

GKIII HOSPITALITY GROUP PTY LTD Licensee The Carter Sydney najee@georgekhouzame.com tschwartz@bsv.com.au	Mr Chady Khouzame Approved Manager The Carter Sydney chady.khouzame@gmail.com	Mr Najee Khouzame Contact Person The Carter Sydney najee@georgekhouzame.com
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5 November 2021

Dear Sir/Madam

**Notice of Short-Term Closure Order under section 82 of the *Liquor Act 2007*
The Carter Sydney (LIQH400104162)**

SUMMARY OF DECISION

1. Pursuant to section 82(1) of the *Liquor Act 2007* (Act), the Independent Liquor & Gaming Authority (Authority) orders that the licensed premises currently trading as “The Carter Sydney”, located at 16 O’Connell St Sydney (Premises) close for a period of 48 hours from **6:00pm on Friday 5 November 2021** until **6:00pm on Sunday 7 November 2021**.

INTRODUCTION

2. At 8:20pm on 3 November 2021, the Authority received an application (Application) from A/Superintendent Gary Coffey of the Sydney City 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 subsections (3)(a) and (3)(d) – circumstances in which there may be a significant threat or risk to the public interest, including circumstances in which there is a threat to public health or safety, or a risk of serious offences (having a maximum penalty of not less than two years imprisonment) being committed on the premises.

NOTICE OF APPLICATION

3. At 2:21pm on 4 November 2021, a copy of a Notice of Application for Short-Term Closure Order (Notice) was emailed to the approved manager, Mr Chady Khouzame (Approved Manager) and Mr Najee Khouzame, the contact person for the corporate Licensee. The Application material was included with the Notice.
4. The Parties were invited to provide the Authority with any written submissions or evidence in response to the Application by no later than 11:00am on 5 November 2021.

SUBMISSIONS IN RESPONSE TO THE APPLICATION

5. At 10:53am on 5 November 2021, a submission was received from Back Schwartz Vaughan on behalf of the licensee and business owners of the Premises.
6. The Authority notes the legal representative’s submission that while the matters raised by Police are not conceded and are disputed (in part), the Premises will voluntarily comply with the orders sought in the Application and close from 6:00pm on Friday 5 November 2021 until 6:00pm on Sunday 7 November 2021.

7. The Authority further notes that the Licensee and business owners have engaged consultants and are in the process of arranging for additional contractors to assist them in coming up with an appropriate and robust Plan of Management with Police to address the issues raised and ensure as far as possible that they are not repeated.
8. The Authority notes that the Licensee concedes that problems have arisen following unexpectedly high patron numbers at the Premises over a relatively short period.
9. The Authority acknowledges that the Premises is taking the situation very seriously and that the Licensee is aware of the importance of compliance, and the need to ensure public safety as well as the safety of its staff.

REASONS FOR DECISION

10. The Authority is satisfied, on the material before it and on the balance of probabilities, that serious breaches of section 73(1)(a) and (b) of the Act, which prohibits a licensee from permitting intoxication, or any indecent, violent, or quarrelsome conduct, occurred at the Premises between 15 and 17 October 2021, 22 October and 24 October 2021, and 29 and 31 October 2021.
11. The Authority notes that the Police statement of particulars records that two patrons have been charged with drug offences and refers to sections 74(2) and (4) of the Act, but is not satisfied on the material presented that a breach of sections 74(2) and (4) has occurred.
12. The Authority has taken into consideration the charge details provided as part of the Application and has formed the view that there is a substantial risk to public health and safety, given the ongoing issues of patron intoxication and permitting violence on the Premises due to inadequate controls being in place regarding the sale and supply of liquor, as well as a risk of serious offences being committed on the Premises.
13. On this basis, the Authority is satisfied that it is necessary to close the Premises for a period of 48 hours this weekend to prevent or reduce a significant threat or risk to the public interest, being a risk to public health and safety and a risk of serious offences being committed on the Premises.

ORDER

14. Pursuant to section 82(1) of the Act, the Authority orders that the licensed premises currently trading as "The Carter Sydney", located at 16 O'Connell St Sydney, close for a period of 48 hours from **6:00pm on Friday 5 November 2021** until **6:00pm on Sunday 7 November 2021**.
15. 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: 2:45PM on 5 NOVEMBER 2021

Yours faithfully



Philip Crawford

Chairperson

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