
Premises Name	Deurali Restaurant
Premises Address	20 Park Terrace Salisbury SA 5108
Applicant	Lila Bahadur Rai
Application Type	Application for a Liquor Licence, Application for Exemption\Responsible person

## Outcome

Decision	Granted
Effective Date	01 Sep 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:

- Lila Bahadur Rai (167590)

## Premises

### New Premises

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

## 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 does not apply after 9pm.

## 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 at the site of a function 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 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

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 applicant has applied for an exemption from this requirement and has submitted the following reasons why they should be granted an exemption:

I am a small cafe, liquor will be a secondary part of my business as the primary focus is on food and not alcohol. The restaurant is only a small place and as I am a small owner operator I normally only have approximately 25 to 40 persons in at any one time.

The requirement under section 97 of the Act supports the second object of the 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.

As the applicant has not yet held a liquor licence, they are unable to provide sales data demonstrating the limited scope of liquor sales at the premises, however given the nature of the premises, being a relatively small restaurant, I am satisfied that they will likely trade as they have outlined in their submission.

However, in saying this the trading conditions that will apply to their licence will allow them to trade quite late, should the premises be open late in the evening, then an exemption would not be appropriate.

For this reason, I will condition the exemption to only apply before 9pm.

This will ensure that should they trade later in the evening that an appropriately approved person is present.

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



Jane Widdowson  
Hearings Delegate  
01 Sep 2021