

Thursday 19th January 2020

Att: CBSReforms@sa.gov.au

2023 AWEA Late Night Code Review Submission

The Adelaide West End Association, continues to play an important role in advocating and driving improvements and opportunities for the businesses, communities and people who work, live, study and play in our precinct. A precinct renowned for its diversity, creativity and unique mix of qualities and challenges that set it apart from its neighbours in the CBD and wider city surrounds.

There is by no means a one size fits all, approach to planning and development that could ever apply to the West End without endangering its distinctive and creative essence, yet we are pleased to have an opportunity to submit feedback for the review and excited about the prospect of seeing a long-planned upgrade of Hindley Street come to fruition which we believe will have a significant impact on the future evolution and prosperity of the precinct in years to come.

As current President I am pleased to present the following submission in support of the continuation of the Late Night Code on behalf of our 2023 Committee including: James Economos (Econ Group), Paola Coro (Apoteca), Tony Scrivener (Grand Chancellor Hotels), Anne Wilberg (Light Adelaide), Christine Ormsby (Visualcom), Nikki Hamdorf (JamFactory), John Gartland (UniSA) and Taryn Walton (Hindley Street Music Hall).

In preparing this submission we have reached out to our community for their views and believe that overall, the majority of business and people who work in the West End feel the late-night code plays a role in curbing incidents of anti-social and violent behaviour and the negative impacts they have on the safety and prosperity of all who work, live, study and visit the West End.

Our past President and Committee played a significant role in advocating for the original introduction of the code, and we understand from them that despite their position coming from overwhelming feedback from members, they faced strong opposition from a small percentage of highly vocal late night venues. Whilst we feel it important that all views are heard and acknowledged our position remains that a balance between the needs of both day and night economies must be found. We believe the current code seeks to find that balance because unlike in other states this code allows venues to continue to trade past 3am and applies state-wide not just to certain precincts.

"As the property owners of the Adelaide Paringa Motel, Miller Apartments and six restaurant tenants all on Hindley St, we have significant experience with Hindley St over 30 years. Accordingly, we have observed the 3am lock out rules and other late night control measures have had a positive impact to our businesses on the street. One of the major changes to the Hindley Street precinct in recent years is an increase of high-quality large hotel and accommodation developments, in particular Sofitel, Mayfair hotel and the Holiday Inn. No longer is Hindley St dominated by late night entertainment venues and therefore there needs to be a fair balance. Separation between day trade and night trade is very important.

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The main complaints we receive from our house guests are:

1. *Obstructed footpaths and side roads caused by late night venue queue.*
2. *Noise complaints caused by venue music and patrons .*
3. *Unruly intoxicated disorderly aggressive behaviour by venue patrons in the street in particular when our houseguests are catching taxis to the airports for early morning flights."*

James Economos – Director, Econ Property Group

We absolutely support an even playing field for late night venues and feel this hence should also include the Casino and all late-night venues such as Sheesha venues as feedback we received from members has questioned why the code does not apply to them as well?

AWEA are engaged participants of the Hindley Street Roundtable and believe the forum has proven an excellent opportunity to connect, share and collaborate with the City of Adelaide, along with key stakeholders from SAPOL, Liquor Licensing and AHA to Encounter Youth on short-, medium- and long-term strategies to improve the street for the workers, visitors and businesses that it supports and we very much hope to see this important forum continue.

We are passionate about seeing the West End fulfil its potential as world renowned creative hospitality and entertainment precinct and believe safety and reputation play a vital role in influencing our tourism opportunities.

Our responses to the various points of the code are detailed below and we are grateful to have the opportunity to share our feedback for consideration in the review.

Thank you.

WE are the West End!

Taren Hocking | President
taren@thecreative.biz

@adelaidewestend #adelaidewestend

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AWEA Night Code Review Points

PART 2

<p>7. Drink marshal</p> <p>Between 2.01 am and 7.00 am at all times while open for trade, the licensee must ensure that at any given time, at least one person who is approved as a Responsible Person under the <i>Liquor Licensing Act 1997</i> is performing the duties of a drink marshal.</p> <p>The duties of a drink marshal are to monitor compliance with section 108 of the <i>Liquor Licensing Act 1997</i> and the Liquor Licensing General Code of Practice and, in particular, to monitor the behaviour and alcohol consumption of patrons to reduce the likelihood of incidents of intoxication and/or disorderly, offensive, abusive or violent behaviour on licensed premises</p> <p>The drink marshal must patrol the whole of the licensed premises accessible to and occupied by patrons, and must alert bar and serving staff to any concerning behaviour that is taking place by patrons on the licensed premises.</p> <p>If the drink marshal suspects that a person is intoxicated or observes someone behaving in a disorderly, offensive, abusive or violent manner, the drink marshal may exercise the powers that they have under the <i>Liquor Licensing Act 1997</i> as a Responsible Person or they must immediately report this to the licensee or manager/supervisor on duty for appropriate action to be taken.</p>	<p>Supported By AWEA</p>	<p>Comments:</p> <p><i>Drink Marshals play a vital role in managing patrons and in-turn ensuring the staff and customers of the venue are able to enjoy their night be it at work or play.</i></p>
<p>8. First aid</p> <p>Between 2.01 am and 7.00 am at all times while open for trade, the licensee must ensure that at least one staff member is on duty who has been approved as a Responsible Person under the <i>Liquor Licensing Act 1997</i> and successfully completed nationally accredited first aid training.</p>	<p>Supported By AWEA</p>	<p>Comments:</p> <p><i>In reality this should be in affect at all times however we acknowledge it becomes more prudent as the night goes on.</i></p>
<p>9. Restrictions on the sale and supply of beverages promoting rapid or excessive consumption</p> <p>Between 2.01 am and 7.00 am at all times while open for trade, the licensee must not advertise the sale, offer for sale, or permit the sale or supply of any alcoholic beverage that may encourage the rapid or excessive consumption of liquor including:</p> <p>(a) beverages commonly known as 'shooters', 'doubles', 'laybacks', 'test tubes', 'blasters', 'stingers' 'jelly shots' or similar; or</p>	<p>Supported By AWEA</p>	<p>Comments:</p> <p><i>With the enjoyment and safety of patrons and staff in mind rapid or excessive consumption should be monitored at all times by venue management.</i></p> <p><i>We acknowledge the logical connection to this type of consumptions potential to create a higher risk of sever intoxication and the on flows from this that can impact public and staff security and safety and we will support any proven connections that this restriction has in reducing of anti-social behaviour, violence as well as</i></p>

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(b) any other beverage that contains more than 45ml of spirits.		<i>damage the property of surrounding businesses.</i>
<p>10. Footpaths and other outdoor areas</p> <p>Between 2.01 am and 7.00 am at all times while open for trade, the licensee must not permit the service or supply of liquor for consumption on any part of the licensed premises comprised of a footpath or other outdoor area to which the general public has access (not including beer gardens, balconies, enclosed courtyards or similar that are only accessible from within the licensed premises).</p>	Supported By AWEA	<p>Comments:</p> <p><i>All measures that reduce the likelihood of antisocial and violent behaviour in the public realm should be considered important for the security, safety and overall attractiveness of the precinct as a vibrant and enjoyable destination for both local and tourist economies.</i></p> <p><i>AWEA feedback recommends all footpath chairs and tables removed from the street unless specific "parklet areas" have been established with Council to encourage better flow of pedestrian footpath traffic especially where venue queuing occurs . This discourages loitering and supports public safety.</i></p> <p><i>We also recommend queue sizes are monitored by council inspectors/police so they do not obstruct footpath and create bottlenecks</i></p>
PART 3		
<p>11. Entry onto licensed premises and use of metal detectors</p> <p>(1) Between 12.01 am and 3.00 am at all times while open for trade the licensee must ensure that suitably trained employees are operating a metal detector to screen all patrons upon entry onto the licensed premises, to detect persons who may be carrying weapons or other potentially dangerous objects.</p> <p>(2) The metal detector must comply with the standard technical specification approved by the Liquor and Gambling Commissioner and must be kept in good working order at all times.</p>	Supported By AWEA	<p>Comments:</p> <p><i>The safety of staff and patrons whilst inside a venue should be of the highest priority for all businesses.</i></p> <p><i>Where the use of non-invasive technology can be employed to provide additional confidence of the public and deterrent to those who seek to carry weaponry it should be.</i></p> <p><i>The working condition and proper training in operation of this equipment is vital and we would support discussion on how this can be further enhanced.</i></p>

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<p>12. Restriction on the use of Glassware</p> <p>Between 3.01 am and 7.00 am at all times while open for trade the licensee must:</p> <p>(a) not allow any drink (whether it contains liquor or not) to be sold or supplied for consumption on the licensed premises in glassware unless it is tempered or polycarbonate glassware; and</p> <p>(b) ensure that all empty non-tempered and/or non-polycarbonate glassware receptacles are removed from all areas of the licensed premises to which patrons have access.</p>	<p>Supported By AWEA</p>	<p>Comments:</p> <p><i>Any measures that are able to be taken to reduce the possibility of injury to staff and patrons resulting from intentional or accidental glass breakage are considered highly logical for the interests of businesses and patrons alike.</i></p> <p><i>Based on our feedback we believe that this should however be assessed by the type and capacity of the venue, for instance higher end small cocktail bars including hotel lounge bars present a significantly lower threat than pubs and night clubs as they are offering a different type of experience one that plastic glassware is not aligned with.</i></p>
<p>PART 4</p>		
<p>The following mandatory requirement 13 applies to licensees (other than the Skycity Adelaide Casino or the holder of a restaurant and catering licence in respect of that licence) who are authorised to sell or supply liquor for consumption on licensed premises at any time between the hours of 3.01 am and 7.00 am on any day.</p> <p>(13). Late night restricted entry Between 3.01 am and 7.00 am at all times while open for trade the licensee must not permit a patron (other than a resident) to enter or re-enter the licensed premises.</p>	<p>Supported By AWEA</p>	<p>Comments:</p> <p><i>AWEA consultation confirms that the majority of businesses we engaged with in the precinct support the code and as such we believe the late night entry restrictions be continued for the following reasons.</i></p> <ul style="list-style-type: none"> • <i>Allows authorised venues to have the opportunity to continue to trade past 3:01 am whilst encouraging them to put in place strong management practices to protect staff and patrons wellbeing.</i> • <i>Security within the venue is charged with oversight of their clientele according to the law and are supported where possible to manage behaviours so patrons can remain in the venue and continue to purchase beverages until closing time.</i> • <i>Reduces the possibility of antisocial behaviour and violence in public areas between individuals and groups as patrons move between venues when they are heavily intoxicated.</i> • <i>Supports feelings of security for majority of visitors and in particular those who are more venerable.</i> • <i>Helps to allow for safer spaces for patrons returning home be it via Taxi or Ride Share.</i> • <i>Aides venues with not having to deal with highly intoxicated people trying to seek entry into venues and the potential clashes when they are refused.</i>

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		<ul style="list-style-type: none"> • <i>Respects and equally values the rights and safety of the staff and business who make up the day time economy.</i> • <i>Provides more opportunity for reset between night and day economies.</i>
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<p>14. Digital closed-circuit television (CCTV)</p> <ol style="list-style-type: none"> 1) At all times while open for trade, the licensee must have a digital CCTV system in place to take visual recordings at all entry and exit points, the footpath immediately adjacent to the premises and all other internal and external licensed areas of the premises (excluding toilets) to which patrons have access. 2) The digital CCTV system must operate continuously while the premises is trading and must continue to operate for at least one hour after the premises ceases to trade. 3) The digital CCTV system must record the correct date and time. 4) The digital CCTV system must comply with the standard technical specifications approved by the Liquor and Gambling Commissioner. 5) The licensee must ensure that while the digital CCTV system is in use, the level of lighting at all entry and exit points is adequate so as to allow clear visual recordings to be taken. 6) The licensee must ensure that the visual recordings are securely stored so as to prevent unauthorised access, for a period of time not less than 28 days. 7) The licensee must ensure that the visual recordings can be easily downloaded via disk and USB and must be compatible with contemporary operating systems. 8) The licensee must ensure that the visual recordings and any information relating to the visual recordings is made available as soon as practicable upon the request of an authorised officer acting in the course of his or her official duties (noting that the authorised officer must identify the date, time and location of the premises to which the request relates as well as the reason for the request). <p>(The licensee must take all practicable steps to ensure that the CCTV system is in good working order at all times and, in the event of any cessation in the operation of the CCTV system, the licensee bears the onus of proving that such steps have been taken.</p>	<p>Supported By AWEA</p>	<p><i>Comments:</i></p> <p><i>The use of CCTV has had proven world-wide to assist in the reducing of crime and assisting police with investigations.</i></p> <p><i>It is hence important that venues operating in higher risk settings employee and actively monitor this technology along with a range of crime prevention interventions.</i></p> <p><i>AWEA also support the expansion of network of street CCTV cameras in high-risk areas and other higher risk and low light west end locations including alley ways, carparks stairwells and parklands.</i></p>
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