



Mr Anthony Smith Licensee Lewisham Hotel	Ms Josephine Smith Lewisham Hotel
Ms Hayley Aapa-rae Tagaloa-Smith Lewisham Hotel	Mr Stewart Levitt

21 January 2023

Dear Mr Smith,

**Notice of Short Term Closure Order under section 82 of the *Liquor Act 2007*
Lewisham Hotel (LIQH400103417)**

SUMMARY OF DECISION

1. Pursuant to section 82(1) of the *Liquor Act 2007* (**the Act**), the Independent Liquor & Gaming Authority (**Authority**) orders that the licensed premises currently trading as the "Lewisham Hotel", located at 794 Parramatta Road Lewisham NSW 2049 (**Premises**) close for a period of 14 hours from **08:00 PM on Saturday 21 January 2023** until **10:00 AM on Sunday 22 January 2023**.

INTRODUCTION

2. At 1:00 PM on 19 January 2023, the Authority received an application (**Application**) from A/Superintendent Gary Coffey of the Inner West Police Area Command in his capacity as a delegate of the Commissioner of the New South Wales Police Force (**Police**). The Application was made under section 82 of the Act and seeks the issue of a Short Term Closure Order in relation to the Premises, pursuant to subsection (3)(a)– circumstances in which there may be a significant threat to public health or safety.

NOTICE OF APPLICATION

3. At 8:41 PM on 19 January 2023, a copy of a Notice of Application for Short Term Closure Order (**Notice**) was emailed to you, Mr Anthony Smith (**the Licensee** of the Premises) and sent to the email address [REDACTED]. The Application material was included with the Notice.
4. At around 9:30 PM on 19 January 2023, hard copy of a Notice of Application for Short Term Closure Order (**Notice**) was also hand delivered to you, the Licensee, at your residential address, [REDACTED], by A/Inspector Trevor Hill of the Sutherland Shire Police Area Command. The Application material was included with the Notice.
5. The Licensee was invited to provide the Authority with any written submissions or evidence in response to the Application by no later than 4:00 PM on 20 January 2023.

SUBMISSIONS IN RESPONSE TO THE APPLICATION

6. At 3:13 PM on 20 January 2023, a submission was received from the Licensee.
7. The Authority notes that the Licensee objects to the short-term closure order on the basis that the police request amounts to "vexatious, bullying, and harassing behaviour towards staff and hotel management", although insufficient evidence has been provided to substantiate this claim.
8. The Authority also notes the Licensee's comments in respect of the police reports provided as part of the Application, including that the evening of New Year's Eve proceeded without incident, which is not accurate as the venue's incident register detailed several noise complaints made to the venue on New Year's Eve. Further, a number of offences allegedly committed by the venue on New Year's Eve are currently under investigation by police.
9. The Authority notes that the Licensee's submission does not mitigate the risks and concerns held by police to an acceptable level.
10. The Authority notes that the Licensee has accepted that the venue is experiencing difficulty in obtaining a new plan of management. The lack of a proper and adequate plan of management means that the public will continue to be exposed to threats and risks from the venue operating.

REASONS FOR DECISION

11. The Authority is satisfied, on the material before it and on the balance of probabilities, that serious breaches of section 11(2) of the Act, which mandates that a licensee must comply with any conditions to which its licence is subject have occurred at the Premises between 2 September 2022 and 19 January 2023.
12. The Authority has taken into consideration the police reports provided as part of the Application and has formed the view that there is a substantial risk to public health and safety. This is on the grounds that:
 - The Licensee previously accepted and signed a direction issued by the Secretary in accordance with Section 75 of the Act (**the Direction**) whereby it agreed to abide by a number of conditions, including a condition that 3 additional security guards be present during the 'Family Night' event held on 8 October 2022. Police attended the Premises at 12:15am on Sunday 9 October and to find only 4 security guards were present (this number then increased to 5 by 1:08am). The Licensee was issued a penalty under section 75(3) of the Act for not complying with the Direction.
 - On 2 September 2022 Liquor & Gaming NSW imposed additional conditions on the Licensee's liquor licence under s54(1) of the Act. These conditions related to the requirement for a plan of management to be developed and implemented, the installation of a functional and fully equipped CCTV system and the requirement for additional security guards to be deployed at the Premises. Police have advised that the mandated plan of management has not been implemented, and that the CCTV system was not of the standard specified in the condition.
 - That pattern of non-compliance raises concerns that the venue may operate in a way during their scheduled event on 21 January 2023 that exposes the public to significant threats and risks to their health and safety.
13. The Licensee's response does not provide substantive details about the ways in which it has addressed the concerns raised by the police in their Statement of Particulars. The response does not give the Authority confidence that the Licensee is willing to appropriately prevent or reduce any potential threats to public health or safety.

14. The police reports outline a pattern of alleged repeated breaches of the Act, occurring as recently as 1 January 2023. The Authority therefore considers it likely that continued breaches of the Act will occur this coming weekend.
15. The Authority has also taken into account the lack of an adequate plan of management for the Premises as well as the lack of an appropriate CCTV system, which further adds to the significant threat or risk to the public interest occurring.
16. On this basis, the Authority is satisfied that it is necessary to close the Premises for a period of 14 hours this weekend to prevent or reduce a significant threat or risk to the public interest, being a risk to public health and safety- at the Premises.

ORDER

17. Pursuant to section 82(1) of the Act, the Authority orders that the licensed premises currently trading as "Lewisham Hotel", located at 794 Parramatta Road Lewisham NSW 2049, close for a period of 14 hours from **8:00 PM on Saturday 21 January 2023** until **10:00 AM on Sunday 22 January 2023**.
18. The Authority notes that section 82(6) of the Act provides that failure to comply with an order made under this section may expose the licensee to a maximum penalty of 50 penalty units, 6 months' imprisonment, or both.

TIME OF ORDER: 12 PM on Saturday 21 January 2023

Yours faithfully



Caroline Lamb
Chairperson

For and on behalf of the **Independent
Liquor & Gaming Authority**



Murray Smith
Deputy Chairperson

For and on behalf of the **Independent
Liquor & Gaming Authority**



Sarah Dinning
Board Member

For and on behalf of the **Independent
Liquor & Gaming Authority**