

Resolving disturbance concerns about licenced venues



This guide is aimed at helping local residents and businesses to resolve concerns about neighbourhood disturbances related to licensed venues.

Complaints can often be resolved quickly, by directly contacting the venue, and working together on a solution. Further options are also available where direct discussion and agreement has not been successful.

Licensed premises and the local neighbourhood

The liquor and planning laws regulate the sale and supply of alcohol by licensed venues such as pubs, licensed restaurants, bars and clubs. Licensees have an obligation to run their businesses in a way that minimises the harm that can be associated with the misuse and abuse of alcohol (including harm arising from violence and other anti-social behaviour). Also, licensees must ensure that the sale, supply and consumption of alcohol contributes to, and does not detract from, the amenity of community life.

A licensed venue should operate in a way that ensures any adverse impact on local residents or businesses is minimised. This means that reasonable concerns raised by local residents and businesses about neighbourhood disturbance will generally be taken seriously by a licensed venue.

What is a neighbourhood disturbance?

Residents or businesses may find that a licensed venue in their neighbourhood is causing a disturbance through:

- Excessive noise – from activities within the venue or people leaving the venue

- Anti-social behaviour from patrons leaving the venue, such as littering, damage to property, or alcohol-related violence.

While some level of noise or activity from licensed venues can reasonably be expected, due to people arriving, departing or in the general operation of the venue, if a disturbance is considered excessive or unacceptable, residents and businesses are encouraged to follow the process outlined in this guide.

How to raise your concerns

STEP ONE

Contact the venue directly

The simplest and most straightforward way to resolve a neighbourhood disturbance concern is to speak to the licensee or manager at the venue concerned as soon as possible after the incident. It is easy to find out the licensee's name as this must, by law, be displayed at the front of the venue.

- Write down the exact details of the disturbance incident – date, time, and factual details as soon as possible after the disturbance
- Include any actions you took at the time if any (ie called the venue, Police etc.)
- Speak about your concerns to the venue as soon as possible after the incident
- Arrange to meet with the licensee or venue manager to discuss your concerns and find a solution if this is not resolved by speaking over the phone

- Be clear about what might be an acceptable solution but be open minded about other options from the venue that might achieve the same result.

If more than one licensed venue is involved, provide them all with the same information and let them know who else you have raised the issue with.

If you are apprehensive about calling a venue directly, see Step Two of this guide on seeking assistance. The Office of Liquor, Gaming & Racing will gladly offer assistance and there are a number of other options to help you to raise your disturbance issues with a venue.

Approach discussions with an open mind

It is important to approach discussions with the venue with an open mind. The venue may not be aware of the disturbance to the neighbourhood. Alternatively, what the venue views as normal business practice, may be unacceptable to the people in the neighbourhood.

If you focus on the practical and reasonable solution in your discussions with the venue, it means your concerns are likely to be addressed more quickly.

The best thing about talking directly with the venue is that it enables venues to use the feedback to improve their operations. It also encourages issues to be dealt with quickly and can improve relationships between residents and the licensed venue.

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Assaults and damage to property

Where the behaviour of patrons of a particular licensed venue results in damage to your property or if you are the victim of an assault, you should consider reporting the event to the Police. Taking this action does not prevent you from raising your concerns with the venue about the same matter, although advice could be sought from Police before proceeding.

STEP TWO

Seek assistance

If you have not been able to resolve a complaint or concern with a venue, by dealing directly with the venue, your next step should be to seek the assistance of others for advice or to help mediate and find a solution that works for you and the venue.

Depending on the issues, there are several options.

Contact the Office of Liquor, Gaming & Racing

Residents and businesses can raise general disturbance concerns with the Office of Liquor, Gaming & Racing. Inspectors can provide advice on dealing with disturbance concerns and can assist in mediating between parties to achieve an agreed resolution (Compliance Branch Ph: 02 9995 0837 or email: complaints@olgr.nsw.gov.au). This process is usually undertaken before concerns are escalated to

the formal disturbance complaints process.

Contact the local police

Local police may also be able to provide advice and assist in resolving general disturbance concerns. A local licensing officer would have a working relationship with all licensed venues in the area and can play a role in achieving an appropriate resolution to general disturbance concerns.

Contact the local Council

In many cases, licensed venues will have noise control measures as part of the development consent and it may be appropriate to enquire with your local Council about these. Contact details for your local council can be found at www.dlg.nsw.gov.au/dlg/dlghome/dlg_LocalGovDirectory.asp

Please note that local councils can not assist with concerns about noise from patrons entering or leaving a licensed venue. All complaints relating to noise disturbance from patrons should be referred directly to the Office of Liquor, Gaming & Racing.

STEP THREE

Lodging a formal disturbance complaint

Where dealing directly with the venue or a mediated solution has not been successful or is not possible, you can lodge a formal complaint

(via the Office of Liquor, Gaming & Racing) with the Director General, NSW Trade & Investment.

This is a formal process that requires three or more local residents to make a complaint and must be supported by a statutory declaration.

The Director General will determine if the neighbourhood is being unduly disturbed. Information is gathered from police, the local council, residents and the licensee to establish the level of disturbance, and what measures may be necessary to address it. All parties are provided with a fair opportunity to be heard. There are a number of statutory requirements under the *Liquor Act 2007* which must be met for any action to be taken regarding the complaint.

If you are thinking of lodging a formal complaint, please read the Disturbance Complaints fact sheet that has been developed by the Office of Liquor, Gaming & Racing, which explains the process in more detail: www.olgr.nsw.gov.au/pdfs/L_FS_DC.pdf

Need more information?

For further information please visit www.olgr.nsw.gov.au, call us on 02 9995 0300 or email us at complaints@olgr.nsw.gov.au



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