



MEDIA RELEASE

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FORMER LICENSEES CONVICTED FOR OPERATING UNAUTHORISED NIGHTCLUB

Two former Newcastle licensees have been convicted and ordered to pay over \$20,000 in fines and costs for the unauthorised operation of the restaurant Soho on Darby as a nightclub under NSW liquor laws.

Sean Driver pleaded guilty to two offences, and Samuel Luke pleaded guilty to three offences relating to selling and supplying liquor contrary to authority in Newcastle Local Court on 9 February. Mr Driver was fined \$3,000 and ordered to pay \$5,000 professional costs. Mr Luke was fined \$7,500 and ordered to pay \$5,000 professional costs.

The convictions follow an investigation by Liquor & Gaming NSW after concerns that the business, which has a restaurant licence, was trading as a nightclub.

Over a series of inspections, Liquor & Gaming NSW Inspectors found the lower level of the restaurant empty, and the upstairs area full with 80 to 100 people standing, drinking and dancing in a nightclub style environment with DJ entertainment.

In a separate action last year, Liquor & Gaming NSW applied to the Independent Liquor & Gaming Authority (ILGA) to revoke Soho on Darby's primary service authorisation which allowed drinks to be served without meals so long as the venue operated primarily as a restaurant.

The venue's primary service authorisation was revoked in December 2017. ILGA found that Soho on Darby's business model had resulted in a level of anti-social behaviour and disturbance that was unacceptable to the public interest.

Liquor & Gaming NSW's Director of Compliance Operations, Sean Goodchild, said the case shows the regulator is monitoring higher risk venues and practices and will intervene where an operator misuses its licence or authority to disguise its activities.

"We have investigated a number of recent cases where a venue with a restaurant licence operates as a nightclub or bar," he said.

"These business models misrepresent their activities and disregard strict obligations under NSW liquor laws, creating a far greater risk of alcohol-related harm. Both the court outcome and the Authority's decision to revoke the venue's primary service authorisation send a strong message to industry that misusing a liquor licence will not be tolerated."

See ILGA's decision [here](#)

Media inquiries: Eric Aubert: (02) 9995 0794, 0438 207 294