

22 December 2009

Northbridge nightclub nightmare

In late October 2009, the Director of Liquor issued a notice to various licensees in the metropolitan area outlining criticisms made by the WA Police of anti-social behaviour in Northbridge, in the report 'Is your house in order? Re-visiting liquor licensing practices and the establishment of an entertainment precinct in Northbridge'.

The notice further stated that, in order to address problems of antisocial behaviour outlined in the police report, the Director was considering imposing certain trading conditions for the 2009-2010 summer on Northbridge and metropolitan area licensees who trade until the early hours of the morning on weekends. These conditions included removing the final hour of trade at the respective premises, imposing a 'lock-out' during the final one and a half hours of trade and restricting the number of drinks which could be purchased in the final hours of trade. In practice, the proposed imposed conditions would only affect nightclub licensees.

Aggrieved licensees were invited to make s64 'show cause' submissions to outline why the conditions ought not to be imposed on their respective premises. A host of nightclub licensees made submissions in response to the Director's notice. In addition to submissions made by the individual licensees as to why the conditions ought not be imposed at their premises, a collective submission was put forward that, in the event that the conditions were to be imposed, similar trading conditions ought also to be imposed on hotel, tavern and special facility licensees in the metropolitan area. It was suggested by nightclub licensees that such an 'across-the-board' strategy would more adequately address the concerns expressed in the police report, than if the conditions were only effectively imposed on one particular group of licensees.

The Director has now made his decision regarding the show cause proceedings. Lavan Legal is not aware of any licensee whose premises was deemed to be exempt or was excused from the imposition of the Director's conditions. The Director, in his determination, made only a slight amendment to his original proposed conditions. A lockout has been imposed only during the final hour of trade at premises, except for 'authorised persons'.

Most of the licensees affected by the determination are applying to review the determination before the Liquor Commission.

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