


# Play Bar Sydney Lockout Submission

DR Daniel Robertson [REDACTED]

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To: Liquor Law Review; Cc: Sarah Vuong [REDACTED] 

1:39 PM

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To Whom It May Concern,

My name is Daniel Robertson, my partner and I are local Sydney business owners and I am the licensee of a small bar in Surry Hills.

I work approx. 80-110 hours per week for the past 4 years to keep my business alive and have experienced many hurdles in running a business in this city, from difficult council DA approval processes, noise emittance issues, constant police visits (despite having ZERO incidents) & now the lockouts... the fore mentioned after much difficulty we have been able to manage and resolve, but sadly despite trying to change operations of business to align with these laws we have seen minimal improvements with all out limitations. The lock-out is now hurting business more than ever as consumers are giving up on our city and nightlife.

We have seen a significant down turn in business over the past 2 years, not only of our own but city wide. I have walked home direct through the city to Pymont at approx 1-2 am most nights and have witnessed first hand the city turn into a ghost town at night.

As a result we have had to cut staff shifts and entertainment hours... We have also witnessed Sydney being bypassed by big names for shows and selling out the rest of Australian Cities... We have also witnessed many artists leaving this city for Melbourne, London, Berlin & New York...

We feel, as responsible operators of a music based venue, with 0 alcohol violence related incidents, it is completely unfair we are being placed in the same category as some of the troublesome venues from the cross... We also feel greater emphasis needs to be placed on individuals rather than venues, as the problems are usually caused by individuals who have pre-loaded prior to coming into the city...

In the first two years of trade we alongside our team would generally contribute to the night time economy after work, this unfortunately no longer happens as we are unable to get in anywhere past 1.30 and when we try generally there is a perception that anyone trying to get in at that time is 'intoxicated' as venues are heavily scrutinised by tough liquor licensing. We would be one of many of the hospitality community who no longer have a place to go after work.




We had a dream of providing a space for artists, musician and people to express themselves creativley and built a cultural creative community, however the risk involved in running any alcohol related business in this city is now so great, it is not actually worth it for all the stress and minimal dollars we make. Sadly the issue with this is the next generation will not have anywhere to go beyond places which having a large gaming component to their business model as it becomes increasingly unsustainable for businesses to operate.

Business dilemmas arising from lock outs that we face on a day to day basis:

- CBD venues pay higher rent, yet we are significantly restricted in our potential operation hours, that being limitations on any extension of hours also beyond just lock outs.
- Requests for rent reduction has been rejected by landlords despite all the trading limitations.
- Venues who are trying to go beyond just being a drinking barn are penalised because they are investing

money to Dj's/live music yet restriction on the hours and how they can operate to try and make back additional dollars spent on entertainment.

- venues who or have live music also pay additional costs to APRA and PCCA.
- Cost of Sydney is huge, the lockout laws now have provided people with more of a reason- to just 'stay at home' this not only hurts businesses but in fact contradicts the purpose of lock outs, the social aspect is now lost, drinking is now behind closed doors.
- Tourists who are coming into the bar do not have anything positive to say about our city, we are seeing decline in tourism, and in fact many people are moving back to other cities or back to their country.
- All business regardless of size/type/business model (pokies or not) have the same penalties?

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- 50% reduction in trading hours.
- 20-30% downturn in foot traffic into area.
- 10-20% reduction in entertainment. (Depending on the season etc)
- Regardless of a full capacity night we are seeing significant drop in patronage at 11.30 to 'try and get in somewhere else'- this means our trading times have been affected dramatically.
- Our original goal was to create an intimate music venue which can trade to 1.30am, therefore forecasts for rent etc were based on these potential figures, the lockouts originally did not include our street, yet they were revised which meant we were now classed under CBD when we are in actual fact Surry Hills. For a music venue 12-1.30am are the time where we see more patronage. We have never been able to reach our targets due to this reason.
- Our area with 3 bars, 1 pub, 8 restaurants would take 1500 maximum people to fill a Friday or Saturday night, in the past 3 years we have yet to see each venue full on any given weekend.
- If you obtain one infringement notice regardless of the reason and if strikeable offence you are immediately deemed 'high risk' which suddenly from \$250 your risk fee increases to \$6250, how does that seem right?

Recommendations:

- Remove the freeze on extension of trading hours- limit these applications to venues (large or small) who have shown good operational practices.
- Remove bulk areas for lock out laws and limit to problematic venues- why should a venue one street down be exempt despite having issues just because they are not within the area.
- Encourage venues which provide food all night (and not just 10pm) the ability to trade longer.
- The 3 strikes/fines should have various classifications for different types of business rather than a blanket assessment.
- Risks assessments should be assessed case by case and not by the current way on the calculator on OLGR. Why should a venue who has an infringement for example, due to not closing a door be assessed the same as a venue who has had bad operations and ongoing intoxication issues.
- There should be clearer guidelines in terms of compliance, e.g police, council & OLGR should have more distinguished responsibilities so there is a better way of dealing with matters.
- If the laws don't change create a fair economy like places in L.A where everyone is licensed and operated the same time e.g 2.30am closure for all businesses. This creates a fair culture for all to adhere to or alternatively statewide lockouts so there is fair trading conditions for all businesses.
- Marketing campaign to support business, through the lockouts we have only seen negative press, why don't we spend some dollars in producing a positive campaign bring a positive spin to start building consumer confidence again.
- Needs to be more consultations with businesses before implementing rules and regulations as a blanket in one area of the city.
  - Assess late night trading fees vs actual trading conditions and the sustainability of business. Fees need to be justified to the ability of being able to make those dollars.
  - Rather than working off a 3 strike and closure, can we work to a demerit system? This then means there should be clear guidelines to what each breach equals and it is completely objective rather than subjective.

We would be more than happy to discuss anything further and provide honest feedback on current trading conditions. Beyond our business our vision was to contribute to the city for next generation and our kids, it

is becoming harder and harder to keep our confidence up when we see the devastating affects the lock outs have been on our city.

Regards,

Daniel Robertson & Sarah Vuong  
Directors Play Bar Sydney

