

Decision Notification

Application Details

Application no.	208491, 208492
Licence No.	57402295
Licence Class	Residential
Premises Name	Strath Motel
Premises Address	2-4 North Parade Strathalbyn SA 5255
Applicant	Strath Motel Pty Ltd
Application Type	Application for a Liquor Licence, Application for Exemption\Responsible person
Representative	Caderyn McEwen - Eckermann Lawyers

Outcome

Decision	Granted
Effective Date	17 Jun 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:

- Beverley June Richards (12158)
- Philip Leonard Richards (5972)
- William Trafford Royden Bullock (167249)
- Belinda Jayne Vivian (167250)

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 is granted on the condition that a Director of the licensee company must be contactable by phone at all times the premises is open for trade.

Trading hours

The following are the approved trading hours

	Consumption on premises	Consumption off premises
Monday	7:30 am to 6:30 pm	-
Tuesday	7:30 am to 6:30 pm	-
Wednesday	7:30 am to 6:30 pm	-
Thursday	7:30 am to 6:30 pm	-
Friday	7:30 am to 6:30 pm	-
Saturday	7:30 am to 6:30 pm	-
Sunday	7:30 am to 6:30 pm	-

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 Motel is only just being granted their liquor licence, and therefore have not traded in liquor in order to be able to produce data to the licensing authority demonstrating the limited scope of their business. However, as part of their application they did make the following submissions in support of their application for an exemption:

- The business is a residential motel and the licensed area will be a small area comprising of the motel reception.
- The motel reception area has a limited capacity of 10 people.
- The ability for the licensee to manage the sale of liquor responsibly at all times is further enhanced by the nature of the premises.

I note that the proposed licensed area is small in size and will therefore have a limited capacity. The hours sought for the licence are limited to those predominantly during the day. The nature of the business would pose a very low risk in relation to alcohol related incidents occurring at the premises.

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.

The exemption will be granted on the condition that a Director of the licensee company must be contactable by phone at all times the premises is open for trade.

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
17 Jun 2021

