



**Kings Cross Licensing Accord Association Incorporated**

**SUBMISSION TO THE Hon. IDF Callinan AC QC**

**INDEPENDENT REVIEW**

**NSW LIQUOR ACT 2007**

**LIQUOR AMENDMENT ACT 2014**

**1.30AM LOCKOUTS**

**3AM CEASE SERVICE PROVISIONS**

Submission Lodged by:

Mr. Douglas Grand  
Chief Executive Officer / Coordinator  
Kings Cross Licensing Accord Association Incorporated

# Kings Cross Licensing Accord Association

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## 1.0 ABOUT KINGS CROSS LICENSING ACCORD ASSOCIATION

The Kings Cross Licensing Accord Association was the first liquor accord to be formed in NSW. The Accord was an initiative of the Kings Cross Place Management Project which was established in March 1997. The project to form the first Accord was a joint venture between the NSW Premiers Department and the former South Sydney Council, who worked closely with a selection of licensees within the Kings Cross Local Area Command. The aim was to produce a coordinated set of actions to make the Kings Cross Licensing Accord area safe and to enhance the amenity of the Entertainment Zone.

### Boundary Area for the Accord

The Kings Cross Licensing Accord boundary incorporates the demographic encompassed by the Kings Cross Police Local Area Command. The area includes Kings Cross, Woolloomooloo, Potts Point, East Sydney, Darlinghurst, Elizabeth Bay and Rushcutters Bay. The Accord has approximately 265 licensed premises within the demographic which is one of the highest concentrations of licensed premises in NSW. There are now approximately 145 liquor accords in NSW which were established under the provisions of the *Liquor Act 2007* for the purpose of identifying local issues and working collaboratively with relevant agencies to develop and deliver strategies to reduce opportunity for alcohol related violence and anti-social behaviour or other identifiable alcohol related harm in order to pro-actively foster improved and safer neighbourhoods.

### Licence Types in the Kings Cross Local Area Command / Kings Cross Precinct

	Kings Cross LAC	Kings Cross Precinct	Combined
Licence Type	Number of Licences	Number of Licences	Total
Hotels	19	15	34
Small Bar	4	0	4
Registered Clubs	0	0	0
Packaged liquor licences	12	5	17
Producer / Wholesaler	9	2	11
Limited Licences	0	0	0
On premise licences	120	79	199
TOTAL	164	101	265

### Kings Cross Precinct – Kings Cross Plan of Management

The Kings Cross Plan of Management which commenced in December 2012 includes Kings Cross and part of the Potts Point and Elizabeth Bay precincts. Potts Point and Elizabeth Bay do not have any late trading venues and are primarily on premise licences / restaurants.

### Kings Cross Local Area Command – CBD Plan of Management

The majority of licences (62%) located in the Kings Cross Local Area Command boundary operate under the special licence conditions for the CBD Plan of Management which commenced on 30 January 2014, with the lockout and cease provisions taking effect on 24 February 2014. The CBD Plan of Management includes Darlinghurst, East Sydney, Woolloomooloo and parts of Potts Point as defined by the Sydney CBD Entertainment Precinct Map. Licence holders in Rushcutters Bay are not included in either Plan of Management, albeit located in the local area command boundary.

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## Our Submission

The Kings Cross Licensing Accord Association is pleased to have the opportunity to provide a submission to the independent review. Whilst we have provided recommendations to the review with the coalition of city accords based upon the CBD Plan of Management for premises in the Kings Cross local area command under those boundary conditions, this submission will focus on the Kings Cross Precinct as defined in the Kings Cross Plan of Management.

We understand this review is to consider the impacts of the 1.30am lockout and 3am cease service provisions however we also identify for this review the full suite of special licence conditions implemented in Kings Cross from December 2012 in accordance with the Liquor Amendment Kings Cross Plan of Management Bill 2012 / 2013. We are of the strong belief that the whole suite of measures should be considered on a concurrent basis as part of this independent review.

## Liquor Amendment (Kings Cross Plan of Management) Bill 2012

### Summary of Conditions of Licence for Kings Cross Implemented on 7 December 2012

- Service of alcohol to cease one hour before closing time on weekends - **(superseded by implementation of Lock-Out and Cease service of alcohol laws in February 2014)**
- 'Time-Outs' for 24-hour premises on weekends - **(superseded by implementation of Lock-Out and Cease service of alcohol laws in February 2014)**
- Banning of glass during late trading period on any day
- Banning of certain drinks and other types of liquor sales prohibited during the weekend late trading period **(increased to daily condition in July 2014)**
- Requirement for RSA Marshals during weekend late trading period
- CCTV Systems to be maintained on subject premises
- 'Round the clock' incident registers to be maintained
- Additional requirements relating to violent incidents including:
  - Crime scene preservation
- Exclusion of persons from the premises (i.e. members of Outlawed Motor Cycle and Outlawed Gangs) as determined by the NSW Government
- Removal of litter from outside of the premises
- Promotion of late night transport options
- Patron and customer responsibility advice (via poster and postcard)
- Establishment and categorisation of deemed 'high risk venues'

### Summary of Conditions of Licence for Kings Cross Implemented on 6 December 2013

- ID Scanning for 'high risk venues' **(delayed implementation due to probity issues, implemented in June 2014)**
- Temporary Banning Orders – linked to ID Scanners
- Long Term Banning Orders – linked to ID Scanners
- Privacy Training for high risk venue licensees, staff and security guards operating ID Scanners
- All licensees, staff, crowd controllers and security guards must hold a current recognized RSA Competency Card – effective date 1 March 2013
- Revocation of RSA Competency Cards for breaches of Privacy or RSA obligations under the new conditions implemented
- Daily / hourly recording of quarterly alcohol sales data across various reporting categories
- Hours of Operation Signage / capacity of premises / Licensee and licence information
- Approved Managers for 'high risk venues'
- All of the Kings Cross special licence conditions become prescribed offences – 'Strikes' under the Three Strikes Disciplinary Scheme

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- **Summary of Additional Conditions of Licence for Kings Cross Implemented on 24 February 2014 via the CBD Plan of Management Including the Kings Cross Precinct**
- Lock-Outs from 1.30am
- 3am cease service of alcohol
- Ban on take-away alcohol sales from 10pm across NSW
- **Summary of Additional Conditions of Licence for Kings Cross Implemented on 18 July 2014**
- Drink restrictions from midnight increased to 7 days per week
- Drink limits from midnight increased to 7 days per week for Kings Cross e.g. 4 maximum from midnight until 2am and then 2 maximum from 2am to 3am
- Bans on Promotional activity discounting drinks designed to be consumed rapidly (drinks cards, flyers, vouchers, social media, website, print media or spruiking)

**In summary the Kings Cross Precinct has had over 30 special licence conditions implemented on a staggered basis since December 2012.**

### **Kings Cross Precinct Conditions Background Information**

The introduction of Schedule 4 (Declared Premises – Violent Venues Scheme) in the NSW Liquor Act 2007 and the more recent Three Strikes Scheme has resulted in significant reductions in the assault rate inside of licensed premises. Prior to the Kings Cross Plan of Management additional conditions and restrictions being implemented there was a 37% reduction in alcohol related assaults from data supplied by NSW BOCSAR for the five year period between April 2007 and May 2012, which was in comparison to a NSW State average of reduction of 9% and the Sydney Local Government Area of 11% (reference: kg12-10676)

There is currently one Kings Cross premise on level two of Schedule 4, which we believe will come off the list in the next round in July 2016, leaving no premises in Kings Cross on any level of Schedule 4.

There was and remains a very strong incentive for premises to effectively manage and regularly monitor their respective Plans of Management and harm mitigation measures prior to the implementation of the Kings Cross Plan of Management (KXPOM) or have further conditions imposed upon their licence via Schedule 4 conditions dependent upon the volume of alcohol related assaults in a given period.

The introduction of the KXPOM has in real terms over-arched Schedule 4 and imposed a **‘one size fits all policy’**. In effect this provides little or no incentive for previously well run premises. The ‘one size fits all policy’ is identified in the Liquor Act Review and in the previously completed Citizen’s Jury Report along with recommendations for consideration to the NSW Government.

The increased conditions of licence as well as the increased costs imposed on premises to implement and operate under the conditions of the KXPOM since December 2012 has resulted in a considerable downturn in trade for the local premises and Kings Cross and Potts Point local business in general. City of Sydney’s recently released Phase 4 report on Late Night Management Area Research undertaken in March 2015 reports significant drops in patron traffic by over 80 % in the precinct compared to the previous surveys undertaken by Council in 2010, 2012 and 2014.



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The Introduction of the Lock-out provision in February 2014 on top of the special licence conditions under the Kings Cross Plan of Management Bill 2012/2013 has resulted in substantial further reduction in patron numbers within the precinct. This has had flow on effects to a wider business community beyond licensed premises, including small cafes, restaurants, take-away food stores, backpacker hostels, pharmacies and other general business operators who have a decline in patron numbers, turnover and business failure.

Kings Cross has historically been a late night entertainment precinct destination with patrons arriving into the area later than most other entertainment precincts, which was also identified in the City of Sydney Phase 4 research.

The Lock-out provision at 1.30am has resulted in patron displacement to other areas. This along with the cease service provision has resulted in patrons advising premises that there is no point visiting Kings Cross due to the 3.00am cease service which then creates transport issues to vacate the area at taxi changeover time. We note that there has and continues to be a reluctance from patrons to utilise the free bus service provided by Transport NSW as a preferred late night option, which is carrying very low numbers of patrons.

## **Kings Cross Precinct ID Scanner, Lock Out and Cease Service Provisions**

### **ID Scanners**

The implementation of the ID Scanners into Kings Cross late trading venues was promoted to the previous Premier of NSW by the Accord and Australian Hotels Association (AHA) (NSW) as a best practice harm mitigation strategy, based upon the positive feedback received from hoteliers of ID Scanners as a voluntary measure in five late trading venues in the Newcastle CBD.

The accord believes that the significant drop in the assault numbers in Kings Cross between July 2014 and June 2015 correlate to the introduction of ID Scanners in June 2014, with the most significant impact being the reduction in the number of public place assaults of 44% and a combined on premise and off premise reduction of 38%.

The ID Scanners identify the person, take away anonymity, provide the police with a tool to flash ban troublesome persons from the street directly to the premises and provide police with the actual number of unique entries into licensed premises including contact identification. We believe this has assisted Kings Cross in altering patron behavior, also given if suitable approved ID is not available then the person simply cannot enter a high risk premise after 9pm.

### **Newcastle Evidence - ID Scanner Effectiveness in Reducing Assaults**

In the spreadsheet below Newcastle provides further evidence from 2012. Inner city Newcastle assaults on licensed premises reduced after special licence conditions including lockouts were implemented there in 2007, however the assaults then increased year on year until 2011. Licensees in Newcastle voluntarily implemented ID Scanners in 2012 which then resulted and coincided with the much larger falls in assaults that have accelerated in recent years.

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### Evidence Based Results - ID Scanner Comparison Kings Cross / Newcastle / CBD

	Sep 07	Sep 08	Sep 09	Sep 10	Sep 11	Sep 12	Sep 13	Sep 14	Sep 15
<b>New South Wales</b>	<b>6418</b>	<b>6374</b>	<b>5777</b>	<b>5321</b>	<b>4978</b>	<b>4479</b>	<b>4326</b>	<b>4038</b>	<b>3507</b>
DAWES POINT	1	2	1	1	0	1	2	0	1
MILLERS POINT	1	1	2	1	2	0	2	2	1
THE ROCKS (SYDNEY)	33	54	24	39	30	36	51	35	42
<b>Total City North Area</b>	<b>35</b>	<b>57</b>	<b>27</b>	<b>41</b>	<b>32</b>	<b>37</b>	<b>55</b>	<b>37</b>	<b>44</b>
POTTS POINT / KINGS CROSS	271	292	228	267	226	243	213	151	85
NEWCASTLE	141	109	58	76	99	68	41	41	26
NEWCASTLE EAST	0	0	1	0	1	0	0	1	0
NEWCASTLE WEST	28	31	25	43	57	35	37	33	16
<b>Total Newcastle CBD</b>	<b>169</b>	<b>140</b>	<b>84</b>	<b>119</b>	<b>157</b>	<b>103</b>	<b>78</b>	<b>75</b>	<b>42</b>
<b>Newcastle - change year on year</b>		<b>17.2%</b>	<b>40.0%</b>	<b>41.7%</b>	<b>31.9%</b>	<b>34.4%</b>	<b>24.3%</b>	<b>3.8%</b>	<b>44.0%</b>

### Kings Cross Precinct - ID Scanners June 13 2014 Implementation

#### Incidents of Assault (non-domestic Assault)

Year to	Kings Cross Precinct	Sydney CBD Precinct	New South Wales
Jun-12	505	1987	36041
June-13	437	1898	34877
June-14	384	1713	32858
June-15	238	1485	30937

#### Percentage change in Incidents of Assault (non-domestic Assault) – year to year

Year to	Kings Cross Precinct	Sydney CBD Precinct	New South Wales
Jun-12	-	-	-
June-13	-13.4%	-4.4%	-3.2%
June-14	-12.1%	-9.7%	-5.8%
June-15	-38.0%	-13.3%	-5.8%

We note that it is well documented by the City of Sydney Late Night Management Area Research that foot traffic in Kings Cross is down over 80% however the reduction in assaults is markedly greater in Kings Cross than the ongoing reduction in the CBD, with the only major difference in policy over the July 2014 period being the implementation of ID Scanners into Kings Cross premises.

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### NSW Recorded Crime Statistics to June 2015

Number of Non-Domestic assault incidents by NSW Police Force occurring in Kings Cross Freeze Precinct

Period	On Premise	Monthly Average	% +/-	Not on Premise	Monthly Average	% +/-	Total Assaults
Jul – June 12	180	15.0	-	325	25.4	-	505
Jul – June 13	142	11.8	-21.12	295	26.5	-9.2	437
Jul – June 14	103	8.5	-27.47	281	17.5	-4.75	384
Jul – June 15	82	6.8	-20.39	156	12.0	-44.4	238
Total	507			1057			1564

The reductions in 2012/2013 are larger in Kings Cross than the CBD or State-wide, which we believe is attributable to the implementation of Stage One of the Kings Cross Plan of Management. It should be noted that in Stage One which achieved a 21% reduction in on premise assaults, the premises were required to cease service one hour prior to approved trading times on their licence, this meant that late traders ceased service at 4am.

### Banning Orders Issued by NSW Police in Kings Cross Linked to ID Scanners

- 380 Temporary Short Term Banning Orders to date
- 143 Long term Banning Orders currently in force

### Temporary Short Term Banning Orders

- Temporary short term banning orders can be issued to a person who has committed an offence under Section 77 of the NSW Liquor Act, for Fail to Quit licensed premises, refusal of entry to licensed premises or remain in the vicinity; or
- When a person refuses to comply with a police direction to move on under section 198 of the Law Enforcement Powers and Responsibilities Act (LEPRA);
- Police have powers under section 198 of LEPRA to move on people who are intoxicated, disorderly etc.

### Long Term Banning Order (LTBO)

- Police apply to the Independent Liquor and Gaming Authority for a LTBO for a person who has been charged with or convicted of a serious indictable offence (offence that carries a term of imprisonment for 5 years) involving violence, committed in a public place and is alcohol related

The ability for the police to now be able to impose flash bans linked to the banning order for any violent alcohol related incident in the public domain is a far more **stringent** tool than simply the 'move on powers' and we are encouraged by the results to date and believe the ability for the police to impose flash bans in the street has greatly assisted in reducing the assault rate in the public domain Kings Cross. The co-operation and communication between police and licensed premises has been vital in achieving and detecting persons that are violent or have no consideration for others and to further enforce the bans identified above.

Both temporary and long term banning orders are reliant on the ability for venues to be able to support the bans via detection on the ID Scanning systems, further this has provided a mechanism that police and venues can have confidence in whilst applying a ban knowing it is enforced at a venue level.

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## Personal Responsibility

Alcohol related assaults are higher in the public domain than on licensed premises. The combined volume of bans implemented in Kings Cross demonstrates that a minority of the public have little or no regard for the law or for authority, a large percentage of the LTBO in Kings Cross relate to assault police. We support the recommendation made by the Coalition of City Accords and re-iterate the recommendation in this submission.

## Fines Issued by the NSW Police

Fines issued for the temporary banning orders issued by Kings Cross Police total \$209K to date which is a substantial further deterrent for the person to moderate their behavior. We believe the fines issued subject to the level of incident should also trigger compulsory community service and education for the person; we believe this would assist over the long term in moderating behaviour and begin to address the culture of binge drinking.

### Recommendation 1

As per the Coalition of City Accords recommendation that (i) high visibility policing be increased and the late night economy managed as a major event each weekend providing appropriate resources to police to implement a zero tolerance approach to violence along with courts administering appropriate fines and community service; (ii) that the offence for intoxication in a public place be reintroduced; and (iii) the NSW Government develop and undertake a public education campaign covering major elements including entry refusal, responsible service, drink restrictions, 'move on' directions, banning orders **and** personal responsibility.

## CCTV Public Domain and Licensed Premises

Part of the requirements of the Kings Cross special licence conditions is full coverage CCTV inside venues (aside from restrooms), the majority of venues had adequate CCTV prior to the special licence conditions, however full coverage requirements came with significant upgrade costs for Kings Cross venues and were then subject to police and liquor and gaming audit or the possibility of a 'strike' being incurred on a venue for non-compliance. That said there are still only 10 monitored City of Sydney CCTV cameras in the whole of the precinct, this has led to police requesting footage from venues on a weekly basis to assist investigations, mainly into drug activity, again this is a further impost on venue management and whilst they are always willing to assist police it would seem ridiculous that police have to rely for assistance on venues infrastructure to solve street based activity rather than the City of Sydney or NSW Government. It should be noted that the first tragic death that occurred in Kings Cross in the early evening, there were at that point only three wireless CCTV cameras operating in Kings Cross by the City of Sydney.

### Recommendation 2

We recommend that all fines issued under the banning order provisions in Kings Cross be redirected back to investment in fully providing adequate CCTV infrastructure for the precinct allowing police adequate tools to investigate public domain issues. Adequate CCTV monitored by the City will also assist in further community safety and crime reduction.

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## Costs to Operate ID Scanners

ID Scanners require prescribed and approved persons to operate them that have undertaken privacy training, the operation of the scanners therefore require dedicated personnel which over a 12-month period costs approximately \$100K for the operation of one scanner. Operation of one scanner is inadequate for larger venues in an effort to reduce queuing time in peak periods and their costs increase exponentially to operate the scanners.

A review of the ID Scanner visitation by day indicates that the costs to operate for a seven day period do not warrant their operation for seven days per week.

## Visitation by Day to High Risk Venues - Source Patron Scan (Approved Supplier by NSW Government)

### Unique Patron Visitation Numbers – Time Period – June 2014 – March 31 2016 – ID Scanner De-Identified Data

- The ID Scanner implementation commenced in June 2014
- There were 29 Venues required to scan on Commencement
- There remain 20 Venues currently scanning with the other 9 (31%) venues now closed
- We have provided a daily venue visitation based upon 29 venues as a basic example of visitation as it has significantly dropped after the nine venues closed, this is daily entries after 9pm
- Average number of patron visitation by the day since commencement is listed below, the actual weekend visitation has dropped substantially since commencement with the closure of the nine venues, however for this report we are demonstrating the reduced patronage on weekdays, that we believe do not warrant the expense to operate scanners on those days, due to low risk factor and visitation.
- The numbers further demonstrate the reduced visitation and patron numbers that have occurred in Kings Cross since the introduction of lockouts and ID Scanners.

Day of Week	Total Visits	Daily Average	Daily Ave Per Venue (29 venues after 9pm)
Monday	99788	1050	36
Tuesday	135589	1427	49
Wednesday	197909	2083	72
Thursday	172508	1815	62
Friday	487857	5135	177
Saturday	852561	8974	309
Sunday	205753	2165	74

We advise that the recommendation to government by the accord and AHA (NSW) was to operate the ID Scanners in accordance with BOCSAR statistics in the peak trading period for Friday and Saturday nights. The current operating times of 7 days per week are onerous and create a high additional operating cost for venues and is unnecessary given that, according to police there have been very few attempts to date from any temporary or long term banned person to gain entry into venues after the ban has been imposed. **The Sunday to Thursday visitation data after 9pm does not support the requirement to utilise scanners on those days.**

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**We also point out that the ID Scanners operating in Newcastle are utilised in the peak trading period on Friday and Saturday nights and have achieved outstanding results.**

### **Lock-Outs at 1.30am**

Whilst the implementation of the ID Scanners was supported by the Kings Cross precinct as part of Stage Two of the KXPOM, the implementation of the Sydney CBD measures have **added further conditions** upon Kings Cross high risk premises, which we believe has resulted in an 'imbalance' for the premises and a 'tipping point' which is why so many venues have closed.

The accord maintains that the double measure of ID Scanners and Lock-outs operating in tandem has 'tipped' the volume of additional safety measures for the precinct to breaking point and made **previously viable venues unprofitable with no regard for their compliance history or commitment to the community – the "One Size Fits all" policy approach.**

**In Kings Cross lockouts should be measured against the reduced patron visitation, volume of business closures, vast reduction of 5000 persons in patron capacity due to closures and reduced trading hours, plus the implementation of ID Scanners to determine if the lockouts remain an appropriate tool in reducing alcohol related crime.**

We are of the opinion that of all the measures implemented in Kings Cross that the Police would nominate ID Scanners as being the most effective tool. It is vital that in order to reduce violence that personal responsibility is pursued with appropriate disciplinary action and that the person is able to be properly identified, ID Scanners achieve this goal.

### **List of Venue Closures in Kings Cross**

The following is a list of venues that have ceased to operate since the introduction of the special licence conditions:

#### **Venue Name**

1. Hugo's Lounge
2. Hugo's Bar Pizza
3. The Village
4. The Backroom
5. The Bank Hotel (Sin City)
6. Trademark Hotel
7. Piano Room
8. Vila Bar & Restaurant
9. Piccadilly Hotel (SOHO)
10. Le Panic
11. Love on Top
12. Concrete Blonde
13. Jimmy Liks (Award winning restaurant and not a late trader)
14. Beach Haus
15. The Tunnel
16. Barrio Chino
17. Bourbon Hotel (SOLD on previous owner citing lockout and licence freeze as reason for sale)
18. Sapphire Lounge (leased on due to lockout laws)
19. Iguana Bar (converted to adult entertainment due to lockout laws after 20 years successful operation as a late nightclub venue)
20. Crest Hotel (Sold for development)

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**Patron capacity in the area has reduced by the venue closures by 5000 persons; this should also be taken into consideration with the reduction in the assault level. The number of defined premises in the deemed high risk category has reduced by 9 venues (31%).**

We understand that there are further venues that will close in the near future due to the increased costs to operate, reduction in foot traffic and volume of restrictions in place in Kings Cross.

## **Property Valuations**

The listing does not include the closure of non-licensed premise shops and stores that have failed since the lockouts were introduced or have required landlord assistance to remain trading. We also understand that various property owners have engaged a Property Valuer to request re-valuation of their commercial property with the Valuer General as their property value has diminished in the region of 40% in Kings Cross since the introduction of the restrictions and lockouts according to the expert advice of the valuer.

## **Cease Service Provision at 3am**

The cease service provision at 3am, coupled with the 1.30am lock-out provision has in real terms resulted in a continued visitation decrease to the precinct. Patrons are simply visiting other suburbs not covered by the Kings Cross and CBD Entertainment zones, such as Double Bay, Newtown, Pyrmont, Surry Hills, Redfern and Erskineville and this has had wide media coverage.

Kings Cross is at an unfortunate commercial disadvantage in this aspect given that the precinct for decades has been a late night choice for revelers, the feedback we are receiving is “why would I bother going to Kings Cross when I can simply go elsewhere and party later without the lock-out and 3am close” – in fact most venues are now empty prior to 3am and the streets are deserted, this was also identified in the City of Sydney Late Night Management Area research which says “the lack of a secondary peak in Kings Cross and Oxford Street suggests that people are leaving the areas around 1am, rather than staying in venues late”.

In real terms for a venue that was operating until 5am prior to the restrictions implemented the loss of peak trading hours over a 7 day period is 14 hours. In addition, those particular venues have lost patrons from 1.30am who can no longer enter making the loss 24.5 hours per week. On top of this decrease in trading hours are the numbers of people who cannot gain entry from 9pm as they do not have suitable identification or expired ID's.

Peak trading time on weekends for venues was from 11pm until 5am, the loss of trading hours for them is 33%, the restriction on entry from 1.30am increases this to 37.5%.

## **Review Request of Lock-Out Provision for Kings Cross**

We Request a review of the lock-out provision for the Kings Cross Precinct in consideration of the stringent dual harm mitigation measures on implementation of the ID Scanners. This would provide the government the opportunity to properly measure the effects of ID Scanners v Lock-outs on an evidence basis over a period of time. Lock-outs have not been evaluated as an effective strategy in any arena, with a number of academic experts including Professor Kypros Kypri from Newcastle University, Professor Peter Miller from Deakin University and others publically stating they are not proven to work.



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Our view is that ID Scanning is a **more stringent measure** than lock-outs and in effect Kings Cross has a lock-out imposed from 9pm, 7 Days per week if the person attempting entry does not have suitable and acceptable ID.

## **Recommendation 3**

Amend the cease service provisions to 4am which was operating successfully under the KXPOM prior to additional CBD conditions and due to the successful implementation of the ID Scanners in Kings Cross, identifying ID Scanning is a more stringent measure than lockouts in the **Kings Cross** Precinct at the present time in the reduction of alcohol related assaults

## **Recommendation 4**

Remove the requirement of Lock-outs for Kings Cross high risk premises to be formally replaced with ID Scanning in peak WEEKEND periods until the cease service time AND lockouts be removed as a 'ONE SIZE FITS ALL POLICY'

## **Use of Section 77 (Liquor Act) Venue Barring**

Review of incorporating section 77 of the Liquor Act venue barring to all high risk premises via a protocol developed with OLGR and Police to be integrated into the ID Scanner system, this will provide venues with a choice to allow the person in, subject to why the person was actually barred from a venue and could also be integrated into the ID Scanner protocols, we believe this will add another precinct benefit and additional key message to the precinct that certain types of behavior will not be tolerated in the precinct and make the community a safer place.

## **Recommendation 5**

Develop Section 77 venue barring protocol to operate via the ID Scanners for high risk premises further increasing venue and community safety and further supporting short and long term banning orders issued by the police

## **ID Scanner Operational Times of Use**

Review the ID Scanner operational times of operation, certainly from Sunday through to Thursday there is very little patron visitation at present and police have reported that there have been very few attempts to date of any temporary or long term banned persons trying to gain entry after the ban was imposed. Furthermore numerous high risk category premises (as defined) do not open during the weekday trading period.

Our recommendation to Government was for the ID Scanners to operate according to BOCSAR Data on peak trading nights of Friday and Saturday nights (from 9pm to closing time), we request a review of our previous recommendation due to the operational costs associated with the ID Scanners, or that it is reviewed on a venue by venue basis by way of exemption in consultation with the NSW Police and Liquor and Gaming NSW.

## **Recommendation 6**

Review ID Scanner operational times in accordance with peak trading BOCSAR Statistics and data analysis of the visitation to Kings Cross via Group Security (ID Scanner supplier) in non-peak trading periods. Remove the requirement for ID Scanners outside of peak trading times due to very low patron visitation and low risk periods from Sunday to Thursday, and per the Newcastle model to operate on Friday and Saturday nights and Sundays preceding long weekends only

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## **CCTV Based Facial Recognition Trial in Kings Cross**

The Accord has recently undertaken a successful trial of Facial Recognition Technology in one of the largest high risk venues in Kings Cross. The trial was run successfully and full reporting of the trial results is available for scrutiny.

The operation of facial recognition technology is more cost effective to operate than ID Scanners due to reduced labour costs, however provides the same safety measures and applications associated with ID Scanning.

Facial recognition also allows for faster entry protocols, reduced patron queues and is not as invasive as having to scan every person that enters a venue from a prescribed time, the application capability also links banning orders and identifies the person to the venue and to NSW Police. We believe this technology provides a viable alternative to ID Scanning and is more user friendly, especially in an International City where many complaints are received when asking **International** visitors, persons above a certain age demographic and celebrities for proof of identity after 9pm each night

### **Recommendation 7**

Operate a Pilot Trial CCTV based facial recognition with key agencies as an alternative to ID Scanning in non-peak trading times to support section 77 venue bans and long term and short term banning orders and review results for a viable cost effective alternative solution to ID Scanners in the future. Facial Recognition is more cost effective and once installed provides 7 day coverage without the substantial increased labour costs of operating ID Scanners 7 days per week

## **Periodic Liquor Licence Fee Scheme**

The Accord supports the recommendations made to the independent review from the Coalition of City Accords.

## **Drink Restrictions – Spirits after Midnight**

The Accord believes that as previously identified the actual total suite of measures implemented in Kings Cross should be reviewed and measured on a clear evidence basis to what has been effective.

The focus of the restrictions in our opinion should be to specifically limit and continue to ban drinks designed for rapid consumption, this is supported by the venues. However if there is no further evidence on a National or International basis that identifies any specific category of spirits, beer or wine other than drinks designed for rapid consumption then we believe the restrictions warrant a complete review.

### **Recommendation 8**

Current drink restrictions are reviewed to solely include drinks designed for rapid consumption as is the case in other Australian models.

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## **SUBMISSION 2.4 (PART 1) Request for Parity between the KXPOM 2012/13 and Sydney CBDPOM Regulation 2014**

### **Parity Request**

The Accord requests a review of the KXPOM Regulation 2012/2013 special licence conditions to the Sydney CBDPOM Regulation 2014 to ensure that harm mitigation conditions are consistent for one defined precinct rather than the current two. This is confusing and we now have venues in the accord boundary that are captured by both sets of conditions. We are advised certain provisions below were implemented due to historical issues identified by the agencies during the implementation process and have made further recommendations on those items. Kings Cross premises are also further disadvantaged with the present conditions in relation to the introduction of the Risk Based Licensing Scheme.

#### **Recommendation 9**

Request for a review on parity between the KXPOM and CBDPOM for Kings Cross venues

### **Special Licence Conditions in Kings Cross not included in the Sydney CBD Plan of Management**

#### **Item / Condition Type (All additional Strike Conditions for Kings Cross Precinct)**

- ✓ ID Scanner Implementation (Purchase of Unit(s) / Privacy Training / Additional labour costs)
- ✓ Removal of litter from outside of the licensed premises
- ✓ Patron and customer responsibility advice
- ✓ Hours of operation and venue information signage (capacity and licensee information)
- ✓ Promotion of Late Night Transport Option to patrons
- ✓ Alcohol sales data collection
- ✓ RSA Marshals during supervised trading period (Mandatory for 2 Marshals for high risk venues)
- ✓ Approved Managers for high risk venues
- ✓ CCTV Systems to be maintained on the premises (full coverage – excluding bathrooms)
- ✓ Exemption from all conditions via application to the Secretary for Sydney CBD premises
- ✓ Kings Cross venues can solely apply for exemptions to the glass and drinks conditions

### **Removal of 'Additional Strike Provisions for Kings Cross Precinct'**

Request that certain items in the Kings Cross precinct be reviewed for parity as per request or at the minimum be removed as 'Strike' provisions under the Bill given they do not apply uniformly as 'Strike' provisions elsewhere in NSW. If the items are not removed we view them to be sufficiently treated as a breach with monetary penalty only.

#### **Recommendation 10**

Full review of the additional "strike provisions" under the KX and CBDPOM in accordance with NSW Liquor Act "strike provisions"

# Kings Cross Licensing Accord Association

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## **Alcohol Sales Data Collection for Kings Cross Precinct**

The Accord recommends a review for the requirement of the collection of data. The current reporting across 6 major categories is onerous for venues, it is costly, time consuming and adds significant operational burdens to all the 101, currently required to report. We point out the number was originally 134, which indicates 33 venues have closed since the KXPOM was introduced in Kings Cross and Potts Point.

Further the reporting format takes no account of particular venue operators procedures, e.g. restaurants who must total the bill at the end of the dining period are at an immediate disadvantage and cannot provide accurate data by the hour.

We estimate that there are currently 960 individual data entry points for a venue operating from 8pm to midnight (based on 30 days), this rises to 1680 if a venue operates until 3am. Collecting alcohol sales data in the present format is onerous and costly to tailor automated reporting via point of sale systems.

Our recommendation is for a review of the requirement of data collection to reduce individual data entry points via daily single accumulated data entry across all current categories, this will continue to collate overall consumption however will reduce data entry by some 75% and will reduce the costs and financial burden for some of the smaller operators who currently pay additional fees to their respective accountants / book-keepers to collate the reports.

We note that daily reporting concession has been provided for small restaurant operators particularly in Potts Point; however we are still being advised the mandatory reporting requirements are proving onerous to them and leaves them subject to a 'strike' provision on a reporting structure not undertaken anywhere else in NSW. Reporting has been provided by venues since January 1 2014, after over two years of collection no venue has received or been provided with any information on how or what the information is being evaluated for to assist in the reduction of alcohol related crime. Further these restaurants are subject to strike provisions which are only meant to be issued for the most serious of offences under the Three Strikes Scheme of the Liquor Act.

### **Recommendation 11**

Removal of the requirement for alcohol sales data collection in the Kings Cross Precinct as an unnecessary and unfair burden of costs, especially for small restaurant operators, after two years of collection not a single report has been provided to venues upon its criteria or usage

## **RSA Marshals**

### **Approved Managers for High Risk Venues**

The Accord understands that the requirement of Approved Managers was to raise the compliance standards of late trading premises via police checks for criminal records and probity of applications and to undertake that any approved manager was a fit and proper person with the appropriate responsibility to manage the premise when the licensee was not present. We also note that this removed any vicarious liability on the venue to manage the premise appropriately due to the approved manager having the same responsibility as the licensee and will ultimately improve operational standards of late trading venues.

## Kings Cross Licensing Accord Association

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Late trading venues historically have a larger natural turnover of staff than other type venues, if they also trade 7 days per week then they have had to overcompensate on having approved managers to cover for annual and long service leave, sick leave and staff turnover. Some venues have already reported that this cost has reached \$3,000 in its first year of operation. Given that the status is transferrable then the cost remains with the venue.

We also advise that the processing time for approved managers is sometimes over 4 weeks, this places venues under pressure if they have had an approved manager leave suddenly and leaves the venue at risk of further penalty, we believe that the process for approved managers needs to be refined, made more user friendly in a commercial sense and or removed as a requirement if the venue has a good compliance history.

### **Recommendation 12**

The accord recommends that the application fee for approved managers is reduced to a more appropriate level and removed as a requirement unless the venue has a history of non-compliance or violence under Schedule 4 Level 1 of the Liquor Act

### **Transport**

Transport has been an ongoing issue for over a decade in Kings Cross and of which we believe was a major trigger for the occurrence of violence and anti-social behavior, we note comments made in the Wentworth Courier by retired Kings Cross Police Inspector Gary Koschel who commented on the State Governments lock-out laws, advising there should be more focus on effective transport, and saying:

“Better transport options would have better solved most problems; I had alternative views to start with. That some transport might have solved 90 per cent of the problem” – We bring them in by road, rail and sea. Then the train station closed down, the taxis close down (changeover) at 3am and everyone has to be out at 3am. So they are all walking out on the street at the same time”

“Getting people home was the issue I tried to address. And transport is the next ultimate thing, to clear the area, if they are moving away a big group becomes a small group and there are fewer tendencies to become involved in an altercation”

**Retired Police Inspector Gary Koschel (Wentworth Courier)**

### **Recommendation 13**

The accord fully endorses the comments made by Gary Koschel and requests a full review of the Night bus service, despite the availability of buses patrons are reluctant to use them, we note from Police advice that in periods when the Kings Cross train station is open for special events that the incident rate is negligible and request a review of the availability of train services especially on Saturday nights / Sunday morning to disperse crowds in an orderly and efficient manner

### **Kings Cross 24-hour Entertainment Area & Schedule 3 of NSW Liquor Act 2007**

The destination of Kings Cross as an entertainment precinct in the current Liquor Act (2007) is not new and is a carryover of the concept established under the (former) Liquor Act 1982. This was established when s.25 (2A) and Schedules 2 and 3 were inserted into the former Act in 1994. At the time s.25 (2) was amended, the effect of these amendments was that:

- (a) For the first time in the history of the NSW Liquor regulation regime, licensed hotels which fell within Kings Cross or the Oxford Street, Darlinghurst area, or within the Kosciusko National Park, could extend their trading hours beyond 12.00 midnight on a Sunday evening; and

## Kings Cross Licensing Accord Association

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- (b) Licensed Hotels generally, could extend their trading hours up to 5.00am when previously the Act only permitted an extension up to 3.00am, if there was entertainment.

The concept of the Kings Cross 24 hour Entertainment Precinct has thus been a feature of licensing legislation for 20 years and was also recognized and identified within the South Sydney Council Development Control Plan 1997 which contains the following:

“The entertainment precinct encompasses the area of Kings Cross which runs along a short section of Darlinghurst Road/ Macleay Street and is marked in the Mixed Land Use Map. This precinct is part of the Kings Cross Urban Village; however it contains a strong component of entertainment oriented activities which set it apart from other urban villages. The planning intent for this precinct is to recognize and encourage entertainment uses in the precinct (particularly at lower levels of buildings) whilst containing these uses to the assigned area to protect the amenity of surrounding residential areas. Whilst activities in the Kings Cross entertainment precinct may be of greater intensity and scale than in other urban villages, they should further Kings Cross true urban village character”

### **Kings Cross Defined Entertainment Precinct**

Kings Cross is a defined entertainment precinct; it has provided a specific style of entertainment and vibrancy over many decades. Every major city in every major country has at least one area that caters for members of society that wish to visit late night precincts with a range of entertainment types, including live and DJ style music venues, well-run hotels and awarded restaurants operating throughout.

If gentrification and closure of the adult entertainment strip district is a deliberate objective then it should occur as a properly planned process rather than destroying respectable operators along with the rogue element. The NSW Liquor Act 2007 has sufficient teeth to deal with the rogue, recalcitrant and non-compliant licensees, closures of at least three venues and disqualification of their owners prove and support that.

If the amenity of residents, many of whom moved to the precinct in the absolute knowledge of its history and activity level is to take precedence over the businesses that comprise the late trading precinct, then the acquisition of licences for this precinct only should be considered. This would assist in allowing venues to vacate and building to rebirth as new business.

If this is the case, legislation addressing issues around the density of premises and the point of at which licence saturation may be reached should also be considered to ensure that a precinct of this nature does not emerge in the future.

#### **Recommendation 14**

That a formal plan for the future of Kings Cross be developed (attached is request to NSW Government in July 2013 to develop a Master Plan for Kings Cross lodged by the Potts Point Partnership)

#### **Recommendation 15**

That a buyback of licences in Kings Cross be considered as a component of the plan for the future of Kings Cross in conjunction with consideration of the Freeze provision

### **Medically Supervised Injecting Room (MSIC)**

One of the biggest hurdles facing local business operators regardless of business type in and around Darlinghurst Road (the strip) is the anti-social behavior and nature of dependent drug users who frequent the MSIC at 66 Darlinghurst Road.

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A key factor of the reputation of sleaze and 'anything goes' is exacerbated by the public perception that Kings Cross remains the "go to place" to easily obtain drugs or to behave in a manner that is unacceptable elsewhere in NSW, **at a time that significant reforms have been imposed upon licensed premises. In fact an average of over 30% of total assault rates / incidents in Kings Cross is not alcohol related on figures produced by NSW BOCSAR.**

We note that the trial of the MSIC commenced in 2001 in Darlinghurst Road at which time as mentioned earlier in this submission, Kings Cross had a clearly identified heroin issue. We advised that major accommodation hotels chose to sell and develop their holdings into residential apartments driven by the needs to drop their room rates in order to attract visitation due the poor reputation and unsafe perception of the area.

The accord **supports the work and achievements** of the MSIC and notes that the precinct is a better place due to the reduction in the number of publically discarded needles that frequented back lanes and parks at the time. However, if the aim of Government is to improve the amenity of Kings Cross, then to solely concentrate on licensed premises and disregard other major mitigating factors that depress investment and public safety is not balanced in its approach.

### Change in Local Amenity

The local environment has changed considerably since the MSIC was first opened, new residential developments have been completed in Bayswater Road and Kellett Street, and the historic nature of the entertainment precinct is changing toward a balance between commercial business and residential development. We also note that the previous Crest Hotel, opposite the MSIC was sold in 2015 and is currently being developed by the Greenland Group into high end residential development, the 'Omnia' Building.

Successive business operators located close to the MSIC have either failed or continue to struggle to survive as especially during the day the street is frequented by drug dependent persons who argue and swear amongst themselves and often congregate, sleep or sit in doorways close to the MSIC.

There has also been a significant change to the MSIC's original heroin dependent users in the current environment who are more dependent on other forms of drug use, especially methamphetamines and particularly the crystalline form of methyl-amphetamine, otherwise known as "ice". We believe that this type of drug dependency is why the public domain has deteriorated on a social acceptance level due to its abhorrent effects including extreme anti-social and aggressive behavior that both small business operators and NSW Police witness every day in the main business thoroughfare of Kings Cross. Whilst heroin use was prevalent, heroin users were not aggressive or argumentative in nature compared to the current experience with users addicted to amphetamines that business operators report are often 'wired' and argumentative.

What has also changed in the more than decade since the MSIC commenced operations is that whereas in 2001, Kings Cross was identified as the central location in terms of the use of injected illicit drugs, we understand that the epicenter for this type of drug use has moved further to the west – south west of Sydney, so users of these types of drugs have to travel via the transport network to Kings Cross. This additional travel has the potential to lead to acts of crime and anti-social behavior on the Sydney train network as well as property theft and other crimes in the Kings Cross precinct between the train station and the MSIC.

### Independent Research

Whereas we maintain our support of the MSIC as a harm mitigation measure, we believe a comprehensive analysis of the location of the MSIC inclusive of a survey **of all local business that operate within a 500 metre radius of the facility**, on the effects of the MSIC to the business and local community should be undertaken by the NSW Government.



# Kings Cross Licensing Accord Association

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As previously stated business operators are not critical of the MSIC however believe that it is time to review its location, especially in light of further accommodation and mixed use development which has commenced and is expected to accelerate into the future. The encouragement by City of Sydney for late night business operators to change their business plan to earlier trading focus is difficult to achieve in the current environment, in fact many residents openly state that they avoid walking on the main thoroughfare of Kings Cross.

## History of Initiatives and Constraints in Kings Cross

The Kings Cross Licensing Accord Association (KXLA) and Potts Point Partnership (PPP) has worked collaboratively together with regard to safety in the Kings Cross and Potts Point precinct over many years and have during that period engaged key stakeholders with proposed harm mitigation strategies.

The Kings Cross Licensing Accord has also maintained a professional working relationship with all of the key agencies being NSW Police, City of Sydney and the NSW Office of Liquor, Gaming and Racing.

## Key Items for the Kings Cross Licensing Accord

During the past 5 years the accord has worked pro-actively in support of the following:

29 June 2009	Late Night Trading DCP Submission to City of Sydney – Combined Accord Submission
16 December 2009	City of Sydney – KXLA – Identifying Kings Cross Issues
24 May 2010	OLGR – Sydney Central Precinct Liquor Accord
3 August 2010	Lord Mayor, City of Sydney – Kings Cross alcohol related safety Initiatives
16 September 2010	Safety Strategies Endorsed by accord members for Precinct Liquor Accord
6 Oct / 10 November 2010	Meetings with Communities NSW – Hassle Free Nights Initiatives
18 January 2011	Communities NSW – Hassle Free Nights Initiatives approved as Part A and further Part B Initiatives for Kings Cross – Including co-funding
20 January 2010	KXLA to Director General support for OMCG Conditions
13 January 2011	Kings Cross Police / KXLA Accord Initiatives
6 July 2011	KXLA Members approve CEO/ Full time Coordinator
20 February 2012	KXLA Detailed Business Plan and Strategy
	Voluntary Accord Terms Approved by Members and Presented to OLGR
September / October 2013	Provision of Training via Novaskill for High Risk Venue Staff under Certificate III Hospitality Training Package SIT30707 formatted specifically for Kings Cross to 35 Key Staff
January / Feb 2014	Provision of Training to High Risk Venue Staff via Three Cheers Training Group for Advanced Hospitality Venue Specific Alcohol Management Training Delivered to 19 venues and 76 management and staff
June to March 2014	Trial development of Electronic Incident Register with 4 premises in collaboration with Kings Cross Licensing Police and Arrow Security – Trial software successful and approved by OLGR on 29 March 2014
Present	Development of a Master Licence and Security Operative Induction program in collaboration with NSW Police, OLGR, ALEC, SLED, City of Sydney, Sydney TAFE and Diageo

## Kings Cross Licensing Accord Association

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The Accord's Executive Committee has worked collaboratively with the key agencies since its inception in 1998. Obviously along the way key changes were made to the precinct, especially after the Sydney Olympic Games in 2000. After the Olympics large accommodation hotels lost faith with the precinct as a whole, which at that point was experiencing major drug dealing in the streets and was in urgent need of upgrades in the public domain. The vast majority of the accommodation hotels were then developed into residential apartments, this was a major turning point for hospitality business in the precinct as the loss of visitors and local employment saw a major downturn in trade.

The precinct was experiencing major issues with drug injecting users and syringes were common in most back lanes and parks, the sitting government's response was to approve for the trial of the Sydney Medically Supervised Injecting Centre which opened in 2001 at 66 Darlinghurst Road, opposite the train station and in the middle of the entertainment district.

The next major milestone for Kings Cross was the merge of the South Sydney Council with the City of Sydney Council in 2004. The precinct was looking for a resurgence in infrastructure investment and was encouraged with the approach taken by previous Lord Mayor's Frank Sartor and Lucy Turnbull with a vision to keep Kings Cross "Naughty but Nice" and announcing a major spend for public footpaths, lighting and signage to raise the local amenity standard to the CBD.

City of Sydney elections resulted in Clover Moore being elected as Lord Mayor of Sydney, the previously approved expenditure for infrastructure proceeded and the perception of the precinct became more positive with new business investment, particularly for bars and nightclubs.

It was this proliferation and hence increased visitation to the area late on the weekends that then resulted in the review on density and clustering undertaken by the Allen Consulting Group in 2007 and then the Liquor Licence Freeze Bill.

### **Hassle Free Nights / Precinct Liquor Accords**

In 2010 on the formation of Precinct Liquor Accords and the Hassle Free Nights strategy the Kings Cross Accord Executive collaborated with Communities NSW and premises to identify and discuss safety measures for the precinct.

Further meetings were held with Communities NSW, OLGR, NSW Police and City of Sydney to discuss proposed safety measures and further identify issues that required specific agreement and support from all parties.

In January 2011, Communities NSW confirmed via correspondence for 'Approved Measures' (Part A and Part B") strategies approved by the Director General including co-funding some of the core strategies which were:

#### **Part A**

- ✓ In principle agreement to establish a Rapid Response Security Team (Tender Process)
- ✓ Implementation of a shared radio network
- ✓ Development of refusal of entry code
- ✓ Promotion of late night transport
- ✓ Distribution of 'No Excuse' postcards
- ✓ Conduct Street Cleaning
- ✓ Attend RSA on the Frontline workshops
- ✓ Ensure taxi compliance and effective security at the taxi ranks

# Kings Cross Licensing Accord Association

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## Part B

- ✓ Engagement of RSA Hosts (note not 'marshals')
- ✓ Development of PLA Safety Plans
- ✓ Extend venue security to patrol after close
- ✓ Crime Scene Preservation procedures with licensed premises

The Part A strategies were estimated to cost \$1,018,000, the Director General (DG) approved 50% co-funding from the NSW Government for \$509,000, with the balance to be funded by 43 venues nominated in the Kings Cross Precinct by the Director General as mandatory participants on a pro-rata basis.

The consultation period identified key issues affecting the safety and amenity of the precinct which was documented in the Kings Cross PLA response to venues, the accord worked collaboratively with OLGR to provide costings and standard operational procedures for the shared radio network.

Whilst the rapid response security team was approved in principle it was not supported at a later date and did not eventuate via this process. The Accord was later informed that all funding for the Hassle Free Nights in Kings Cross was no longer available including the funding for the shared radio network.

### Rapid Response Patrol (RRP)

Approximately 15 licensed venues contributed to a rapid response patrol team which commenced in April of 2010. The concept was to assist licensed premises in support of the requirement of "Fail to Quit and Refusal of Entry", Kings Cross venues had high levels of refusal of entries and on refusal this was a major cause of potential escalation and the additional support of a rapid response team was viewed as a harm mitigation support for those venues. Other venues were supportive of the concept if the patrol formed part of the PLA initiatives with protocols supported and developed by the NSW Police and that the contract went to public tender – this was agreed in principle during the PLA consultation process.

As the HFN initiative funding was not provided the RRP was limited to its functionality by the venues that commenced the initiative, that said the patrol operated from April 2010 up unto February 2014 and was discontinued due to the implementation of the Lock-outs as venues supporting the service could no longer afford the weekly fees.

The patrol provided a very good service and was also viewed positively by the local police; the RRP assisted the local police on numerous occasions and also often placed calls to 000. The participating venues over the period of operation expended just over \$1 million for the service. We believe security patrols should be revisited by Government as an added safety and early intervention strategy, however be provided with clear operational criteria and guidelines.

### Summary of Hassle Free Nights (HFN)

The Accord was encouraged by the consultative process of HFN, especially given that all of the issues that were identified during the process were documented and initiatives developed by all of the relevant agencies.

The accord was somewhat disappointed that the major initiatives **did not proceed** as they were significant in terms of safety measures however could only proceed on a collaborative basis with the support of the key stakeholders. We strongly believe that safety in the public domain would have been greatly enhanced, it is somewhat further disappointing that some of the issues still remained outstanding 3 years later or were only finally addressed as part of the KXPOM due to the tragic death of Thomas Kelly.

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## Key Items for the Kings Cross Licensing Accord and Potts Point Partnership

- |                    |  |
|--------------------|--|
| ✓ 4 June 2009      | Proposed Supplementary Policing Trial for Kings Cross Precinct   |
| ✓ 9 November 2010  | KXLA Proposal to City of Sydney for CCTV in Kings Cross          |
| ✓ 15 November 2010 | Proposal Declined by the NSW Police Deputy Commissioner          |
| ✓ 4 July 2013      | Premier NSW Confirms support for Supplementary Policing          |
| ✓ 2 July 2013      | Joint Proposal to Premier & Cabinet for Safety in Kings Cross    |
| ✓ 9 July 2013      | Potts Point Partnership Master Plan Request to Premier & Cabinet |

## Supplementary Policing Trial Request

The submission to NSW Police for Supplementary Policing was unfortunately declined some 17 months after application. The NSW Government reviewed the submission in 2013 and the Premier's correspondence advised the proposal would be supported in July 2013. The issue which discussed with representatives of Premier and Cabinet on receipt of the correspondence in July 2013 was that the venues were in downturn after the KXPOM implementation and could no longer afford the costs to operate Supplementary Policing.

It is interesting to note that the relevant issues that the submission was attempting to assist on application in June 2009 were that the vast majority of assaults were occurring in the public domain whilst patrons were waiting for transport options. The submission also noted at the time other contributing factors for the volume of patrons refused entry for pre-fueling, not having proof of age and that street based assaults had accelerated with the introduction of the NSW Health ban on smoking introduced in July 2007, forcing many late night patrons to smoke in the public domain due to the difficulty of venues being able to provide smoking solutions in landlocked venues.

## Proposal for Safety in Kings Cross

In July 2013 representative of the executive committees of the KXLA and PPP met to discuss the general amenity and safety of Kings Cross, we developed a joint proposal which focused on the following;

- ✓ Formation of a Precinct Management Committee (PMC)
- ✓ High Visibility Policing in Kings Cross
- ✓ Transport
- ✓ CCTV

We have had meetings in February, May and June 2014 with representatives from Premier and Cabinet and are still waiting for a formal response to our request. We still strongly believe that the formation of the PMC would provide an ongoing and strong focus on the precinct to identify **all** of the issues and to provide leadership and sensible, evidence based measured strategies to allow the area to move forward positively and to provide clarity for current business investment.

## Master Plan Proposal to NSW Government

The KXLA and PPP discussed the history of Kings Cross, how it is perceived and the current challenges, a proposal was provided to the Department of Premier and Cabinet with a request for funding support to undertake a 3, 5 and 10 year plan for the precinct and to be managed by the PMC.

At a meeting in February 2014 between the KXLA, PPP, City of Sydney and Premier and Cabinet the Master Plan was further discussed and council advised that they would fund a portion of the scope of works under the umbrella of current projects being undertaken by the City. We note that some 6 months after the meeting no confirmation as such has been provided by the City to the PPP.

# Kings Cross Licensing Accord Association

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## **Why did our Organisations consider a Master Plan so Important to the Local Environment?**

The KXLA and PPP both viewed the appointment of a Precinct Management Committee and the Master Plan Proposal as being of vital interest to the precinct as a whole, the combination of both would have in our opinion provided leadership and direction to the current challenges whilst constructively planning for the future.

Kings Cross is historically a late trading precinct and whilst the KXPOM has concentrated on licensed premises there remains a void in the discussion with regard to other activities and major deterrents to change in the main strip associated with dependent drug users.

Whilst business is attempting to adjust to the current parameters in place, we note that City of Sydney are still encouraging a change to business models in order to attract an earlier clientele, this we believe is not achievable unless all factors in the public domain are properly considered and addressed.

## **Financial Effects on Licensed Premises / NSW Treasury**

The Accord understands that NSW Treasury are conducting a review with licensed premises on the financial effects of the special licence conditions and had therefore provided a basic summary of information provided by venues and local business for reference to this review.

## **Major Effects on Licensed Premises Reported to the Accord**

- ✓ Substantial reduction in venue turnover reported between 19% and 75%
- ✓ Substantial reduction in direct staff employment now estimated to be over 800 on a combined venue basis for the entire precinct
- ✓ Reduction in entertainment and contract security staff due to reduction of operational hours and loss of venue entry 'cover charges' in late trading period
- ✓ Venues now trading unprofitably
- ✓ Expected further business failures in the third and fourth quarters of 2016
- ✓ Substantial asset value reductions for business owners leading to forced bank covenant reviews / breaches and asset write downs on property holdings
- ✓ Substantial increased Operational costs since December 2012 (RSA Marshals, Full CCTV coverage of venues, Approved Managers Costs, RSA Photo-Competency cards, ID Scanners, capital costs, monthly fees and labour costs)
- ✓ Substantial reduction in peak trading hours for the precinct given that peak trade was historically between 11pm and 6am (over 42% of peak trade opportunity for late trading venues)

## **Major Effects on Staff Levels and Investment**

- ✓ Delay / cancellation by venue owners on Development Application approvals for renovation including a major hotel and accommodation group
- ✓ Major venues listed for sale by venue owners
- ✓ Breaches of bank covenants and venues placed on "watch" with further reporting requirements to their respective lenders
- ✓ Reduction in trading hours and turnover has led to experienced staff leaving the precinct as venues are no longer able to provide them enough working enough hours and have hence left the precinct

# Kings Cross Licensing Accord Association

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## **Concluding Comments**

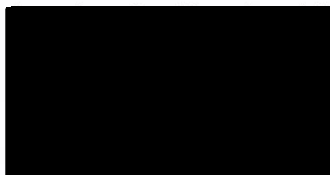
The Kings Cross Licensing Accord Executive is pleased to have the opportunity to provide our submission to the independent review and is available to further discuss the items in our submission as required.

## **References Attached to this Submission**

- Kings Cross Accord / Potts Point Partnership Supplementary Policing Application
- Kings Cross Accord / Potts Point Partnership Proposal for Safety
- Potts Point Partnership Master Plan Proposal to NSW Government



4 June 2009



Dear Superintendent,

**Re: Proposed Supplementary Policing Trial Request for Kings Cross Precinct**

The Kings Cross business community, represented by the Kings Cross Licensing Accord Association and the Potts Point and Kings Cross District Partnership seeks your support to trial the use of "supplementary" police.

Whilst we are passionate and proud of our precinct we believe the recent changes to licensing via the new Liquor Act commencement in July 2008 creates an opportunity for the Accord, Partnership and key stakeholders to share a vision of improved collaboration and cooperation. Our Executives view the work with all key stakeholders as vital to the continuation to improve the safety and perception of safety within the precinct through improved local government services and via an increased Policing presence.

This trial is sought to build on our proud record of collaboration with Kings Cross Police in improving safety and the perception of safety. This trial would add to the visibility of police at peak entertainment periods further reducing crime and anti-social behaviour in the public domain. Our submission meets the criteria of the User Pays Guidelines and has been endorsed by the Kings Cross Licensing Accord Association representing licensed premises and the Board of Directors of the Potts Point and Kings Cross District Partnership.

Our two organisations represent over 500 businesses in the Kings Cross / Potts Pott Precinct. Businesses represented included restaurants, bars, hotels, nightclubs, real estate, property agencies, coffee shops, grocery shops as well as architects, solicitors, accountants and artists.

The majority of our customers and patrons have been attracted to the area as visitors, business owners and residents because it is designated as a late night trading precinct as prescribed through NSW legislation and by City of Sydney Development Control Plans.

The Kings Cross Licensing Accord Association has actively campaigned to enhance safety in the area for over 10 years. The Accord is particularly proud it led the way on the formation of Licensing Accords for the NSW Government and is doubly proud that it has continued to demonstrate best practice in achieving cooperation within the hospitality industry in the Kings Cross entertainment precinct embracing the views and perspectives of divergent stakeholders and other interested parties.

This submission is made to continue to reduce the impacts of alcohol related violence in the precinct, with the focus being the further reduction of these impacts in the public domain between midnight and 6am. We seek the resources of supplementary policing to better manage visitors to the precincts restaurants, clubs and nightclubs who demonstrate anti social behaviour once beyond the controlled environments of security managed private licensed venues or indeed those visitors who cannot gain entry into any venue due to intoxication levels who continue to then demonstrate less than acceptable anti social behaviour.



### Conditions of Police Deployment (6.1.7) (NSW Police User Pays)

"NSW Police does not enter into a supplementary policing arrangement for the sole benefit of licensed premises, registered clubs or casino"

Our submission has been prepared utilising the criteria under the "User Pays Guidelines" and we believe meets the criteria necessary for approval under the NSW Police cost recovery and user charges policy. The Accord and Partnership as representative bodies of licensed premises and business operators along with other key stakeholders have a shared vision and goal to reduce antisocial behaviour in and around the Kings Cross Entertainment precinct.

Whilst we believe supplementary policing will assist in a reduction of alcohol related violence other key strategies need to be encompassed with the proposal in order to address all areas that are currently identified as major problems and therefore increase the opportunity for alcohol related violence. We therefore request that on receipt of this submission meetings be arranged with the City of Sydney and our local member (Clover Moore) to discuss the proposal and to form an executive action committee to review the major issues that affect the amenity and safety of the area including:

- Lack of transport public and private transport after 11pm
- Garbage bins and removal of refuse
- Alcohol free zones (enforcement to reduce assaults)
- Extreme noise pollution from through traffic on weekends (party buses)
- Road closure trials (specific periods)


Our goal is to have a co-ordinated inter agency approach that is able to pro-actively manage and form further strategies to substantially reduce alcohol related violence and to send a strong message that Kings Cross does not accept aggressive or threatening behaviour.

We believe the operation of supplementary police as outlined in this submission will be a direct benefit to the entire community and its many stakeholders including visitors, venue patrons, police, council and residents.

Our organisations look forward to your comments. Please contact the undersigned to discuss the submission at your earliest convenience.

Yours faithfully,

Doug Grand  
Chairman  
Kings Cross Licensing Accord Association



Adrian Bartels  
Chairman  
Potts Point & Kings Cross District Partnership



9<sup>th</sup> July 2013

**Kings Cross Master Plan: the Next Chapter  
“The Kings Cross 2023 Project”**



**Background**

Kings Cross is a dynamic and diverse urban centre, with many positive characteristics and its own set of issues.

Unfortunately, Kings Cross is too often in the media for the wrong reasons. These issues (perceived or real) of safety, alcohol, rubbish, and excessive noise cause friction within the community, prevent diverse visitation and deter investment. Many buildings need refurbishment, and parts of Darlinghurst Road and surrounds need economic development. It is difficult for some businesses to trade. There appears to be competing interests and conflicting opinions: for example between residents and businesses (late night trading etc.). There is broad recognition that Kings Cross needs to be reinvigorated.

The Partnership's objectives for this project are:

- To make Kings Cross a unique and attractive place.
- To plan an urban centre where day-time and night-time businesses prosper and residents enjoy a high quality of life and both exist in harmony.
- To engage with all key stakeholders to achieve an agreed Kings Cross Vision.
- To ensure that the precinct's environment enriches the lives of its users.
- To understand the essential characteristics that add to the quality of life in Kings Cross, and maintain its positive elements, such as tolerance and diversity.
- To attract diverse visitors to the area, supporting both day-time and night-time activities.
- To encourage private investment needed to reinvigorate the area.
- To have the data we need to make credible recommendations, and avoid reactive public policy.
- To understand and use - or perhaps create global best-practice – to solve issues and achieve our objectives
- To think strategically and be ambitious. To think critically and apply practical solutions intelligently.

**Project deliverable**

The Potts Point Partnership wishes to engage consultancy services to develop and deliver a master plan (if required or deemed appropriate by the Partnership, this project may be shared between more than one consultancy).

The Master Plan will need to address the following key elements:

1. Comprehensive review and summary of key planning documents having a strategic impact upon the precinct. Examples include but are not limited to: NSW State Plan, Sydney 2030, Draft Metropolitan Strategy for Sydney, City of Sydney Strategic Plans and Controls, Strategic Plans and Delivery Plans by other relevant State and Commonwealth Agencies.
2. An economic analysis examining the precinct's strengths, weaknesses, opportunities and threats (SWOT analysis) for both day-time and night-time activities.

3. Comprehensive community engagement with key stakeholders including: property owners and lessees; business owners and operators; residents; City of Sydney Council; NSW Department of Premier and Cabinet, NSW Roads and Maritime Services, NSW Police, NSW Health, Transport for NSW, NSW Tourism; Federal and State Members of Parliament; Department of Defence; Wayside Chapel; St Johns Anglican; St Canice's Catholic; St Vincent's Hospital; Medically Supervised Injecting Centre and potentially directly with visitors and homeless people.
4. Development of a clear, responsible and accepted vision for the precinct's economy.
5. Place Making Initiatives and Implementation Plan; Short term (within 2 years), Medium Term (within 5 years) and Long Term (within Ten Years)
6. Marketing Initiatives and Implementation Plan; Short term (within 2 years), Medium Term (within 5 years) and Long Term (within Ten Years)
7. Project Report and preparation of Presentations and Press Releases about this study for use of the Partnership.

This Plan will outline comprehensive and holistic strategies to create a positive future for Kings Cross (e.g. 'The Kings Cross 2023 Project').

It will:

1. Define the geographical subject area.
2. Engage a broad cross-section of the community in its development and seek ownership by the community beyond the Potts Point Partnership.
3. Incorporate detailed and holistic analysis of existing data, compile and analyse new data if required.
4. Identify practical, achievable solutions to address issues and community needs, which are supported by data. It will be ambitious in its policy recommendations and approach and follow or create global best practice.
5. Develop a phased and achievable action plan with responsibilities clearly outlined.
6. Identify legislation and policies which needs to be amended to achieve its action items.

This process will be managed by the Potts Point Partnership.

## Process

Step 1: Use this outline to meet with key State Government representatives to agree a way forward or agree on a direction for the further development of a more detailed brief.

Step 2: Market sounding with suitably diverse consultants to get an indication of the required budget (no need for quotes just yet)

Step 3: Take to State Government: Department of Premier and Cabinet for funding

Step 4: Board approval

Step 5: Put to select tender and engage suitable consultant/s formally via a contractual arrangement

## Key Stakeholders

- NSW State Government and agencies
- City of Sydney Council
- Local residents
- Local business owners
- Potts Point Partnership and other community and business groups
- Visitors from interstate, overseas and other parts of Sydney.



**NSW Police Force**  
[www.police.nsw.gov.au](http://www.police.nsw.gov.au)

Mr Doug Grand  
Chairman  
Kings Cross Licensing  
Accord Association  
[REDACTED]

Dear Sir

I wish to advise that your application for supplementary policing has been reviewed. The Deputy Commissioner, Field Operations has determined that the application does not align with the spirit of the NSW Police Force Cost Recovery and User Charges Policy.

This correspondence is to formally notify you that your application is declined.

Yours faithfully

A P Crandell  
Superintendent  
Local Area Commander  
15 November 2010

cc: Mr Adrian Bartels, Potts Point & Kings Cross District Partnership.

**Kings Cross Local Area Command**

1-15 Elizabeth Bay Road Kings Cross NSW 2011

Telephone 02 8356 0099 Facsimile 02 8356 0019 ENet 40099 EFax 40019 TTY 02 9211 3776 (Hearing/Speech impaired)

ABN 43 408 613 180

**NSW POLICE FORCE RECRUITING NOW 1800 222 122**

**WWW.POLICE.NSW.GOV.AU/RECRUITMENT**

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Submission for Supplementary  
Policing and Coordinated  
Strategies to Reduce Alcohol  
Related Violence and Anti-  
Social Behaviour in the Kings  
Cross Precinct during Peak  
Trading Hours

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Submission Kings Cross Licensing Accord  
& Potts Point & Kings Cross District  
Partnership

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Submission presented to  
Kings Cross Local Area Command

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## **1.0 Introduction**

### **Kings Cross Entertainment Precinct**

Kings Cross is at the very heart of City East. It has a national and international reputation as a 24 hour entertainment zone and has been historically recognised as one of Australia's premier night time entertainment precincts. Residents and visitors appreciate the vibrancy, energy and liveliness of the Cross as a part of inner City life.

Council's Late Night Premises Report 2007 advises, "The Cross" brings vitality and diversity to the night life of Sydney, supporting its role as a global city and provides a significant contribution to the night time economy of the City.

Further it is noted that the strategic planning of Sydney has continually encouraged development of Kings Cross as an entertainment and tourist precinct. The first City of Sydney Strategic Plan released in 1971, identified the role of the Kings Cross precinct as being "the most diverse centre of night life". The NSW Government declared the precinct a 24-hour tourist and entertainment zone on the early 1990's and the recent City East Urban Design Study (date) report similarly identifies the area as a significant entertainment precinct.

In summary Kings Cross is a designated late trading precinct through both the liquor Act and City of Sydney Development Control Plans and is visited by persons from all over Sydney, NSW, nationally and internationally and the safety and perception of safety along with the vibrancy of Kings Cross is an important commodity in terms of national reputation.

### **Kings Cross Licensing Accord Association**

The Kings Cross Licensing Accord Association was the first Liquor Accord established in NSW in 1998/1999 by the NSW Government. The Accord was established after a consultative process between the Premiers Department, South Sydney City Council, Kings Cross Police, NSW Health and local licensed premises.

The key aims and objectives of the Accord are to work cooperatively and collaboratively together with the authorities and community to "make stepping out safer" and to substantially reduce alcohol related violence in the district. (At this time there were three (3) premises which were in the top ten (10) venues for reported alcohol violence in NSW).

### **Potts Point and Kings Cross District Partnership**

This Partnership was established in September 2002 to represent business and other stakeholder interests in the Kings Cross / Potts Point precinct. In the seven years since its formation it has had up to 400 financial members, developed a local area website, produced events and Festivals and further promoted the area in submissions to Government, with other business organisations and local resident and business groups.

### **NSW Liquor Accords**

Liquor Accords are now enshrined in legislation in the NSW Liquor Act 2007 as being entered into by licensees, police, council, community and other stakeholders to reduce or eliminate alcohol related crime.

The local amenity has changed substantially since 1999 with the City of Sydney taking control of the area from 2002. Council embarked on a \$30M footpath and amenity upgrade which was completed in 2004. Local accommodation hotels were developed and refurbished into apartments between 2001 and 2005 resulting in the local resident population increasing substantially on the fringes of the 24-hour entertainment zone. The area has also seen substantial investment by Hotel Groups and Nightclub owners keen to upgrade and renovate their premises to capitalise on the resurgence of Kings Cross as a destination after the amenity upgrades were completed.

The revitalisation and improved amenity of the precinct is now the subject of increased land use conflicts from residential developments in proximity or inside the entertainment zone and use which are established characteristics of the locality. These conflicts have accelerated with the introduction of the NSW Health ban on smoking introduced in July 2007 as many late night patrons are forced to smoke in the street due to the difficulty of providing smoking options for patrons in some of the "landlocked venues".



The visitation to the precinct after the improvements to the venues has increased exponentially for late trading venues on weekends and transport is considered to be the number one priority to assist patrons to depart the area between the hours of midnight and 6am. The success of the venues can be measured by Hugo's Lounge, Hugo's Pizza, Bayswater Brasserie, The Trademark Hotel, Gazebo Wine Bar and Club Swans all the recipients of catering, hospitality and community awards in the last quarter - a far cry from the precincts reputation and perception in the early 2000's.

#### **Alcohol Related Assaults**

Whilst no assaults are acceptable the assault rate inside licensed premises (Kings Cross Police Data) has remained steady at between 15% and 18% of the total assaults recorded in the precinct. The vast majority of alcohol related assaults occur in the street outside the venues whilst patrons are waiting for transport options. Whilst there are obviously other contributing factors large amounts of patrons are "refused entry" to premises for being already intoxicated or for not having "proof of age" identification. The Kings Cross Licensing Police have acknowledged the attention and focus on these issues by Accord members within premises.

#### **Supplementary Policing Submission**

The Kings Cross Licensing Accord and Potts Point and Kings Cross District Partnership has prepared this submission on behalf of their members in the Kings Cross / Potts Point local area to enhance the safety of residents and patrons visiting the precinct in its busiest times. Our submission is in support of the existing Police structure / focus and in support of the City's Local Action Plans (2005) and Late Night Trading Premises Development Control Plan (2007). We believe our submission will enhance strategies for the revitalisation of the precinct as a safe, vibrant and exciting area for both patrons and the community.

#### **Licensed Premises**

Whilst the Accord premises are committed in working with Council, OLGR and the Police on reviving and improving operational plans of management, our submission provides a further commitment from venues to ensure late night trading premises patrons have a minimal impact on the public domain via increased security and crime prevention strategies targeting alcohol related crime and ultimately making the precinct a vibrant, safe and multifunctional late night entertainment hub.

Our submission is a further commitment to the collaboration and cooperation with a partnership of stakeholders and supplementary policing will provide a real benefit to the local community, visitors and patrons alike many of which attend Kings Cross / Potts Point for other activities other than licensed premises.

We propose, subject to Police, City of Sydney and OLGR approval, to utilise a trial for "Supplementary Policing" on Friday and Saturday nights between the hours of 12 midnight and 6am (graph 1: data noted below) to assist the current policing and to provide high visibility pro-active policing between the venues management, security operatives and Police to target and reduce alcohol related violence and unacceptable behaviour.

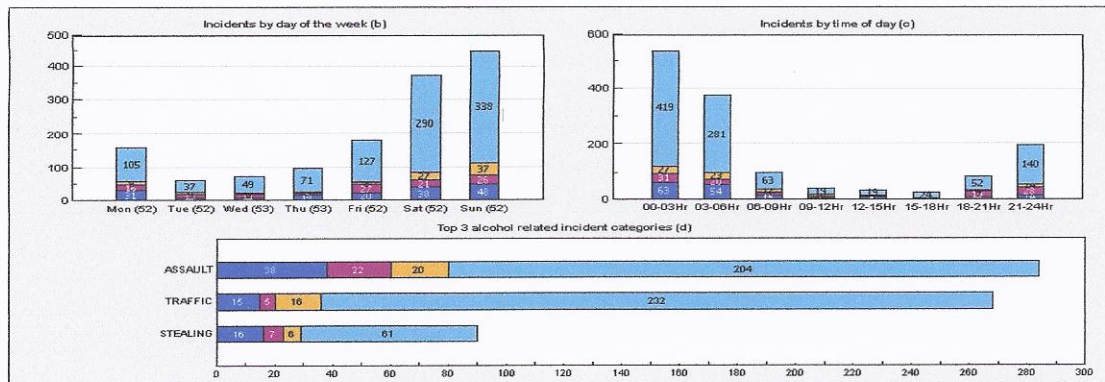
#### **NSW Police Cost Recovery and User Charges Policy**

The NSW Police force permits the provision of additional policing resources on a cost recovery basis in certain circumstances through the NSW Police Cost Recovery and User Charges Policy.

Our respective Executives note that the guidelines stipulate that supplementary policing cannot be used for the sole benefit of licensed premises or registered clubs (User Pays Guidelines section 6.1.7. e).

Our submission will provide direct benefit to the local community, visitors and stakeholders inclusive of police and council by ensuring improved safety and amenity through high visibility policing that will reduce both crime and the fear of crime. Our Executives believe there are real and tangible benefits to this ground breaking proposal.

Graph 1: Incidents by day of week and time of day



## 1.0 Introduction

### 1.1 Area to Which Submission Applies

The proposed area would consist of Darlinghurst Road, Macleay Street, Kellett Street, Bayswater Road and Victoria Street.

### 1.2 Premises to Which the Submission Applies

The submission applies to premises that are confirmed as stakeholders in this proposal.

### 1.3 Commencement

The Accord proposes commencement of a six (6) month trial period to commence from 1 September 2009 and to end on 31 March 2010, initially targeting the summer period which is well documented to be the time of higher visitation to the area.

### 1.4 Relationship to Other Government Bodies and support services

We see a need for the harmonisation of policies at all levels of Government to support the vitality of the entertainment and tourism sector and provide for the safety and amenity of the community including both patrons and nearby residents.

Currently and in past years Kings Cross has been the focus of stringent inspections from licensing police, council rangers, council specialist compliance officers, the NSW Office of Liquor Gaming and Racing and the recently formed Alcohol Licensing. There currently exists a duplication of compliance monitoring that could be better utilised towards a targeted strategic approach to street based alcohol related assaults.

We further request that the Police and Council review their current focus and policies for the late night precinct of Kings Cross with the our executive parties to implement a Master Plan to tackle crime in the precinct.

## 2.0 Strategy

### 2.1 Aims

The key aim of this submission is to reduce the amenity impact of alcohol related violence via supplementary policing and to improve the public safety for the Kings Cross / Potts Point precinct between the hours of midnight to 6am.



## 2.2 Objectives

- to reduce violence within the trial period to 40% to 50% below current police reported statistics via high visibility supplementary policing linked to licensed premises and other business operators via specific dedicated "rapid response units".
- to reduce assaults in the public domain during peak trading periods.
- to assist premises in the management and support of the NSW Liquor Act Legislation for "refusal of entry" and "failure to quit" as well as utilisation of police "move on powers" for violent or troublesome patrons.
- the training and instruction of premise security operatives to make immediate contact with police if they see any quarrelsome or potential violence in the street and proactively support the police at all times. To this purpose we propose further instruction and training be provided by police to key stakeholder groups of license premises management, Master licence holders (security companies) and security operatives. (this is already undertaken on a six monthly basis however our executive believes a compulsory protocol for security Master Licence Holders be implemented)

## 2.3 Fast Food Outlets

A lot of reported assaults occur in or adjacent to "fast food outlets". We would request police identify the proprietors of the venues and commit them to assisting in the plan to reduce alcohol related violence. In reality these venues should be linked with the "rapid response unit", have high quality CCTV installed and develop and implement acceptable security plans to Police as a duty of care to their patrons and staff.

## 3.0 Agreements / Memorandum of Understanding

### 3.1 Police Focus and Operational Criteria

- The supplementary policing is for high visibility in defined assault data grids, from current police operational reporting and graphing, with key focus on Darlinghurst Road, Bayswater Road, Victoria Street, Kellett Street and Macleay Street.
- Police would recommend best practice communication protocol for premises and businesses and incorporate a memorandum of understanding between police and business venues for security operatives and venues to communicate with police for all incidents and potential violence.
- Police, licensees and business operators adopt best practice guidelines for Master Licence security operatives as a priority and minimum expectation.
- Licensed venues are encouraged and invited to join the Licensing Accord in order to support and co-operate with the submission as well as all local business and residential groups are invited to join the Potts Point and Kings Cross Partnership.
- Police to further enforce alcohol free zones

For this submission to operate we would require police and O.L.G.R. assistance in targeting non-Accord members in being pro-active and committed via O.L.G.R. conditions in their required Plans of Management.

### 3.2 City of Sydney

Our Executives request the City of Sydney provide adequate resources or match funds with the premises and business groups to resolve the following issues that remain in some part unresolved and are contributors to alcohol related street assaults and anti-social behaviour in the local area;

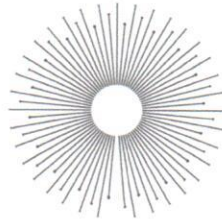
- Rubbish removal services from 10pm – 6am on weekend nights
- Ranger patrols for enforcement of alcohol free zones and parking infringements
- Noise pollution enforcement of “hoon traffic” throughout precinct

### 3.3 NSW Government

- Improved transport options / patron study reports
- CCTV linking of live feed to police station for pro-active policing
- Government study on traffic management in the area inclusive of traffic noise pollution inclusive of trial partial road closures and treatment of the area as a special event zone from Friday and Saturday nights from 10pm – 5am on each night, with traffic operating normally outside of those hours.

## 4.0 Measurement of Results

- 4.1 Results Measurement Police, Council and Accord (To be confirmed)
- 4.2 PR Campaign (To be confirmed)



**Tuesday 2<sup>nd</sup> July, 2013**

## **INTRODUCTION**

Representatives from the Executive Committees of the Potts Point Partnership and Kings Cross Licensing Accord Association have recently engaged in meetings to discuss the general amenity and safety of the Kings Cross Precinct.

We discussed the development and delivery of the Kings Cross Plan of Management currently being undertaken by the Office of Premier and Cabinet, and the importance of effective strategies that are developed through collaboration and consultation that includes local stakeholders to ensure ownership of both the issues and the solutions.

The Potts Point Partnership and Kings Cross Licensing Accord are united in seeking to achieve real improvements to the overall amenity in the Kings Cross precinct to ensure the safety and security of our patrons, residents, staff and business owners, and to provide a vibrant entertainment precinct that is recognised both Nationally and throughout the world as a premium tourist destination.

We have outlined these issues in a joint proposal below, and respectfully request further consultation with the Office of Premier and Cabinet to discuss this. The issues identified below are short-medium term solutions and don't include longer-term strategies to minimise anti-social behaviour.

## **OUR JOINT PROPOSAL TO ADDRESS SAFETY IN KINGS CROSS**

### **1. FORMATION OF A PRECINCT MANAGEMENT COMMITTEE (PMC)**

Even the best drafted plan is likely to fail when there is no ongoing local representation in its operation. Reports from departments do not always accurately reflect the situation on the ground. For the Plan of Management to succeed, we strongly recommend the formation of a Precinct Management Committee. This Committee should have an Independent Chair, and a strong mandate to ensure success. Stakeholders such as the Potts Point Partnership and the Kings Cross Liquor Accord are 'on the ground' in the precinct and as part of a PMC, can efficiently identify improvements/solutions etc. to assist the Premier's office.

#### **Our recommendations:**

- The formation of a Precinct Management Committee (PMC) led by an independent chairperson via the Kings Cross Plan of Management to incorporate ongoing coordination of all required agencies



- PMC to formulate KPIs for delivery for all agencies (transport, cleanliness, lighting audits, social services etc.)
- PMC to measure review improvements with fine-tuning required on a regular basis
- PMC to measure delivery of KPIs and measure the impact of additional financial burdens created on the general business community and review at regular intervals.

## 2. HIGH VISIBILITY POLICE IN KINGS CROSS

International and local experience has shown that 24-hour High Visibility Policing is fundamental in reducing anti-social behaviour and minimising crime. In NSW major policing operations such as New Year's Eve, the Mardi Gras, the Bathurst car races etc., have significantly less antisocial behaviour due to an increased and Highly Visible policing presence.

The NRMA paper "High Visibility Policing and its impact on driver behaviour" shows HVP is a deterrent on driving offences, street behaviour is no different. In New York, HVP and zero tolerance policing by Commissioner Bratton led to significant reductions in street crime.

Local businesses and stakeholders have questioned the lack of police on the beat in Kings Cross, especially on Friday and Saturday evenings. Meanwhile, the burden of safety-related solutions has fallen on the business community (for example CCTV and private security) when statistics constantly show that high percentage of violent assaults occur in the public domain. Government must fulfil its obligations in regards to safety in the public domain.

### Our recommendations:

- Sufficient high-visibility police are required between 9pm and 5am – to be tasked only for on-the street deployment.
  - Fridays 8 officers / Saturdays 12 officers
  - Sundays of long weekends 12 officers
- Sufficient high-visibility police are required on a rolling 24-hour basis - 7 days per week, utilised in conjunction with City of Sydney CCTV to provide a deterrent to the street based anti-social behaviour and drug related activity that affects the local business and residential community
- Police to enforce a zero-tolerance to acts of antisocial behaviour by strict enforcement of all existing laws
- The Partnership and the KXLA can identify to assist in further supporting policing activity.

Police numbers should not be reduced during the winter period as Kings Cross does not have significantly reduced visitation and requires a committed response.

## 3. TRANSPORT

Having effective transport is fundamental in minimising anti-social behaviour. The buses that were introduced are under-utilised, and taxis at present are difficult to come by.

### Our recommendations:

- PMC to review current transport options and also recommendations incorporated in the City of Sydney Federal Funding Application (Safer Suburbs) for the "Secure Taxi Rank" in Bayswater Road
- PMC to review ID Scanner solution for Secure Taxi Rank via solutions / options progressed under the venue ID Scanning Systems PMC to review cost effectiveness of late night transport delivery versus alternate safety measures in the public domain.



#### 4. CCTV CAMERAS

There is an estimated total of 1,500 CCTV cameras within the licensed venues in Kings Cross while there are only 9 CCTV cameras in the public domain in all of Kings Cross.

##### Our recommendations:

- An audit between City of Sydney and local business in respect of CCTV Installation to identify black-spots, followed by the addition of CCTV on a collaborative basis between the City of Sydney, State Government and the local business community
- PMC regular review of CCTV delivery between City of Sydney, State Government and local business and periodical reports to the local community measuring effects.

Signed on Behalf of the Potts Point Partnership and Kings Cross Licensing Accord Association



**Adrian Bartels**  
Chairman  
Potts Point Partnership



**Douglas Grand**  
CEO / Coordinator  
Kings Cross Licensing Accord