



Our Ref: LIQH400117485

Your Ref:

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| Mr Vasilis "Bill" Moshos Director Silk Hotels Newcastle Pty Ltd 635 Hunter Street NEWCASTLE NSW 2300 E: Bm1122@gmail.com | Mr Joseph Lannutti Approved Manager (Or Person Apparently In Charge) Silk Hotel 635 Hunter Street NEWCASTLE NSW 2300 E: Josephlannutti@hotmail.com E: silkbars@gmail.com |
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25 October 2013

**Notice of Short Term Closure Order
Section 82 *Liquor Act 2007* (Act)
Silk Hotel (Hotel) - Licence Number LIQH400117485**

Dear Sir/Madam

On 23 October 2013 the Authority gave you notice that it had received and was considering an application ("**Application**") from Superintendent John Gralton of the Newcastle Local Area Command of NSW Police under section 82 of the *Liquor Act 2007* ("**Act**") for the issue of a Short Term Closure Order in relation to the Hotel.

The Applicant alleged, on the basis of the material provided in support of the Application, that a serious breach of the Act has occurred, or is likely to occur, including:

- a breach or breaches of section 73 of the Act
- a breach or breaches of section 117 of the Act
- a breach or breaches of section 123 of the Act
- a breach or breaches of section 124 of the Act
- a breach of section 11(2) of the Act
- a breach of a requirement imposed by section 33 of the *Liquor Regulation 2008*

and that closure of the Hotel for a period of 72 hours from 5:00 pm this Friday, 25 October 2013 is necessary to prevent or reduce a "significant threat or risk to the public interest" for the purposes of section 82 of the Act.

Decision

On the basis of the Application material and having considered your submissions in reply, the Authority is satisfied that a serious breach of the Act, being:

- (i) the permission of intoxication or violent or quarrelsome conduct contrary to section 73 of the Act, and/or
- (ii) the allowance of minors to enter licensed premises, contrary to section 124 of the Act,

is likely to occur at the Hotel.

The Authority is satisfied on the balance of probability that the Applicant has demonstrated a recent and substantial history of management laxity by the licensee in respect of compliance with the Act and conditions of the Hotel's licence (specifically in respect of these serious breaches of the Act), and that similar compliance failure is likely to occur in the near future.

The Authority is satisfied that it is necessary to close the Hotel to prevent or reduce a serious threat or risk to the public interest – being the permission of intoxication or violent or quarrelsome conduct on the premises or minors on premises during a period of heightened risk for this conduct in Newcastle this weekend due to the expected influx of many visitors for the "Fat as Butter" music festival.

In making this decision the Authority has had regard to the statutory objects and considerations prescribed by section 3 of the Act, but has given weight to subsection 3(2)(a) – the need to minimise harm associated with the misuse and abuse of liquor (including harm arising from violence and other anti social behaviour).

Order

The Authority orders the Hotel to close for a period of 72 hours, commencing at 5:00 pm on Friday, 25 October 2013 and concluding at 5:00 pm on Monday, 28 October 2013.

Please note that under section 82(6) of the Act, failure to comply with this Notice is subject to a maximum penalty of 50 penalty units or imprisonment for 6 months, or both.

Kindly direct any correspondence relating to this Notice to me at micheil.brodie@ilga.nsw.gov.au.

Yours sincerely



Micheil Brodie
Chief Executive

DATED: 25 October 2013

TIME: 2:00pm