

**Liquor Commission of Western Australia
(Liquor Control Act 1988)**

Applicant: Claudius Holdings Pty Ltd

Premises: Caffe Spiaggia

Commission: Mr Eddie Watling (Deputy Chairperson)
Mr Greg Joyce
Ms Karen Lang

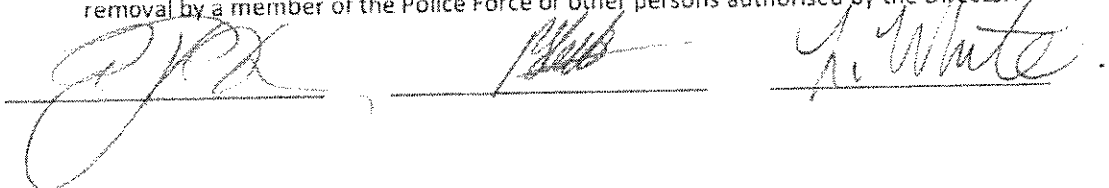
Date of Determination: 1 October 2009

Determination (by consent):

On 24 March, 2009 the Director Liquor Licensing conditionally granted the Small Bar License Number 6340123613 and imposed conditions thereon (decision A192413). The Applicant and the Interveners agree to those conditions being removed from the license and the following substituted conditions being placed thereon in lieu.

Conditions sought to be substituted

1. The maximum number of patrons permitted to be within the area marked on the plan as "Alfresco" and delineated in Red (but excluding the area marked on the plan as "Entrance" and delineated in Green) must not exceed 60 at any time.
2. At all times the premises must be set up with tables and chairs for dining and hot and cold food is to be available.
3. Neat Casual dress at all times. Footwear must be worn at all times and no thongs to be worn in the premises after 7:00 pm. No singlets, ripped clothing or torn clothing to be worn at any time in the premises.
4. Alcohol may only be consumed by persons within the area marked on the plan as "Entrance" and delineated in Green whilst they are seated at tables.
5. The sale of liquor in jugs and the sale of shooters in shots are to cease 30 minutes prior to closing.
6. A video surveillance (CCTV) system must be in place and operational. The system must comply with the minimum requirements identified in the "Minimum Standards – Closed Circuit Television (CCTV) Security System" Policy or with the requirements otherwise approved by the licensing authority. The system is to provide cameras at the locations depicted on the CCTV Plan and is to record continuous images of all coverage areas depicted in Black shading on the CCTV plan of the premises during all trading times and until 1 hour after trading ceases. Images recorded via the video surveillance system must be retained for a minimum of 30 days, and must be made available for viewing for removal by a member of the Police Force or other persons authorised by the Director.



7. Entertainment Conditions:

- i) No live rock bands are to perform at the premises at any time.
- ii) Other live music falling into the categories of either:-
 - a) a folk, jazz, blues or other band that is not a rock band (with a maximum of 6 (including singers), with no more than 4 being musicians),
 - b) acoustic guitar and/or singer(s) (with a maximum of 3),

is permissible subject to the condition that any noise created/emitted should not exceed the *assigned Noise Levels* relating to the locality as set by the City of Stirling Council (which may be amended from time to time) under the *Environmental Protection (Noise) Regulations 1997* (or any other superseding statutory instrument).

- iii) Pre-recorded low-level background music is permissible subject to the condition that any noise created/emitted should not exceed the *assigned Noise Levels* relating to the locality as set by the City of Stirling Council (which may be amended from time to time) under the *Environmental Protection (Noise) Regulations 1997* (or any other superseding statutory instrument).
- iv) The projection of speakers playing music directly into the two alfresco areas marked as "Alfresco" (delineated in Red) and "Entrance" (Delineated in Green) is restricted to low-level background music only.

8. Condition 7 does not apply to the premises for the purposes of participation in the *Summerset Festival* or other community event conducted by the City of Stirling to the extent that compliance with this condition is relaxed in writing by the City of Stirling.

Applicant

Dated: 22/9/09

Counsel for the Commissioner

Dated: 22 SEP 09

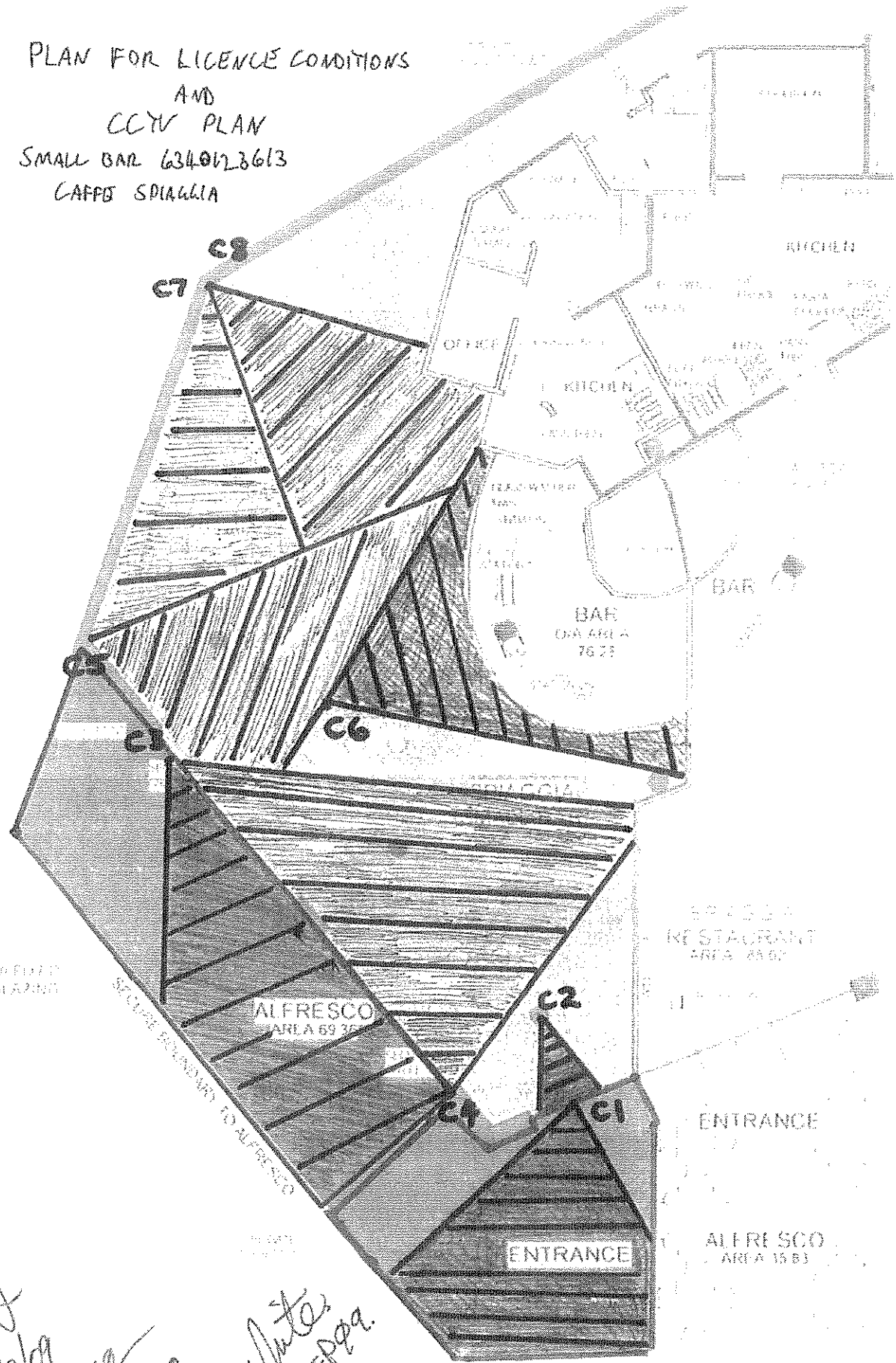
Counsel for the Director of Liquor Licensing

Dated: 23 SEP 09

There is no order as to costs.

MR EDDIE WATLING
DEPUTY CHAIRPERSON

PLAN FOR LICENCE CONDITIONS
 AND
 CCTV PLAN
 SMALL BAR 6340123613
 Caffe Spiaggia



Handwritten notes:
 22/9/09
 22 SEP 09
 J. White
 23 SEP 09