



TOWN OF VINCENT

MINUTES OF THE MOUNT LAWLEY PRECINCT PUBLIC MEETING REGARDING PARKING, ANTISOCIAL BEHAVIOUR AND RENEWAL OF EXTENDED TRADING PERMIT APPLICATION FOR THE FLYING SCOTSMAN TAVERN

Meeting held in the First Floor Function Room, Town of Vincent Administration and Civic Centre, 244 Vincent Street, Leederville
Thursday 23 April 2009 at 6.00pm

Present: Mayor Nick Catania; Director Development Services Rob Boardman; Manager Ranger and Community Safety Services Jim Maclean; Manager Health Services Alison Giles; Senior Environmental Health Officer Scott Teymant; Coordinator Safer Vincent Michael Wood; Councillors Messina, Lake, Burns, Maier, Youngman; Liquor Enforcement Division - A/Sergeant Starkie; Flying Scotsman, Chris and Leonie Vivian; Residents and Business representatives - Nigel Chartret; Patricia Sinclair; Affie Karaus; G. Ognis; Robert O'Brien; Kerry Leen; Ray Weeks; Eryic Matusik; Bruce Affleck; Jonathon Griffiths; Gina Securo; Mike Grant; Karen Way; Lindy Markes; Haydn Robinson; Andrew Greenfield; Phillip Smith; James Spencer; Michelle Mok; Stuart Irving; Trevor Atkins; Shawn Offer; Diane Grant; Anna Pierucci; Janice Miller; Anton Mazandarani; DP Amdreios; M A' Aurizio; Dean Schulze; Denise Morgan; Eugene Lee; Damian Newnham; Mark Patterson; Anthony Einfeld; and Hugh MacMahon.

Apologies: CEO John Giorgi (from 7:15pm) and Deputy Mayor Steed Farrell (from 7:15pm) who attended late due to prior meeting arrangements. Cr Ian Ker (approved leave of absence); Director Technical Services Rick Lotznicker.

The Meeting was officially opened, at 6:04pm, by the Mayor of the Town of Vincent, Nick Catania, who welcomed everyone to the forum and outlined the reasons for calling the meeting, as follows:

At the Ordinary Meeting of Council, on Tuesday 14 April 2009, the Council resolved, as part of its consideration of an Extended Trading Permit Application, from the Flying Scotsman, 639 - 643 Beaufort Street, Mount Lawley, to hold a Public Meeting to discuss the concerns of residents, Police and other businesses, with the management of the licences venue.

The Mayor then asked the Director Development Services to provide an overview of the current situation, the concerns that had been expressed to the Town and a brief explanation of the way that the meeting would be conducted.

Rob Boardman – Director Development Services (DDS)

Used a brief power-point presentation to provide an outline of the information that had been provided to the Council, as part of the public consultation process he listed the broad areas of concern including but not limited to; littering, noise, parking, hoon driving, public drinking, fighting, anti social behaviour and criminal damage. Mr Boardman explained the council had deferred the original application due to limited public consultation to allow for greater community input into their application.

The DDS also outlined the background relating to the Flying Scotsman Extended Trading Permit Application as outlined below:

- The proprietor of the Flying Scotsman applied to the Department of Racing, Gaming and Liquor (DRGL) for an Extended Trading Permit to trade until 2.00am from Monday to Saturday and until 12 Midnight on Sunday (for various parts of the premises).
- The Town received notice of this application from DRGL on 5 March 2009. A limited timeframe for comment was made available as the application was erroneously sent to the neighbouring City of Stirling.
- Community consultation was made to property owners and occupiers within a 200 metre radius of the Flying Scotsman. One support and twelve objections were received. Objections related to littering, security, noise, parking, anti-social behaviour, street drinking and hoon driving.
- The application was reported to the Ordinary Meeting of the Council (OMC) of the Town of Vincent on 24 March 2009.

The matter was originally heard at the Town of Vincent Council meeting on the 24 March. Council requested Deferral of this Item to allow 'procedural fairness' for the licensee, Town and objectors; due to there being insufficient time and to ensure that objections could be properly investigated.

Council resolved *"that the Town calls a public meeting of the licensee of the Flying Scotsman Tavern, ratepayers, residents, all proprietors of other licensed premises and other interested late trading business proprietors to discuss parking issues and alleged antisocial behaviour in the Mt Lawley Precinct (including an invitation to those located in the City of Stirling)"*

The Department of Racing, Gaming and Liquor granted an extension until 30 April 2009 for comment from the Town. The DDS also outlined the areas that would be affected by this application.

The DDS outlined that a previous Extended Trading Permit application was made by the Flying Scotsman in June 2007. Residents raised concerns about parking in Grosvenor Road. A parking survey carried out in July 2007 at varying times between 5.30pm and 11pm. The survey found that there was always parking available.

A similar survey, east of Beaufort Street was taken following Forrest Park Issues. The Results of the surveys were very similar to those west of Beaufort Street.

The Rangers check this area regularly. A total of 592 infringements have been issued in this area since the 1st July 2008. This equates to 14 infringements per week. The Town has received 51 daytime complaints and 48 after hour's complaints since the 1st July 2009. 11 of these complaints may relate to the Flying Scotsman.

The DDS outlined the parking areas available in the area as demonstrated below:

- Barlee Street Car Park provides 47 car park bays. Day and night parking is provided with one hour free in the daytime.
- Chelmsford Road Car Park provides 56 car park bays. Day parking is part free for 2 hours the paid. Night time parking is free of charge.
- Ragland Road Car Park provides 95 car park bays. Day is part free 2 hours, free ¼ hours and paid. Night time parking is free.

There are also numerous areas of on street parking available.

The Ranger Services have and continue to received complaints about people fighting in car park, people talking loudly in street, car doors banging, car radios blaring, tyres screeching, damage to letterboxes, etc, litter being dumped in gardens and broken glass (bottles) on roads. Identified parking problems are dealt with by the Ranger on duty. It is very difficult to relate the occurrences to patrons of the Flying Scotsman.

The Health Services area of the Town of Vincent has received two complaints since the 1st January 2008 which relate to anti-social behaviour and patron noise from the Flying Scotsman. These complaints have been logged on the Licensed Premises Complaints Register. Nearly 40 complaints have been logged in the whole Town during this time between 27 licensed premises.

The Town employs officers who are authorised to investigate amplified music noise from Licensed Premises. The Town has not observed non-compliance with the *Environmental Protection (Noise) Regulations 1997* from this venue. Noise associated with anti-social behaviour and hoon driving is investigated by WA Police.

Acting Sergeant Starkie - Police Liquor Enforcement Unit (LED)

Introduced himself and his department. He outlined the Liquor Licensing Enforcement Division was a relatively new section to the WA Police Service and outlined their role.

He outlined that there were in fact two ETP applications in for consideration. One permit was for the renewal of the downstairs area and the other application was for the extension of trading hours for the new upstairs area.

A/Sgt Starkie informed the meeting that through consultation with the licensee, the Police would support an application for an ETP for the upstairs area only, therefore the downstairs area would close at midnight and the crowds would disperse in smaller numbers.

A/Sgt Starkie informed the meeting that the police had recorded 8 occurrences since January 2009, these mainly relating to thefts from motor vehicles, tagging/graffiti and fighting. None of these occurrences can be directly linked to the Flying Scotsman.

Parking could be seen as being an issue in the area, but again with the amount of businesses operating in the area, this problem could not be solely contributory to the Flying Scotsman.

A/Sgt Starkie informed there was currently no conditions set down but if a ETP was granted conditions should be placed on the permit particularly relating to security and CCTV.

The lighting in the back car park was also seen to be insufficient and was under the impression that the licensee is in the process of addressing this.

Chris Vivian – Licensee Flying Scotsman

Mr Vivian clarified that the original application was from Wednesday to Saturday until 2am and from Sunday 10pm until midnight. Mr Vivian expressed that he did not believe parking to be a problem and would only be his problem once the ETP kicked in as the hotel is allowed to trade until midnight. The Hotel carries out noise checks on a regular basis which involves his staff walking up and down the street to ensure appropriate noise levels. Documentation of this is kept and can be supplied if required. Mr Vivian outlined that his hotel was the public toilets of the district and outlined that he provides clean amenities with clean water, toilet paper, soap, etc. The Hotel is currently looking to upgrade the lighting to the back car park. Mr Vivian stated that he disputes most of the problems and expressed that the hotel does its best to resolve any problems as they occur.

Nick Catania – Mayor Town of Vincent

Responded to Mr Vivian's' comments stating that parking was a problem in the area and has always been a problem in the area due to the large volume of traffic. He pointed out that this was however not solely directed to the Flying Scotsman.

Anna Pierucci – 4 Vincent Street, Mount Lawley

Asked how many Rangers the Town employed and expressed her disappointment of the lack of service she receives from the Town. She wants to know why she can't get a Ranger when people are parking on her verge, fighting in the street, urinating and being disorderly

Nick Catania – Mayor Town of Vincent

Outlined that Rangers were not responsible for security issues including anti social behaviour, this is a matter for the Police.

The Town employs 9 Shift Rangers from 7am until 8pm Monday to Tuesday and until midnight from Wednesday through until Sunday. He outlined that the Town only had two rangers on duty in the evening until midnight and they had the whole of the Town to cover. Mr MacLean reiterated that Rangers deal with issues relating to dogs, litter, parking, etc, not security and not police issues.

Denise Morgan 3 Raglan Road, Mount Lawley

Resident of the Town of Vincent for 15 years and questioned what the proposed use of the upstairs area was? She also commented on the proposed installation of a floodlight in the car park stating that this would not help her amenity as she already feels her house is well lit up at night. Denise also mentioned that she had just moved home after her house was being renovated for 6 months. She stated that the parking was noticeably worse in the area but also did mention that this was not solely caused by the Flying Scotsman.

Rob Boardman – Director Development Services (DDS)

Any additional lighting will need to comply with Council Specifications and not affect the amenity of nearby residences.

Chris Vivian – Licensee Flying Scotsman

The upstairs area will be predominantly used as a cocktail bar, function area and will cater for a maximum of 200 people.

Denise Morgan 3 Raglan Road, Mount Lawley

Commented, Noise is not a problem and the hotel does a good job managing this. The anti social behaviour is however a problem. If I complained to the Police every time something occurred I would not sleep.

Dean Shulze – 647 Beaufort Street, Mount Lawley (24 Hr Chemist)

Requested clarification from Chris Vivian re: comments he made that the Chemist complained about people using drugs and syringes behind the hotel. He stated the chemist had made no such complaints. Dean also outlined problems they had with antisocial behaviour with people coming into the Chemist and fighting,etc. Parking was also relayed to be a problem as his customers often were forced to drop someone off then drive around in circles whilst they waited for a script.

Chris Vivian – Licensee Flying Scotsman

Advised comments regarding the use of drugs and syringes had nothing to do with the chemist.

Eugene Lee – 24 Grosvenor Road, Mount Lawley

Provided photos for Councillors to review which were taken some weeks ago. Mr Lee outlined he had been a resident for 18 years. He commented that noise had been reduced over the years and feels that the current trading is ok. Mr Lee stated that he felt deserted by the Council and does not feel this is Chris's fault. Rubbish and smashed glass is always littering the area and is not being cleaned up. He also commented that Police were there night after night and people were often drinking in the car parks before they go into the venues. Mr Lee felt that extending trading hours would make the problem a lot worse.

Nick Catania – Mayor Town of Vincent

Mr Catania agreed with Mr Lee that people would often drink before entering a licensed venue to save money. The number of people allowed onto the premises was clarified with the total being 250 people permitted downstairs and 200 people being permitted upstairs.

Acting Sergeant Starkie - Police Liquor Enforcement Unit (LED)

A/Sgt Starkie informed the meeting that they have no control on the number of persons allowed onto licensed premises. This is not enforced by the Police.

Rob Boardman – Director Development Services (DDS)

The DDS stated that if there was a breach on the number of persons in the hotel the Council was empowered to take legal action. Mr Boardman also confirmed the number allowed onto the premises being 200 upstairs and 250 downstairs. This number is set by the Town of Vincent in accordance with the *Health (Public Buildings) Regulations 1992*.

Nick Catania – Mayor Town of Vincent

Suggested the Town should look at broken glass on footpaths and engage street sweeping teams.

Jonathon Griffiths – Resident

Commented that people were urinating in public not because there weren't toilets available but because they were so intoxicated that they had forgotten what a toilet was.

Acting Sergeant Starkie - Police Liquor Enforcement Unit (LED)

Outlined that all night venues suffered similar problems and other venues contribute to the problem. He outlined that Police could only act if they had sufficient evidence. He suggested that all residents keep a diary of events and record this as this is evidence.

A/Sgt Starkie also commented on a personal view that by having the downstairs area closed at midnight, the Hotel would be able to better manage its patrons by directing them upstairs to continue on until 2am. The upstairs area is very upmarket and will mean patrons will have limited contact with people on the street and will also discourage people to enter the hotel after 12am.

Nick Catania – Mayor Town of Vincent

Outlined that the Flying Scotsman has had a ETP since 1995.

James Spencer – Luxe Bar

James has observed the Mount Lawley area grow over the past five years in comparison to Melbourne. He commented that whilst the area has grown over the past 5 years he has not seen any additional parking installed. James also added that ETP were beneficial as they allowed the crowds to disperse in smaller numbers.

Nick Catania – Mayor Town of Vincent

Mr Catania commented that anti-social behaviour was caused by people who come out of venues drunk. This is because of the irresponsible serving of alcohol. The Town will support the Police and if venues are responsible in serving alcohol then we will avoid these problems.

Patricia Sinclair – 23 Grosvenor Road, Mount Lawley

Patricia asked why parking couldn't be restricted to residents of the street. Most people do not like phoning the Police as by the time they get here there is nothing they can do.

Manager – Flying Scotsman

The manager responded to comments from the Mayor stating they are very responsible when it comes to serving alcohol. Unfortunately we have had a number of staff changes, however this is settling. We are providing lots of training to our staff and even conducting role plays. The bar managers also have radio contact with door staff. The Flying Scotsman does not encourage the irresponsible serving of alcohol.

Nick Catania – Mayor Town of Vincent

Mr Catania stated he was not referring his comments solely to the Flying Scotsman. He also indicated that he was glad to hear the steps being taken by the hotel.

Anthony Einfield - Bourke Street, Leederville

Stated people serving alcohol can be held personally responsible and fined for the irresponsible serving of alcohol. He commented that if a person needed to be ejected then this was to be done immediately although it is probably safer that the person stays on the premises. Mr Einfield also raised concerns about the lack of transport in and out of the area with there being no train system and Taxis being tied up in the Northbridge precinct.

Anna Pierucci – 4 Vincent Street, Mount Lawley

Ms Pierucci addressed that whenever she had visitors she could not find parking for them and was forced to park in the street so that her visitors can park on her property. Cars are parking for free and Rangers are never around to address issues.

Rob Boardman – Director Development Services (DDS)

DDS informed the meeting that Luxmore Parking Consultants have been employed by the Town of Vincent to investigate these issues and comment on possible solutions and parking management plans.

Nick Catania – Mayor Town of Vincent

Mr Catania commented that the Town did not want to be compared with Northbridge.

Denise Morgan 3 Raglan Road, Mount Lawley

Ms Morgan commented that people are coming in late and are not looking for the car parks. The streets are full but the car parks are often empty.

Mike Grant – Chelmsford Road

Mr Grant commented re: the noise coming from the hoon drivers in the area. Mr Grant would like to see more Police in the area. He also advised that cars are driving the wrong way up the one way designated Chelmsford Road.

Bruce Affleck – 24 Hour Chemist

Mr Affleck said that beyond 8pm parking in the Raglan Road car park is free, however there are no short term parking areas. Cars visiting the chemist can often not find parking.

Anton Mazandarani – Patron of the Flying Scotsman

Mr Mazandarani has been a patron of the flying Scotsman for some seven years and also a DJ at Capitol where they hold a capacity of 800. Mr Mazandarani commented that he has never seen a fight in the Flying Scotsman in all his years of patronage. In Murray Street he would see a least 3 fights on a Saturday night. The Flying Scotsman attracts such great people and provides a good, safe service. It is also a central hub for students from ECU. Mr Mazandarani suggested restrictions on car parks and on residential streets.

Andrew Greenfield – 67 Barlee Street, Mount Lawley

Mr Greenfield commented on the survey carried out by the Town stating it was done in the middle of winter. Suggest the survey be carried out in summer when people are out and about. Mr Greenfield also suggested a public toilet be installed in the Mount Lawley precinct.

Kerry Leen – 16 Roy Street, Mount Lawley

Kerry commented that Mount Lawley is a great place to live and one of the reasons for that is because of all the businesses around. He commented that Roy Street is often used throughout the day by delivery trucks and visitors. Kerry has requested resident parking only from 6pm.

Sally Lake – Councillor and Resident Town of Vincent

Councillor Lake requested clarification on the permits the Flying Scotsman is applying for?

Chris Vivian – Licensee Flying Scotsman

Chris stated that he would prefer to disperse people downstairs than allow people entry to the upstairs area provided they are sober. Around 11.30 pm a lot of patrons will disperse to Northbridge so would be happy to close the bottom section at midnight.

Sean – Fresh Provisions

Sean commented that his business is no longer operating 24 hours. He requested the Flying Scotsman policy on serving shooters and cocktails. Sean also asked why the Flying Scotsman had to negotiate the ETP and why the Town had not issued 14 parking tickets a day as compared to the earlier mentioned figures? Sean believes that there are far too many businesses in the area. Further attention by Rangers was also requested.

Acting Sergeant Starkie - Police Liquor Enforcement Unit (LED)

A/Sgt Starkie again voiced that offering a ETP upstairs only made it better for the Hotel to manage and control their patrons. Upstairs area is also sound proof and the design of the top balcony, limits interaction with patrons and people passing by on the streets. The Police have had undercover officers operating in the hotel recently and found no issues relating to the responsible service of alcohol (RSA).

Rob Boardman – Director Development Services (DDS)

Mr Boardman commented that Ranger resourcing is being addressed. Temporary Rangers are also employed for events and extensive overtime shifts are taken on by our staff. This includes Rangers working beyond midnight.

Joint operations with the Town of Vincent and the WA Police have occurred and will continue in the future.

An undertaking was made to have a full time Ranger in the Mount Lawley area during the day time and increase patrols on weekends and at night.

Stuart Irving – 674 Beaufort Street, Mount Lawley

Mr Irving addressed his concerns regarding parking as he struggles to understand how the Flying Scotsman can make more space but yet they only provide 5 car parking bays. Mr Irving accepts that inner city living has an aspect of antisocial behaviour and does not feel that residents will be successful in getting the ETP rejected.

Rob O'Brien – Silver leaf Investments

Mr O'Brien suggested people be issued with a free parking ticket to display the time they arrived then this would indicate the length of time that they have been there.

Rob Boardman – Director Development Services (DDS)

Luxmore Parking Consultants have been engaged to undertake an assessment of this area. They are very experienced and operate nationally and internationally.

Eric Matusik - 675A Beaufort Street, Mount Lawley

Eric has been a resident for 25 years and parking has always been a problem. Residents need consideration and I believe 1am should be the deadline. People need their sleep!

Ray Weeks – 55 Walcott Street, Mount Lawley

Mr Weeks advised he had been a resident of the town for over 60 years. He commented on the recent underground power installed in the area stating this had taken away some of the street lighting and had also unearthed some reticulation on verge. More lights are needed on the Vincent side. Mr Weeks indicated he was in favour of the Flying Scotsman and other businesses but feels that the enforcement agency spend most of the time passing the buck.

Rob Boardman – Director Development Services (DDS)

Michael Wood, Coordinator Safer Vincent, will take on board those comments.

In regard to the Flying Scotsman from the last reply received from the Director Liquor Licensing, the applicant was required to serve notice on schools, hospitals, police stations, etc and place an advertisement in the West Australian Newspaper. They are also required to do a letter drop in the vicinity to all residents within a 200m radius. A number of residents by show of hands did indicate that they had not received anything.

Chris Vivian – Licensee Flying Scotsman

All requirements have been addressed and in the time frame set down. My wife and cousin personally delivered letter to residents in the area, however not in an envelope and may have been disregarded as junk mail.

With there being no further matter for discussion, the meeting was closed at 8.10pm