



## Agenda

### Extraordinary Meeting

Notice is hereby given that a Extraordinary Meeting of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

**Monday 31 October 2005**

Commencing at 7:30 pm for the purpose of considering items included on the Agenda.

Persons in the gallery are advised that the proceedings of the meeting are being taped for the purpose of ensuring the accuracy of the Minutes. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

*Copies of business papers are available at the Customer Services Counter at Manly Council, Manly Library and Seaforth Library and are available on Council's website:  
[www.manly.nsw.gov.au](http://www.manly.nsw.gov.au)*



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**TO:** Extraordinary Meeting - 31 October 2005  
**REPORT:** Mayoral Minute No. 9  
**SUBJECT:** Commencement of Section 104 Proceedings Against Hotels and Other Licensed Premises  
**FILE NO:**

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### **Background**

On August 15<sup>th</sup> Council adopted the Manly After Midnight (MAM) Policy recommended by the Manly After Midnight Working Party. The Policy document, which included the making of a Development Control Plan, is complete, has been exhibited and is now operative. In addition, the General Manager has established a staff working group to manage the implementation of each recommendation within a fixed time-frame.

The only area of disagreement amongst the elected Councillors was the question of an earlier closing regime for the hotels and other licensed premises. However, this is a fundamental component of the policy and goes to the heart of the problems late at night in Manly and the surrounding districts. In the view of the Working Party and the community, excess consumption of alcohol is the primary factor responsible for adverse events.

The Liquor Accord has indicated that it will not abide by an earlier closing regime despite a personal appeal by myself at their meeting on Tuesday September 6<sup>th</sup>.

The Police and the Land and Environment Court appear to have "picked up" on the mood of the community and are taking action in support of the MAM Policy. Additionally, the Police are demanding stricter adherence to the RSA, extra patrols in the early hours of the morning and the drafting of a "Code of Respect".

In my view, the time has come to declare Council's intention to seek conformity with the with regard to the closing times of all licensed premises. I am seeking Council's support to take action under section 104 of the *Liquor Act* in the Licensing Court of NSW, either collectively or targeting individual hotels. A crucial part of that process is the presentation of evidence to the Court with the assistance of the Community input.

The Manly After Midnight Policy was resolved by Council and put into effect by the General Manager after its public exhibition and it is not only supported by the community that we seek to represent, it is also supported by the Land and Environment Court and the Police. By working closely with the Police, Council will ensure that all aspects of this policy will be implemented and enforced.

### **RECOMMENDATION**

1. That Council, with the support of the Community and working with the Police commence proceedings under section 104 of the *Liquor Act* with a view to the adoption of a earlier closing regime consistent with the recommendations of the Manly After Midnight Working Party.

### **ATTACHMENTS**

There are no attachments for this report.

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\*\*\*\*\* End of Mayoral Minute No. 9 \*\*\*\*\*