

Licensing Board of Tasmania	Decision
Legislation	Liquor Licensing Act 1990
Applicant	J Cleary
Nature of Application	Special licence
Premises: name	Bay Hire
Premises: location	Sandy Bay Road, Sandy Bay
Name of Decision	Bay Hire
Date & place of hearing	17 th August 2010
Date of Decision	19 th August 2010
Members of the Board	P Kimber (Chairman), KB Sarten, D Logie (Members)

DECISION

We direct the Commissioner to grant the Applicant a special licence subject to conditions to authorise the sale of barrels of beer in association with hiring beer dispensing equipment.

Application

Mrs Cleary applies for a special licence under the Liquor Licensing Act 1990.

The applicant and her husband gave evidence and submitted numerous letters of support indicating that the service intended was perceived by the public to be a useful and desirable adjunct to other methods of delivery of liquor, and that it is currently somewhat difficult to purchase kegs of beer from hotels, wholesalers or manufacturers.

The Applicant has 13 beer dispensing equipment machines (commonly called ‘temprites’) incorporating taps, spikes, coolers, etc. She has been hiring the equipment for 10 years, and states that in most instances it is taken up by existing retailers who need, on occasion, additional delivery equipment for special functions (weddings etc).

She says that a small proportion of the customers are householders wanting to have the equipment with a keg for special events at home – birthday parties, celebrations etc.

She stated that each 50 litre keg is the equivalent of approx 6 cases of beer, and there was somewhat of a novelty for purchasers, on occasion, to have this alternative delivery method.

The manner of service intended is to be ‘full coverage’ including providing the equipment, delivery if required, set up, then removal and return, with clean up to appropriate sanitary standards.

Without a licence she feels the public are inconvenienced, and that the licence, if granted will not result in greater consumption or an increase in the harm associated with liquor

consumption, but rather, will simply make it simpler for the purchaser to get equipment and liquor from the same supplier.

Her experience had a strong bearing in this decision. Both Mr and Mrs Cleary have a significant hiring business and are one of the few operators who hire beer dispensing equipment. Hoteliers find it inconvenient to have their usual stock sold in bulk by kegs, and many decline to sell on that basis.

Mr Cleary said that the licence would enable him to 'close the loop' and would enable purchasers to be assured of fresh 'food' (beer) supplies.

The application was signposted and advertised and no objection was received.

A number of existing customers of the hire business and others indicated in writing to the Board that they were keen for the service to include sale of kegs, and that they did not perceive it would lead to adverse impact from sale and consumption of liquor.

The Board was concerned that the licence was in a sense an 'off licence' but of a limited type, and that by seeking a special licence, the applicant may be seen to be obviating the provisions of the Act which require off licences to be granted only where the predominant purpose of the business is the sale of liquor.

That provision in the Act is evidently to limit proliferation of liquor outlets.

The special licence category is there to enable the Board to grant licences where the set other categories do not 'fit' the purpose, and where sale of liquor in particular circumstances may be seen to have some benefit. For example, in conjunction with other activities where the public would expect to be able to purchase liquor: fairs, shows, ships, boats, at particular institutions.

It is not perceived that it will be in the best interests of the community for a very broad range of businesses to sell liquor in addition to their other activities (see for example the previous decisions of the Board in *Bladerunner* (hairdresser) and *Hong Kong Diner* (restaurant seeking off sales)).

Indeed, it will not normally be appropriate for equipment hire businesses to extend into hiring beer dispensing equipment and seek a licence for sale of liquor: it is only taking account of the limited access for the public for this relatively unique service that makes this application appropriate for approval.

We direct the Commissioner to grant the licence subject to conditions. We will settle the conditions in consultation with the Applicant, to include:

- Sale of keg or barrel beer only
- Sale for consumption off the premises only
- Sale in conjunction with the purchaser also hiring the beer dispensing equipment at the same time

- Sale in conjunction with offering of full service in delivery and pick up, set up, and cleaning (to appropriate standards) of the equipment
- That the Applicant draft and settle with the Commissioner a memorandum which she is to provide to every hirer of the dispensing equipment which sets out advice on safe and responsible consumption of alcohol

P Kimber (Chairman)

K Sarten

D Logie(Members)