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18 April 2018

The General Manager
Development Applications
Inner West Council

Attn: Atalay Bas

Application Number: D/2018/283367

Venue Details: Lazy Bones Lounge Restaurant and Bar
294 Marrickville Rd, Marrickville

Licence Particulars: LIQO624007703
On Premises – Restaurant
Licensee – Alexandra Heffernan

Application Details: Use of first and second floor of the premises as a licensed restaurant with live entertainment.

Applicant: EP&A Solutions Pty Ltd

Case Officer: Senior Constable Sian Morgan
Inner West Police Area Command

1. An application has been submitted by EP&A Solutions on behalf of Lazybones Lounge Restaurant and Bar at 294 Marrickville Rd, Marrickville relating to the use of both the first and second floor areas of the premises to be used as a licensed restaurant with live entertainment. The application also states a number of other requests to be considered as part of this application including; increasing patron capacity of the venue to 180 persons; and extension of a trial period relating to trading hours past 12 midnight on Thursday to Saturday.
2. The premises has current approval to operate as a licensed restaurant on only the second floor of the premises, with the first floor limited to sanitary facilities, as

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specified in condition 2 of modified consent 201300015, dated 1 July 2013.

The premises currently trades on both the first and second floors of the premises and to date, has not sought approval to modify this condition prior to extending trade to the first floor. The first floor bar area is used for live entertainment and functions and the venue routinely advertises live music acts performing in this area each weekend.

This use was identified through routine inspections and meetings with the venue operators in March 2018 where the Licensee was informed of the area's use being in contravention of council consent. The Licensee has defiantly continued to operate this space in contravention of the conditions.

3. The current patron capacity as stated in condition 5 of modified consent 201300015, dated 1 July 2013, specifies that the maximum number of patrons permitted in the premises at any one time is limited to 120 persons.

During routine business inspections performed by police it was noted that the venue has routinely exceeded these patron numbers with inspections on 7/6/2014, 19/7/2014, 14/6/2016, 20/8/2016, 29/12/2016, 25/2/2018 noting that there were approximately 135-150 patrons inside the venue. An inspection dated 13/8/2016 noted that the manager on duty supplied patron numbers at 160 however observations placed patron numbers at 200-250.

The venue consistently exceeds patron capacity limits and has shown an inability to monitor this issue or comply with this condition.

4. Trading hours for the venue are limited to 10.00am to 12 midnight Monday to Saturday including Public Holidays, and 10.00am to 10.00pm Sundays. A twelve (12) month trial period of extended trading hours was granted to include trading from 10.00am to 12 midnight Monday to Wednesday and Public Holidays, and 10.00am to 3.00am the following day Thursday to Saturday, as specified in condition 21 of modified consent 201300015, dated 1 July 2013. This trial period commenced in 2013 and ceased in 2014. No further application to extend this trial period was sought by the applicant.

The venue consistently operates until 3.00am on Thursday – Saturday with live bands performing on each of those nights. This breach was identified through routine inspections of the premises and meetings with the venue operators in March 2018. The Licensee has defiantly continued to operate in contravention of the specified condition.

5. The applicant refers to the venue as a "licensed restaurant with live entertainment" throughout this application, the venue Plan of Management (supplied with this application) describes the premises as "relaxed dining with live jazz". The Plan of Management further describes the objective of the venue as "high quality food in a relaxed environment created by live performance of jazz and ambient music".

Condition 3 of modified consent 201300015, dated 1 July 2013, states "the subject part of the premises being used exclusively as a restaurant with any entertainment provided within the premises being associated with restaurant use".

The venue routinely advertises and hosts a range of live music acts to perform in the venue in both the first and second floor areas. These acts range from jazz, blues-rock to alternative indie-rock. The venue charges a cover charge upon entry for all

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patrons and currently advertises for guests to pre-purchase tickets to an upcoming act; this is more consistent with a public entertainment venue.

During routine inspections by police it has been noted that the volume levels of the music were such that clear conversation was not able to be had with staff or other patrons. Most patrons were observed to be standing towards the stage area and not seated in a dining fashion. This is in contravention of the specified condition and music levels could not be considered to be “ambient” or “associated with restaurant use”.

6. With respect to the venue’s use as a restaurant, the plans submitted with modified consent 201300015, dated 1 July 2013, show the second floor of the venue only. These plans also show a number of chairs and tables throughout the area of the premises consistent with a dining room set up. Routine inspections have shown the venue is not set up as per plans, with the second floor bar configured as a performance space with low lying lounges surrounding an open plan area in front of the bar and stage.

Current plans submitted in association with this application show only lounges and low -lying coffee tables in both the first and second floor areas, with a large open plan area in front of the bar and stage area on the second floor. This area has consistently been observed to be used as a dancefloor when live music acts are performing.

The venue’s primary purpose is to operate as a restaurant; the *Liquor Act 2007* defines a restaurant as “premises (however described) in respect of which the primary purpose is the business of preparing and serving meals to the public”, further to this, the *Act* defines a meal as “a genuine meal consumed by a person at a dining table”. The venue is currently under investigation by this office for contraventions in this area.

7. The venue Plan of Management states a total of 15 lounges on the first floor and 25 lounges on the second floor (not including bar stools). Plans submitted with this application only show 12 lounges on the first floor and 24 lounges (not including bar stools) on the second floor. Allowing for a maximum of three persons per lounge, this amounts to a total of 120 persons (as per Plan of Management) or 108 persons (as per plans) to be seated at any one time. Allowing for a further 20 persons to be seated on bar stools, the venue appears to only cater for a maximum of 140 patrons as per details supplied in Plan of Management, or 128 patrons as per plans.

The venue has not provided sufficient information regarding the placement of the extra patrons to total 180 without a large proportion standing in an open area primarily near the stage on the second floor. This is in direct contravention of the *Liquor Act 2007* where patrons of a restaurant must be seated at dining tables.

8. Condition 22 of modified consent 201300015, dated 1 July 2013 states “no live entertainment being permitted within the premises between the hours of 12.00 midnight and 3.00am the following day Thursdays to Saturdays”. Further to this, the liquor licence relating to the venue states “All live music is to cease at 12.30am”.

The venue advertises and hosts live music acts seven days a week and promotes this as a core aspect of their business. Given that all live entertainment must cease at 12 midnight there is no clear reason for the venue to continue to operate post this time.

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9. The venue currently holds a Primary Service Authorisation as part of their liquor licence giving authority to sell alcohol without an accompanying meal between the hours of 10.00am and 12 midnight Monday to Saturday and 10.00am and 10.00pm Sundays. After 12 midnight any alcohol sold must be ancillary to a meal in accordance with *section 24(1) Liquor Act 2007*.

The venue supplied information to this office relating to food and beverage sales over a six month period in 2017/2018. The information indicates a 20%/80% split in favour of alcohol sales, suggesting that the venue is not promoting or providing the required level of food sales consistent with restaurant operations.

Should the venue operate after 12 midnight Police feel there would be a heightened risk of adverse alcohol related incidents linked to this venue.

10. A collation of incidents occurring after 12 midnight involving patrons inside or in the vicinity of the venue, or involving patrons after leaving the venue, shows a high number of adverse incidents which are affecting the amenity and safety of the local and wider community.

Since September 2013 there have been 36 adverse incidents linked to the venue, not including any licensing related inspections or breaches. Of those 36 incidents, 11 involved persons charged with drink driving offences and named the venue as their last place of consumption of alcohol. Nine incidents involved violence, the most recent incident occurring on 6/4/2018.

11. On 19 March 2018 Inner West Council issued a "*Notice of Proposed Order Pursuant to Schedule 5 and Part 6 of the Environmental Planning and Assessment Act 1979*" outlining that planning approval had not been complied with and directing compliance within a period of fourteen (14) days from the date of the notice, ending on 2 April 2018.

Further to this, the local council generally refrains from enforcement while there is an application in assessment stage relating to a premises unless there is an identifiable community amenity impact.

Since the beginning of 2018 alone, there have been 17 adverse incidents recorded including overt inspections and licensing interventions. Of those 17 incidents, 11 occurred after 12 midnight with seven of those involving instances of violence and intoxicated persons requiring police intervention. Involved parties were noted as being either moderately or well affected by alcohol.

Since the end of the compliance period on 2 April 2018 there have been two adverse incidents recorded, one involved a violent patron from the venue who assaulted the venue security guard and four police officers, and the other involved an intoxicated patron found vomiting on the ground after leaving the premises. These incidents occurred within 14 days of the compliance date and would amount to a serious impact on the amenity of the area and to the safety of the local community.

12. Police would like to note that the Licensee has been subject to several interventions for identified breaches of the *Liquor Act 2007* since taking over in 2013, with 12 verbal warnings and 6 infringements issued. The venue and Licensee are currently under investigation by Inner West Licensing Unit for continued breaches of the *Liquor Act* and Local Council Development Consent (subject of this application).

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13. Police have held meetings with the venue operators and Licensee to discuss the ongoing issues relating to their Local Council Development Consent and Liquor Licence conditions.

Police are supportive of the premises continuing to operate as a live music venue and are supportive in promoting the premises as a public entertainment venue, however, do not believe the premises is in compliance with their current liquor licence in its operations as a restaurant.

14. The venue has been in breach of Local Council Development Consent conditions for a number of years with no attempts made by the venue to rectify these issues until being raised by Police in February 2018. Further to this, no attempt has been made by the venue to bring itself into compliance following this notification, instead, all discussions with the venue operators have been met with defiance. The venue continues to operate in contravention of conditions 2, 3, 5 and 21 of modified consent 201300015, dated 1 July 2013.
15. The Licensee has been encouraged to change the venue liquor licence to that of an "On Premises – Public Entertainment Venue", however all advice has been met with hostility. Investigations are continuing into this area of their licence compliance.
16. Police **do not object** to the use of the first floor area being included in the use of this premises, however **strongly object** to the trading hours for the premises being extended past 12 midnight and the increased patron capacity due to the above outlined community impacts and continued compliance issues related to the venue.

If there are any further questions regarding the submission, please do not hesitate to contact this office via email at

Yours sincerely

Sian Morgan
Senior Constable
Licensing officer
Inner West Police Area Command
Date 18/04/2018

Mark Bazevski,
Sergeant
Supervisor, Inner West Licensing Unit,
Inner West Police Area Command.
Date 19/04/2018

J.Radmore
Detective Chief Inspector
Crime Manager,
Inner West Police Area Command
Date 19/04/2018



Independent Liquor & Gaming Authority

A statutory board established under the Gaming and Liquor Administration Act 2007

contact.us@liquorandgaming.nsw.gov.au
www.liquorandgaming.nsw.gov.au

Key liquor licence details recorded as at 13 March 2018

Licence number: LIQO624007703
Licence name: Lazybones Lounge Restaurant & Bar
Licence type: Liquor - on-premises licence
Business type: Restaurant
Licence status: Current
Duration: Unlimited duration
Licence start date: 03/09/1999
Licence expiry date:

Licensee

Title: Ms
Surname: Heffernan
Given name: Alexandra
Middle name: Clemency
Website:
Phone - daytime:
Mobile: **Fax number:**
Email address
Start date: 21/06/2013

Premises

Address: 1st & 2nd Floors 294 Marrickville Rd MARRICKVILLE NSW 2204
Phone number: **Fax number:**
Email address:
Website:
LGA: Inner West Council
ABS SLA:
Start date: 03/09/1999

Authorisations

Name: Primary service authorisation **Start date:** 28/02/2014
Name: Extended trading authorisation **Start date:** 01/07/2008

Trading Hours

Consumption on premises

Day	Start Time	End Time	Start Date	End Date
Monday	05:00 AM	- 12:00 midnight	01/07/2008	
Tuesday	05:00 AM	- 12:00 midnight	01/07/2008	

Licence number: LIQO624007703

Date Printed: 13/03/2018

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Wednesday	05:00 AM	- 12:00 midnight	01/07/2008
Thursday	05:00 AM	- 03:00 AM	01/07/2008
Friday	05:00 AM	- 03:00 AM	01/07/2008
Saturday	05:00 AM	- 03:00 AM	01/07/2008
Sunday	10:00 AM	- 10:00 PM	01/07/2008

Primary service authorisation: Consumption on premises - Area: 2nd Floor of the licensed premises

Day	Start Time	End Time	Start Date	End Date
Monday	10:00 AM	- 12:00 midnight	28/02/2014	
Tuesday	10:00 AM	- 12:00 midnight	28/02/2014	
Wednesday	10:00 AM	- 12:00 midnight	28/02/2014	
Thursday	10:00 AM	- 12:00 midnight	28/02/2014	
Friday	10:00 AM	- 12:00 midnight	28/02/2014	
Saturday	10:00 AM	- 12:00 midnight	28/02/2014	
Sunday	10:00 AM	- 10:00 PM	28/02/2014	

Conditions

Licence conditions imposed by the Liquor Act and Regulation apply. To view a copy of these conditions, go to www.liquorandgaming.nsw.gov.au.

Additional licence conditions.

Condition type:	Condition	Condition source:	Liquor Act 2007
Reference:	101		
Condition:	Consumption on premises		
	Good Friday	12:00 noon - 10:00 PM	(liquor can only be served with or ancillary to a meal in a dining area)
	Christmas Day	12:00 noon - 10:00 PM	(liquor can only be served with or ancillary to a meal in a dining area)
	December 31st	Normal opening time until normal closing time or 2:00 AM on New Year's Day, whichever is the later	

Note: Trading is also allowed at other times on Good Friday and Christmas Day if authorised by an extended trading authorisation. Liquor can only be served with or ancillary to a meal in a dining area after 5:00 AM on Good Friday and Christmas Day.

Start date: 28/10/2009

Condition type:	Condition	Condition source:	Authority
Reference:	210		
Condition:	All live music is to cease at 12:30 am and all windows facing Marrickville Lane being locked and closed during the extended hours of operation.		
Start date:	01/07/2008		

Condition type:	Condition	Condition source:	Authority
Reference:	220		
Condition:	The licence is not to be exercised other than in accordance with the hours permitted by Council.		
Start date:	01/07/2008		

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Condition type: Condition **Condition source:** Authority
Applies to: Primary service authorisation
Reference: 2015
Condition: The business authorised by this licence must not operate with a greater overall level of social impact on the well being of the local and broader community than what could be reasonably expected from the information contained in the Community Impact Statement, Application and other information submitted in the process of obtaining the primary service authorisation.
Start date: 28/02/2014

Condition type: Condition **Condition source:** Authority
Applies to: Primary service authorisation
Reference: 3010
Condition: The primary service authorisation can only be exercised in the specified area of the licensed premises while a development consent is in place and is in force.
Start date: 28/02/2014

Condition type: Condition **Condition source:** Authority
Reference: 3020
Condition: Staff employed by the licensed premises are to be responsible for ensuring that patrons of the licensed premises do not loiter or linger in the surrounding area or cause nuisance or annoyance to the neighbourhood. Staff is also to ensure the footpaths surrounding the licensed premises is kept clear of rubbish and debris at all times.
Start date: 28/02/2014

Condition type: Condition **Condition source:** Authority
Reference: 3030
Condition: No footpath seating is to be employed at any time.
Start date: 28/02/2014

Condition type: Condition **Condition source:** Authority
Reference: 3040
Condition: The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 07:00 am and 12:00 midnight at the boundary of any affected residence.
The LA10* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 07:00 am at the boundary of any affected residence.
Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.
* For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.
Start date: 28/02/2014

Condition type: Condition **Condition source:** Authority
Reference: 3050
Condition: All doors and windows are to be in the closed position after 9pm on any day of trade to minimise the noise being emitted from the premises.
Start date: 28/02/2014

Condition type: Condition **Condition source:** Authority
Reference: 3060
Condition: No amusement machines such as Pinball, Pool/Snooker Tables, Chance Games or Gaming Facilities are to be employed at any time within the licensed premises.

Start date: 28/02/2014

Condition type: Condition **Condition source:** Authority
Reference: 3070
Condition: A designated taxi phone or taxi service is to be employed by the venue at all times of trade.
Start date: 28/02/2014

Condition type: Condition **Condition source:** Authority
Reference: 3080
Condition: No strobe, intermittent or blinking lights are to be employed at the premises at any time.
Start date: 28/02/2014

Condition type: Condition **Condition source:** Authority
Reference: 3090
Condition: The licensee or it's representative must join and be an active participant in the local liquor accord.
Start date: 28/02/2014

Condition type: Condition **Condition source:** Authority
Reference: 3100
Condition: Signs are to be installed within the restaurant at each exit from the building which state:
 i) There are dwellings within the close proximity of the Restaurant.
 ii) Patrons are requested to enter and leave the Restaurant in a quiet and orderly manner to protect the amenity of the surrounding residential neighbourhood.
Start date: 28/02/2014

Business owner

Organisation name: NELSON 1963 PTY LTD
ABN: 86 159 064 712 **ACN:** 159 064 712
Phone - daytime: **Fax number:**
Email address:
Website:
Business address: 294 Marrickville Rd MARRICKVILLE NSW 2204
Postal address: 294 Marrickville Rd MARRICKVILLE NSW 2204
Start date: 21/06/2013

This licence is subject to a risk-based fee, payable annually. If the fee is not paid on time, the licence will be suspended or cancelled. Visit <https://www.onegov.nsw.gov.au/licencecheck> to find out the status of the licence.

Subject:

LBs refute the police submissions

Below are some points I sent to our town planner refuting the police DA submissions & I've also added our bar manager's points (in red).

2. The Licensee is under the understanding that the council endorses the use of L1 unanimously & all paperwork is in.

With councils consent. See Letter from Darcy Burns, See Minutes from council meeting.

3. The figure of 160ppl would have been patrons throughout the night, not in there at once. There have never been >200 patrons in there at once. Lazybones owners would love the restaurant bar to be this busy. We are lucky to have 180ppl throughout the weekend nights (transient, not at once). We often have under 100ppl throughout the night. Those figures are preposterous.

6 dates at 135-150 patrons. Guesstimates. No evidence supplied. No warnings issued. Discrepancy of 15, feasible could also be down which would make the number 120

Discrepancy of 50 people, again not based in fact, 50 people is a lot to give (and not take).

Over crowding is a serious breach of license, yet they are guessing at numbers.

You cant charge people with speeding by saying " i think you were doing 120 -150 kmh" to make a charge or accusation exact figures are needed.

4. We are of the understanding that the council appreciate we got busy running a small business (& young family) & forgot about the DA & to reapply . The council endorse the use of both L1 & L2 as per the liquor license hours & all paperwork is in.

With councils consent. See Letter from Darcy Burns, See Minutes from council meeting.

5. The owners got busy running a business & realised that to be viable, they would have to broaden the genre of music. They had planned on playing jazz, however, this was not paying the bills. Other musicians wanted to play at LBs, therefore, not ones to discriminate & they let them play. They don't allow rock, metal, garage or any 'loud' bands.

Actually they rarely have pre sales. Bands take the whole door & they are allowed to have pre sale if they like, it's no different to booking a table at a restaurant.

License states live music must end at midnight, not that we can't have live music.

Doesn't say anywhere that patrons can't stand

6. Plans were submitted by original town planner before fit out was completed. This was unintentional & after speaking with Liquor & Gaming Office, this is irrelevant to them.

Lazybones does not have a dance floor, staff can't stop patrons from dancing & management do not wish to. It's a place to relax & have fun, not to be told, 'do not move to the beat'.

Lazybones is a restaurant, we have always had kitchen staff including chefs & a full menus. Plenty of restaurants do not have 'dining' tables. This is ignorant.....& an opinion.

No mention of the PSA in place. Again definitions of dining table.

7. It's ignorant & insulting to assume that all restaurants must be have dining tables. We know of restaurants that have coffee tables & people sit on the floor, there are some civilised cultures that use their hands to eat, there are plenty of lounge restaurants in Melbourne.

Lazybones has a PSA (Primary Service Authorisation) which means that people do not have to eat with a drink. This ends at midnight & at this point, pizzas are included with every drink purchase.

People are able to dine standing up as we have plenty of finger food/canapés. During functions while guests are on their feet mingling, staff pass the food around on trays. Lazybones most certainly is a restaurant.

Restaurants have bar areas and reception areas, ours are just combined in the one room.

8. Bands finish at midnight with a DJ 'til close. This is included in most blurbs not that I can see the relevance in this weak statement!!

Lazybones is known for a place to come to late & grab some food. It's great to see people sitting around, chatting, eating pizza with (recorded) music on. Yes, Lazybones advertises the bands, why have live music on to attract people & not advertise this! Yes they finish at midnight & a DJ 'til close. If it pleases the police like we can start advertising DJ til late more prominently!!

We operate as a restaurant/bar at all hours, I fail to see the relevance of this statement.

Our business model includes more than live music,

9. This is incorrect. The police are aware that:

In reality, food \$\$ should be higher as often food shouts such as late night pizza are not rung up.

Beverage includes non alcoholic drinks such as juices, red bull, ginger beer, lemon lime & bitters, other soft drinks, coffee, mocktails etc.

The fact is we push food & everyone coming after midnight must pay for pizza.

we already trade after midnight, where would the heightened risk come from.

4 drink per person per meal 80/20, i would suspect the same for most BUSY restaurants

10. LBs is actually decreasing the number of alcohol incidents. People are eating & drinking less. If they went elsewhere they would drink more & eat nothing.

Irrelevant where the person drank.....

If we are held accountable for drink drivers, should the alcohol suppliers be also held accountable, the alcohol makers for making the alcohol. the car manufactures for making the car, NSW government for issuing the license At what point does our duty of care end?

What time were these people charged with drink driving? Where were they charged?

11. irrelevant where ppl drink. At LBs they are monitored & fed. At home, who knows what may happen. Alcohol is legal.

People need education, not venues taken away.

So "overt inspections and licensing interventions" are considered adverse incidents.

In section 10 she claims 36 incidents since September 2013 (54 months to April 2018) and 17 (using police walk through to bloat that figure) in the 31/2 months of 2018 (submission dated 18/4/18)

9 incidents of violence in 54 months, 7 in 3 1/2 months of 2018 so 2 between Sept 2013 and Jan 2018. Mudding the figures for a more dramatic reading.

Show Proof of ALL these incidents dont pick and choose for your benefit

The security guard was not assaulted and only 1 police officer was assaulted. They patron was also removed from the venue and calm (being offered money for a taxi home.) before the police arrived (just happened to be driving past) the police assault happened under there control and supervision. I believe there was only 3 officers as well.

Again sensationalized for dramatic effect. Half truth and out right lies.

Ummm vomiting patron? Where? Did they have a pie from 7/11, late night kebab?,on anti biotics? been sick? were these questions asked?

if safety of the local community was an issue, there would have been more objections to the DA, the council would not have supported us.

12. 6 infringements? I count 5. Mentioned in previous email. petty petty stuff. 12 verbals? I doubt this, any verbals would have been even pettier like front door open or Level 1 door open.

Under investigation? Nothing has been served.

Only council can investigate us for DA breaches. Of those 6 breaches have any been of major importance like over crowding, kitchen closed? (incident register not filled out, door open etc are very minor offences that most if not all venues accrue over 5 years of operations. Police have to justify their pay somehow)

13. actually LBs owners called the meeting, wanted to chat with one officer, got ambushed with 3 & bullied by 2. Police have nothing substantial, they are harassing us every weekend. We have explained that we want to be a restaurant & serve food. We are not interested in being a night club as they wish us to be. This is police opinion only & incorrect.

Covering their bases to all the noise and media coverage over live music.

14. owners were ignorant of hours breach, was not intentional. Lvl 1 was applied for in 2017 but not seen to as councils merged – ?

As allowed by Julie Donohue current supervisor of campbelltown LAC for 3 years when with marrickville licensing and Mark Bazevski current supervisor of Inner west licensing unit for 1 year when with marrickville licensing and inner west council at all times.

15. LBs practise RSA therefore will remain a restaurant. Licensee recommends police go out & catch a crook. Police harass LBs every WE. since 9.3, they have come in on both Fri & Sat nights except for 5 nights. Police walk throughs: 9.3, 10.3, 16.3, 23.3, 24.3, 29.3, 31.3, (closed Good Fri 30.3 so 29.3 was like a Fri), 6.4, 7.4, 14.4, 5.5, 11.5 (twice), 12.5 (did not enter, warning regarding smokers)

Here are some examples of harassing customers:

Last month

A Police Officer asked a group if they had booked the tables and if they had food. The customer replied that they had booked out the 3 tables at the back and had ordered food.

Customers have asked them questions, ' why are you here' ' why are you filming' To which they have reply " licensing issues"

This is false, we have no licensing issues.

Another customer emailed me in early April & has given permission to use this & her name:

I wanted to thank you, Mark (*LBs chef*) and all your staff for an amazing night on Saturday. The food was delicious, the cake was HUUUGE, and your bar staff were really lovely.

There was a walk through by police at the later part of the evening, and they told me that they were taking photos of my guests, owing to a circumvention of the restaurant licensing. I told them that food was carefully planned with Lazybones to match (and indeed exceed) the number of people invited, and that there was more than adequate food still available, as it had come out throughout the night. If needs be, we have a photo of the police taking photos, with pizza lining the bar in clear view behind them. Let me know if you need this. I hope that they finally stop hassling you all – it's a great venue.

Mark Bazevski who also signed the doc was Marrickville Police's licensing officer for a few years & never had a problem with us.

2 out of 3 of the Marrickville police licensing officers have been great. Carol Rae gave us the 4 fines & she was moved on. Sian Morgan is from Newtown.

I notice some of this report was written from looking at our FB page & the application not from what happens at the restaurant. Whenever they have visited, they have seen people eating & food being prepared & served.

I would have thought restaurant vs nightclub a licensing issue, not a DA issue so not sure why it's being brought up now...