

**SURRY HILLS LICENSING ACCORD  
WEDNESDAY 2 MARCH  
COURTHOUSE HOTEL**

**MINUTES**

**ATTENDANCE:** See Attachment One

**APOLOGIES:** Superintendent Darryl Donnelly (NSW Police), Brett Degenhardt (NSW Police), Margaret Hargreaves (Strawberry Hills Hotel)

**1. WELCOME AND APOLOGIES (Jenny Farrell, AHA)**

Jenny Farrell welcomed everyone to the meeting and thanked Terry and the Courthouse Hotel for hosting the meeting.

**2. ALCOHOL LINKING PROJECT (Tim Preston, NSW Police)**

Tim said that a full report on the Alcohol Linking Project will be available at the next Accord meeting. He stated that the level of assaults and armed robberies have been reducing.

**Credit Card Fraud**

Surry Hills Police have received a number of reports of people presenting fraudulent credit cards and licences to purchase home-wares at a large shopping complex in Moore Park. Surry Hills Crime Manager, Inspector Dave Egan-Lee says police are investigating all matters, but businesses need to be extra careful.

This has been a problem that had been occurring across the Greater Metropolitan Area. Staff should be particularly aware of credit cards and the quality of the print on them, the name of the card is verified with other identification, and the signature appears the same as that on the transaction slip signed

If you think someone is acting suspiciously in your venue, please contact Surry Hills Police on 9265 4144 or 000 immediately.

**Mardi Gras Parade & Venue Awnings**

Tim reminded venues that there will be no police on the awnings during this years Mardi Gras parade, due to OH&S issues. The awnings will be supervised by Mardi Gras volunteers on the night.

**3. OPEN FORUM (Jenny Farrell)**

Ben Tart from ACON (AIDS Council of NSW) presented on the new Mardi Gras campaign targeting drug use and safe sex. The campaign includes coasters, posters, fan, back massagers, singlets and stickers. Campaign products are free of charge. Feedback to date has been positive.

Call Ben at ACON on 9206 2000 to order copies.

**4. SMOKING LEGISLATION (David Cass, Australian Hotel's Association)**

As of 3 years ago, the AHA has been lobbying the NSW Government regarding the potential business impacts of a smoking ban.

**Who Polices Smoke Free Areas?**

- NSW Health has 25 inspectors policing this now for NSW.
- Workcover inspectors
- Council – Environmental Health Officers
- Police Licensing Units

**Dining Areas:** On 3 January 2004, smoking has been banned in hotel and club dining areas, where food is consumed and served at tables. If patrons are served food at the bar or counter, the area must also be smoke free, as is 1.5meters around the smoke free.

**Drinking Areas:** If a venue has more than one bar room, one room has to be non smoking. This only applies to those rooms in a venue which are open and operating.

**Gambling Areas:** if a venue has more than one gaming area, one has to be smoke free. If a venue has Pub Tab as part of the bar, this rule applies to the area where the screen and cards are.

**Recreation Areas:** If a venue has more than one recreation are, one of these areas must be smoke free.

#### **From 4 July 2005**

Smoking will be banned in the following additional places:

- Foyers
- Lifts
- Lift lobbies
- Dance floors
- Corridors

Smoking will only be permitted in ONE room pre licensed venue. This room is to occupy less than 50% of the total public area (drinking, gaming and recreation areas). Public areas do not include lobbies, car parks, dance floors, corridors etc.

David Cass said that in the Surry Hills area, and estimated 80-85% of patron's smoke, which may lead to overcrowding in smoking areas.

Venues can apply for additional smoking areas. Applications cost \$500, Venues can only apply if they don't already have an outdoor area and if the gaming room is 15% of the public floor space and if the area applied for occupies no more than 25% of the total public floor space.

#### **From 1 July 2006**

Smoking room / areas are to be reduced from 50% (or less) of the total floor space to 25% or less. David reminded licensees that there must be a 1.5 metre space around this area, and it must be partitioned (ie: with pot plants, partitions, bollards etc).

#### **Outdoor Areas**

Outdoors areas are considered those areas not "substantially enclosed". Smoking is permitted in outdoor areas. NSW Health is still to advise what "substantially enclosed" actually means.

Venues will still be required to submit Development Applications to council for any alterations to venues arising from this legislation.

Hotel rooms which are part of private accommodation are exempt from the ban. Private functions are any event booked for a separate event in a separate part of the venue is exempt.

#### **Penalties**

1. There is a fine of \$550 if a smoker does not extinguish their cigarette when requested.
  2. Venues permitting patrons to smoke can be fined \$1100 (if an individual trader) or \$5500 (if a corporation).
  3. Venues can also be fined up to \$2700 for not displaying the correct signage.
- Call NSW Health on **9879 0443** to order signage free of charge.

Matches, ashtrays or lighters cannot be displayed in non-smoking areas.

#### **Duty of Care**

The venue has a duty of care to prevent the spread of smoke from a smoking to non-smoking area. Venues must take "all reasonable care" to prevent this from happening. Thus venues must consider the design and layout of smoking & non-smoking areas.

### **Patron Education**

The AHA has requested patron education regarding the legislative changes. The campaign will include newspaper ads, TV ads and the sponsorship of frames and posters for the back of toilet doors.

**Q:** What if the gaming room is located near the TAB which is part of the bar?

**A:** Under the legislation this is considered to be two discrete gaming areas. Make one area smoke free.

**Q:** What if the hotel had no separate dining area, and food is served to tables in the public bar?

**A:** Set up a non-smoking designated dining area. People must be able to have the choice to sit and eat in an area that is non smoking.

**Q:** If the dance floor is in the middle of the venue, where should the smoking area be in the venue?

**A:** 50% of the public space around the dance floor can be a smoking area.

**Q:** What if diners are seated outdoors?

**A:** In outdoor areas where dining is permitted (ie: if you have an Outdoor Dining Footway License), smoking is okay. Bans apply only to internal areas.

**Q:** How has business been affected in New York and New Zealand since the bans have been introduced?

**A:** Anecdotal information from New York suggests that there has been a 40% downturn in on-license sales, but a corresponding increase in off-license sales. Additional noise complaints (due to increased outside dining applications) and littering are a problem.

### **5. SURRY HILLS LICENSING UNIT (Rebecca Harris, NSW Police)**

For Mardi Gras, Rebecca reminded venues to:

- Check proof of age ID, as minors are an issue during Mardi Gras.
- She asked that venues only sell take aways if licensed to do so.
- Check for crowd numbers as per POPE requirements.
- Check for intoxication, particularly for recovery parties.

**Two licensing teams will be working during Mardi Gras from 6pm to 8am.  
If any venue has a problem, the teams can be contacted by calling: 0416 297 513.**

### **7. NEXT MEETING (Jenny Farrell AHA)**

Jenny thanked everyone for coming especially at this busy time of year. Details of the next meeting to be advised.

**SURRY HILLS LICENSING ACCORD MEETING 2 MARCH 2005****ATTENDANCE REGISTER**

Arthur Caruthers	Hordern Pavilion
Simon Triggs	Ruby Rabbit
Gemmi Sugiontara	Taylor Square Hotel
Linda Larcán	XO Restaurant
Steve Ryan	Kinselas Hotel
David Plowman	Palms on Oxford
Susan Hulton	Shakespeare Hotel
Louis Quitjarro Rose	Shamrock & Thistle Hotel
Damien Hickey	Exchange Hotel
Terry Reichel	Courthouse Hotel
Stephen Baldacchio	Rogues Nightclub
Tracey Scutt	Rogues Nightclub
Brenden Lawless	Strawberry Hills Hotel
Victor Moraitis	Paramount Global Protection
Daniel O'Connell	Madison Hotel
John Thomas	Aurora Hotel
Angelo Kotsiopoulos	Triple Ace Bar
Lary Dorman	Paddington RSL Club
Peter Inwood	Palms Oxford Street
Ross Delaney	Bottle O Bourke Street
Josh McAleer	Grosvenor Club
J. McNamera	RQ Sydney
Jenny Farrell	Macquarie Hotel
David McKenna	Whitehorse Hotel
Ron McCulloch	Big Beat
Hugh Savage	Crown Hotel
Emma Savage	Crown Hotel
Jonathon Dmoch	Stonewall Hotel
Craig Bell	Stonewall Hotel
Andrew Clarke	Taylor Square Hotel
Aaron Dickson	Stage 11, Fox Studios
Phelia O'Brien	Porterhouse Hotel
Brent Tozer	Oxford Hotel
Catriona Parsons	Deckbar
Chris Cargill	Colombian Hotel
Rick Walton	ARQ Sydney
Shadd Danesi	ARQ Sydney
Stuart Fraser	Taylor Square Hotel
Paul Finnigan	Midnight Shift
Linda Mearing	City of Sydney
Suzie Matthews	City of Sydney
Detlev Jackson	ACON
Benjamin Tart	ACON
Tim Preston	NSW Police
Rebecca Harris	NSW Police