

Decision Notification

Application Details

Application no.	209534, 209535
Licence No.	57619630
Licence Class	Liquor Production & Sales
Premises Name	So...Spirit & Wine
Premises Address	Unit 4 19 Sauvignon Street Nuriootpa SA 5355
Applicant	STUART CAMERON OLDFIELD
Application Type	Application for a Liquor Licence, Application for Exemption\Responsible person
Representative	David Tillett - DBH Lawyers

Outcome

Decision	Granted
Effective Date	28 Jul 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:

- Stuart Cameron Oldfield (86653)

Exemptions

The following exemptions are added to the licence

- Responsible Person

Conditions

The following conditions are added to the licence

- The licence authorises the sale of liquor produced by the licensee either personally or under contract. Details of all contracts entered into must be available for inspection by an authorised officer.
- The licensee is authorised to despatch liquor from premises other than the licensed premises. Details of despatch sites must be made available for inspection by an authorised officer.

Premises

New Premises

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

Authorisations

The following authorisations/restrictions are added to the licence

- Sale of liquor by direct sales transactions and the sale of liquor for consumption off the licensed premises restricted to the licensee's product only
- Sale of liquor for consumption on the licensed premises authorised, but restricted to sampling only

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:

The licensee will not invite the public to access the premises and will not permit on premise sales. The licensee proposes to sell liquor they produce by way of direct sales (majority of sales) and some by way of wholesale (but again such sales would be delivered to the purchaser or at their direction). The premises will not be 'open to the public' within the meaning of section 97 of the Act, and the exemption is sought on this basis.

The applicant has also provided correspondence from their Council confirming that the premises is only authorised to be used for a home activity under the relevant planning laws.

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.

Under Delegation from the Liquor and Gambling Commissioner



Jane Widdowson
Hearings Delegate
28 Jul 2021