

Minutes of the Flemington LAC Liquor Accord Meeting held at DOOLEYS Lidcombe Catholic Club on Tuesday 21st February 2017 at 10:30AM

ATTENDEES:

Peter Denmead, Senior Sergeant Peter Boyce, Senior Sergeant Kelly McGuinness, Nathan Titmuss, Justin Corcoran, Alex Biddolph, James Drivas, Grant Nel, Andrew Arquilla, Ann Batkin, Naomi Masters, Rob Williams, Dwane Goodman, Sean McDowell, Kathryn Fayle, Jennifer Alpen, Yo Han Hyun, Alexander Spence, Julie Milsom, Chris Dunn, Geoff Jansen, Tim Brady, Ali Gulbahce, Leimin Duong, James Stevenson, Stephen Ellis, Gaby Tannous, Jung Soon Kim, Sun Mi Park, Ann-Mare Bate, Vaskar Thapa, Alyssa Muscat, Kylie Elkerton-Walker, Ferdinand Fularon, Dylan O'Sullivan, Darren Woods, Brendan Hough, John Jansen, Glenn Fraser, Greta Fletcher.

APOLOGIES:

Ben Holden, Steve Rodrigues, Kim Dahee, Jong Hoon Kim, Patrick Pignataro, Damien Smith, Tim Brady, Toshitaka Nakahara, Yuval Yaari, Domkeng Nakaraj, Alexandra Cen, Hyeong Ha, John Seward, Senior Constable Paul Aishou, Senior Constable Shannon Thomson, Rosie Vranic, John Ross, Sue Max, Megan Desent, Jenny Yoon, Doug May.

The Chairman Peter Denmead declared the General Meeting open at 10:32AM and thanked all members for the participation.

REVIEW MINUTES OF MEETING HELD 8TH NOVEMBER 2016

RESOLVED: That the Minutes of meeting held 8th November 2016 be adopted as a true and correct record of proceedings.

No matters arising from those minutes.

SENIOR SERGEANT KELLY MCGUINNESS - FLEMINGTON LAC PRESENTATION

Senior Sergeant Kelly McGuinness provided a detailed presentation on alcohol related crimes for the period of November 2016 - January 2017.

Summary of statistics for this quarter:

- 4% of all incidents was alcohol related crime during November 2016 - January 2017, which was down by 3%, compared to 7% during the same period 12 months prior.
- 16% of all assaults were alcohol related, vs 20% last quarter and 23% same period 12 months prior.
- 17% of all domestic violence incidents were alcohol related, vs 11% last quarter, vs 17% same period last year.

PCA (Drink Driving offences) by the last place of consumption:

November 2016 - January 2017 total 48 offences vs 53 same period last year, which is down by 5;

- 15 linked to licensed premises (vs 20 same period last year), down by 5;

- 28 linked to home/private residences (vs 27 same period last year), up by 1;
- 0 linked to public place (vs 1 same period last year), down by 1;
- 5 linked to other places (vs 5 same period last year), steady.

Senior Sergeant Kelly McGuinness provided a Liquor and Gaming Update, related to recent introduction of “Interim Restaurant Authorisations”.

From 31 January 2017, applicants seeking to serve liquor in restaurants and cafes under standard trading hours and conditions will be eligible to obtain an interim restaurant authorisation.

An interim restaurant authorisation allows applicants seeking an on-premises liquor licence for a restaurant to begin serving liquor as soon as they have lodged a liquor licence application online (rather than waiting for the processing of the application).

To qualify for this, applicants must meet certain requirements, including:

- Seeking standard trading hours, with liquor only to be sold with meals
- Have planning approval to use the premises as a restaurant or café, with the local council and community informed of the intention to serve alcohol as part of the public exhibition process.
- No authorisations, such as extended trading hours or primary service authorisation, have been applied for.

These applications are exempt from the advertising and public submission requirements under the liquor laws, as public consultation occurs as part of the development approval process.

Restaurants and cafes who are granted an interim restaurant authorisation will only be able to supply and serve liquor between 10am to midnight Monday to Saturday, and 10am to 10pm on Sunday.

Senior Sergeant Kelly McGuinness explained that this introduction of Interim Restaurant Authorisations does not affect any of the attendees at the Accord, however it may explain to them why (new) restaurants in the area may be supplying liquor without a liquor licence when viewed on the ONEGOV website. Any concerns to be directed to Flemington Licensing Officers.

Upcoming events, which may have impact on venues within the Flemington LAC:

- 3rd March – Souths Vs. Tigers @ ANZ
- 10th & 11th March – ADELE @ ANZ Stadium
- 15th March – Justin Bieber @ ANZ Stadium
- 23rd March – Souths Vs. Roosters @ ANZ Stadium
- 25th March – Eels Vs. Sharks @ ANZ Stadium

Intoxication and Responsible Service of Alcohol - Region Licensing Coordinator, Senior Sergeant Peter Boyce

Licensed Premises are always associated with taking risk.

Risk includes: intoxication, violence, taking relevant steps, accurate recording of incidents and staff's ability to maintain professional approach.

Intoxication is the key indicator to everything that will affect the way a venue is managed.

The NSW Liquor Act 2007 (section 5) states that a person is intoxicated if:

- the person's speech, balance, co-ordination or behaviour is noticeably affected;
- it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor.

Liquor licensees have important obligations to ensure alcohol is served responsibly to help minimise alcohol related harm.

Section 73 of the Liquor Act 2007 - Prevention of excessive consumption of alcohol on licensed premises – states the following:

(1) A licensee must not permit:

- (a) intoxication, or
- (b) any indecent, violent or quarrelsome conduct, on the licensed premises.

Maximum penalty: 100 penalty units.

(2) A licensee or an employee or agent of a licensee must not, on the licensed premises, sell or supply liquor to an intoxicated person.

Maximum penalty: 100 penalty units.

(3) A person (other than a licensee or an employee or agent of a licensee) must not, on licensed premises, supply liquor to an intoxicated person.

Maximum penalty: 10 penalty units.

(4) If an intoxicated person is on licensed premises, the licensee is taken to have permitted intoxication on the licensed premises unless the licensee proves:

(a) that the licensee, and the licensee's employees or agents, took the steps set out in subsection (5), or

(a1) that the licensee, and the licensee's employees or agents, took the steps set out in the guidelines under subsection (5A) to prevent intoxication on the licensed premises, or

(b) that the intoxicated person did not consume alcohol on the licensed premises.

(5) For the purposes of subsection (4) (a), the following are the relevant steps:

(a) asked the intoxicated person to leave the premises,

(b) contacted, or attempted to contact, a police officer for assistance in removing the person from the premises,

(c) refused to serve the person any alcohol after becoming aware that the person was intoxicated.

(5A) The Secretary is to issue guidelines relating to the prevention of intoxication on licensed premises. Such guidelines are to be made publicly available in such manner as the Secretary considers appropriate.

(6) In the application of this section to an on-premises licence that relates to a catering service, a reference to licensed premises does not include private domestic premises except for the purposes of subsection (2).

If a licensee fails to take the relevant steps and an intoxicated person is on the licensed premises, then licensee is deemed to have permitted intoxication.

Under section 73(5A) of the Act the Secretary, NSW Trade & Investment, has issued "Guidelines" to assist licensees and staff in determining whether a person is intoxicated. These Guidelines are available at www.olgr.nsw.gov/pdfs/intox_guidelines.pdf. The purpose of the Guidelines is to describe the steps that licensee and staff must take in circumstances where the venue wishes to be able to rely upon the defence in section 73(4)(a1) to establish that intoxication was not permitted on the Club's licensed premises. Where a licensee seeks to rely upon this defence, it will be necessary to demonstrate that each of the steps in the guidelines were followed at the time that the offence of permitting intoxication was alleged to have occurred.

First step is observations.

Everyone's job is made easier if your RSA skills are well executed.

Penalties:

Supplying alcohol to an intoxicated person can be very expensive. The licensee or staff can be fined up to \$11,000 or be issued with an on-the-spot fine by way of a penalty notice. It is also an offence for other patrons to supply alcohol to an intoxicated person, with a maximum fine of \$1,100 applying.

If the person is well affected, and they are involved in an incident resulting in violence, there are consequences:

- Three strike legislation
- Declared premises reviews;
- Conditions added to a venues licence – up to \$20K extra in fees per year (for up to 3 years);
- Extra license fees resulting from fines incurred
- Suspension or cancellation of license for serious offences such as minor's alcohol consumption.

All staff have a role to play in making your venue safe and risk free.

Good housekeeping means:

- Being proactive at all times
- Don't change your mind once you see something that concerns you about a person's state of sobriety
- Make sure every interaction is passed onto a supervisor and recorded correctly
- Protect your licensee to protect your venue and your job
- Also be mindful that you can be prosecuted if you make a bad call
- Minors can also be high risk

- Make sure you always look closely at each customer and remember
- No ID means no service
- Intoxicated means they must
- Always take the Relevant Steps!

In summary, by law, the relevant steps are as follows:

1. Ask patron to leave
2. Contact or attempt to contact the Police and
3. Refuse to serve the person once you become aware that the person is intoxicated

There have been more than 850 glassing incidents since 2007, so we need to do better.

If you have any further queries, please contact **Senior Sergeant Peter Boyce**:
mob. 0429 799 927; or email boyc1pet@police.nsw.gov.au

Liquor Accord Boundaries and Council Amalgamations – City of Parramatta Council Representative on Liquor Accords, Robert Williams

Flemington Liquor Accord expands over two council areas: City of Cumberland and City of Parramatta, which are two new councils, formed after the amalgamations last year. Recently the Government announced that all amalgamations that are currently in process, they will be going ahead, but all new amalgamations in the regional area will be placed on hold.

Boundary between the City of Cumberland and the city of Parramatta is the M4 motorway. So, everything located on the North side of the M4 is City of Parramatta, and City of Cumberland has everything on the South of the M4. The majority of Flemington Liquor Accord representatives would mostly be from the City of Cumberland. However, current plans for Parramatta will impact upon this area. The Government has plans for Sydney, which is having dual CBD city – City of Parramatta & Central City of Sydney. Parramatta CBD is City of Parramatta, plus the local government area, which extends to Sydney Olympic Park, Epping in the North, and Parramatta Road in the South. There are important growth plans for the Great Parramatta and the Olympic precinct, such as upgrade of Parramatta Road Corridor and etc., which will impact on businesses in the area, this will grow the Camellia area and other fringe areas. The light rail has now been officially announced. This will bring a lot of services, a lot of infrastructure and the employment growth in the area. There will also be more events moved to this area, which will impact on events management requirements:

- Alcohol free zones within LGA – will be fully reviewed;
- Review of night time economy policy;
- Small bar policy is being reviewed and will be streamlined;
- Reviewing outdoor dining policy.

How local government boundary changes affect the boundaries of Liquor Accords?

There is no clear definition. Liquor accord is a voluntary organisation and there is no correlation with changing council boundaries. This is up to the Liquor Accord and usually

it is defined by LAC boundaries. Most liquor accords are located within the boundaries of police local area command. For example, City of Parramatta has 5 different liquor accords operating within this area. The only important thing from the Parramatta Council point of view is that when the liquor licence application is being reviewed, it is compulsory for the licenced premises to be a member of a local liquor accord.

COMMITTEE OVERVIEW

Treasurer's Report

Account details as at 1st February 2017:

Opening Balance	\$22,021.12
Total Credits	+\$0.00
Total Debits	-\$0.00
Closing Balance	\$22,021.12

GENERAL BUSINESS

Next meeting to be held on Wednesday, 17th May 2017 at DOOLEYS Lidcombe Catholic Club at 10:30AM.

The Chairman thanked all members that attended the meeting.

Meeting closed 11:04AM.

Peter Denmead.....
Chairperson

Date.....