

WORKING WITH AGENCIES TO ENSURE A SAFER, HEALTHY AND PROFITABLE VENUE: A CLUB OWNER'S PERSPECTIVE

Chris Curtis

ARQ Nightclub, Sydney, Australia

Good morning, Ladies and Gentlemen.

Firstly, I would like to begin by endorsing all the comments that Ian, your last speaker, made to you in terms of correct policing. The sorts of strategies that I have outlined are very much the strategies that we at ARQ Sydney endorse and work within in the state of New South Wales. The critical element, and this will be the focus of my talk to you this morning, is the question of communication. What I would like to do is relate to you in about five parts basically where my establishment sits in the market, our experiences and then, culminating last year, late last year, in a raid, which came as an enormous surprise to us for reasons that might become apparent later on in the talk. Then, following on from that, I will explain the responses that we, as an organisation took to the initiative of the police raiding us.

I will start with a brief history of ARQ Sydney. ARQ Sydney is a purpose-built nightclub. We own the real estate. It was conceived and researched over a period of about four years prior to opening in 1999. The four-year period was spent in extensive national and international research into best clubbing design, not only for maximising the bottom line but also from the point of view of maximising patron comfort and in turn patron safety. That took me to all manner of dance parties, establishments and so forth and assessing all that information came up with the final design. Conformably with that, of course, was the obtaining of the necessary consents and licences which in New South Wales, no doubt is similar in Victoria, is extremely hard to get. In the finish, what we created was a venue in the main clubbing precinct of Sydney, in Taylor Square, which is close to Oxford Street. We are in fact in Flinder Street, just off Oxford Street.

The target audience is predominantly a gay-gay friendly market and has been that in the five years or so that we have been operating. It is roughly a 1,000 person capacity venue that operates under a 24-hour liquor licence. It is an all-night establishment of the type that Ian referred to earlier on in that the bulk of its revenue is generated four nights a week from about 11.00 p.m. through the night and then through the day. The design itself, as I mentioned earlier on, focused on patron safety and patron comfort, so the design of the air-conditioning, the circulation patterns, toilet facilities, CCTV, lighting, sharps' disposals, you name it, we anticipated it and installed it. The object then in 1999, as it is now and has been consistently, was to achieve world's best practice.

In addition to the design of the club, the way in which the club was operated involved very much 'hands on' input from both myself, as one of the owners, and my business partner, 'hands on' to the extent of actually working all of the nights to keep an eye on the security operatives in particular, staff, exactly how the venue ran – neither of us had any background in the nightclub industry. That touches, I think, if I may again draw upon what Ian was saying, the question of accountability; I can only endorse that with the utmost conviction. It is absolutely vital that licensees and owners know

what is going on in establishments like this - a thousand people, who might turn over twice a night. We, on average, put through about four to five thousand people a week. That is an enormous number of bodies with an enormous number of potential incidents, even in a gay-gay friendly environment which, typically, and I think I can say from experience, does not attract the level of violence, or brawling, or incidents of that nature. In fact, touch wood, we are blessed to say that we have never had a brawl and we have never had a major incident involving the security of any particular patrons. So drunkenness and that sort of thing are not major issues. That is not to say there are not other issues.

Part of our protocols prior to 2003 involved regular consultation with Paul Dillon from NDARC, to get briefs, particularly on new party drugs that might be on the market, symptoms to look out for, staff training so that all staff could be on the alert to look out for symptoms of either substance abuse or illicit activity. We had a well-established protocol for dealing with the occasional overdoses, and I suppose it is fair to say in the period from 1999 to about September 2003 it was a very predictable sort of world – very few incidents and a very successful business across the board and made, I think, a valuable contribution to the question of responsible clubbing practices in Sydney.

It is a venue that, to this date, has never been breached under the relevant legislation and it operates I should say within the context of the Liquor Act. Not only does it operate within the context of the conditions of approval endorsed on the licence and under the local council instruments but also under the Liquor Act of New South Wales which, insofar as drugs are concerned, which is the focus of my talk to you today, in a clubbing environment is explicit, both in its word and in its spirit. It is very simple from the licensee's point of view – the activity of either trafficking or using substances on a licensed premises is not permitted. It is a very serious matter if it is permitted by licensees, and I am surprised actually at the level of ignorance in the minds of some licensees of the actual wording of the legislation that operates the industry. It is something that we keep very much at the forefront of our mind. The simple fact of the matter is, in New South Wales, as no doubt in Victoria, any illicit activity like that is not permitted and that is the code that the clubs have to operate under.

On the 14th of September 2003, late in the morning, we were raided by the police with no notice. To this day we do not know the information upon which the police acted and, so far as the present is concerned, it is perhaps not particularly relevant, other than to bring out in stark relief the very critical issue, as far as we see it in Sydney and we see it at ARQ Sydney and that is the question of communication. It is our suspicion that the raid was ultimately based on triple hearsay that was unreliable, probably consistent with the sudden bursting onto the market at that stage of this drug GHB which is a lethal substance and, unless controlled and managed properly by venues and all other stakeholders, will in my view have a very damaging impact on clubbing, not only in Sydney but internationally. At that stage we were coping with the onset of this drug and it would be fair to say I think that there was a lot of conjecture about who was responsible for incidents that were happening.

The raid occurred and the immediate reaction of course is survival. On any view of it a police raid is an extremely damaging activity. It came to us as a huge surprise

because of the effort that we had gone to, not only in the design but in the subsequent running of the club and the reputation that we thought we enjoyed with the police at the time; so good was that reputation that the police actually supported ARQ Sydney in its 24-hour Liquor Licence application which was a very rare event, to see the Head of Licensing in the witness box on behalf of the licensee, doing so, because we were considered at the time to be a flagship model example of how you do run licensed premises.

It would be fair to say that I think the raid was an ultimate embarrassment for all concerned. Fortunately my background allowed me to assess the strength of the police case fairly quickly and within seven hours on a Sunday night I had obtained an injunction from the New South Wales Supreme Court which I hoped would contain the damage by allowing the doors to open with minimal disruption and then we would just manage the fall-out from there. Ultimately, the case against the police was, I am happy to say, settled the following Wednesday and so it lasted about three days, the matter was stayed permanently. As I say, to this day we have never known the evidence upon which the original application was based. Unfortunately, as it happens ARQ Sydney is a very high profile club in Sydney, it enjoys a particularly high reputation and needless to say the following morning it was all over the national press, it was all over national TV, on Channel 9 and everywhere else, and there is nothing more gut-wrenching than to see a brand that you have invented and actively promoted in the interests of all concerned, including yourself, flashed on TV and the brand made to feel like it is some sort of criminal mark.

The challenge there for any club owner, or promoter I suppose, but club owners in particular, any venue operator or owner is you have got to maintain the continuity of your business. So the challenge there is, to stay focused and sit back and assess, not only what happened at the micro level, but to also look again at the environment in which you are operating to see how it is that something as misconceived as this could have happened. The first thing you have to do, of course, is in addition to - then picking up Ian's comments, and I might say we were never breached for any of this – it was a strange thing to be raided and not breached, but – the first thing one has to do is rebuild, look at what happened, see if there was any fault, if there is any basis to anything and then rebuild your relationship with the police.

The real interest, however, is exactly what happened, not so much on the micro level – and I will touch on that briefly. By that I mean measures that we implemented or introduced or reassessed that occurred on the floor in the club at the time to see if we could improve our practices. But the bigger challenge, and this, perhaps, is the focus of what I would like to say to you today, was what happened at the macro level, which was alarming, and if any good came out of the raid, apart from the fairly significant damage to reputation, which we have now rebuilt, and the significant loss of revenue that occurred as a result of the raid, which we have now restored, some major good has come out of it and hopefully sharing this experience with you today will help you appreciate the importance of what has come out of it.

First, let me deal with the micro measures. I might say these things of course occurred concurrently because immediately after a raid one's under a siege mentality and there is a huge impulse, if you are a responsible licensee, to do things as quickly as possible to show to the police and the powers that be and also the media, and that

involves a fairly significant media campaign, that you are serious about implementing changes for the good and doing so very quickly. At the micro level, they fell into three categories really. They were knee-jerk measures that, on reflection, probably only damaged the business by turning the place or threatening to turn the actual venue into a prison. And here you have got the tension between running a licensed premises on the one hand and trying to show everyone a good time with, on the other hand, striking the balance between that and operating within the constraints imposed upon you by law, in particular under the Liquor Act to which I have already referred.

So, the overreactions, for those club owners that might be in the audience, canvassed options such as, for example, ending all day clubs – day clubs typically you would define as something occurring after 7.00 a.m. and going through to any time up to three or four o'clock in the morning. The logic behind ending the day clubs was the perception that people were fairly drunk by that time and the best way of eliminating the risk there would be doing the day clubs. On reflection, that is an overreaction, and it proved to be an overreaction. The problem, if there is a problem, is perhaps no greater at that time of the day than it is at any other time in our experience, and it can be managed properly. Another overreaction was no pass outs or no new entrants after 7.00 a.m., the logic underlying that being not to inherit problems from other venues when they close, because typically we stay open and trade longer hours than any other venue in the district. That was an overreaction because one has to be very careful here about destroying the goose or throwing the baby out with the bath water. That created a siege-type mentality in the minds of patrons and was extremely damaging to business and again, when it was imposed, albeit briefly, it achieved very little by way of promoting safe clubbing.

We already had, pursuant to our conditions of approval, the obligation to search all patrons, including metal detecting 'wanding' of all patrons, performers, staff and the like, on entry and re-entry to the venue. What we did in the initial phases was make the searches more intrusive, which is this hoary chestnut that typifies these sort of fora around the world is to how intrusive searches can be within the law. This ended up on the immediate post-raid phase with queues going right down the street while everyone had to take off their shoes and all that sort of thing. Those measures do not work. They simply, in our experience and it is correct to say, push any problems you might have underground. If people want to get illicit substances into your venue they will find any manner of way of doing it and intrusive searches will not uncover or will not outrun the ingenuity of people in that regard, similarly accredited to this prison-type environment and is very bad for business. We found ourselves quickly returning to the stage of our normal sort of searches which are thorough anyway and one might be more random with a particularly intrusive type of search, maybe on a one in four basis, but in the attempt to speed up the queue and not make your patrons feel like they are second-class citizens.

The question of lighting in the venue, as I touched upon earlier on, had been a major design topic. We thought we had it right. We increased the number of bright lights around the place, increased to full lighting in the toilets. Again with time we modified that, the extra lighting has been proven to be important to perhaps cut out dark areas where illicit activity might be encouraged. But similarly one has to be aware of the fact that the environment that you are providing is one that does depend upon a certain level of ambience throughout the entire venue, so it is again a question

of striking a balance in our experience between ensuring that the light levels are adequate without destroying the ambience that you are, that is at the heart of your business. You are, after all, a nightclub - you are not a solarium.

Full-time staff policing the toilets, this is another topical area of lively discussion and views differ on it. Immediate post-raid reaction to that was to post a staff member in there with a walkie-talkie, and I can assure you there would be nothing more deleterious to the business than the presence of somebody in there every hour on the hour watching everyone come in and out of toilets. The complaints were overwhelming and again assessing the cost benefit of that we were quite correct to say it was probably quite successful because about one-third of the number of people that ordinarily would come through the club did come through the club. So again, that had to be reviewed.

Other measures that have been discussed in the literature and were considered, for example, employing paramedics, building a medical room, drug amnesty boxes, photo-IDing every patron that comes through the doors so that you have a history the next time that person comes through the door. Again, the very nature of these sorts of measures illustrates the Orwellian feel of them and the inappropriateness of some of them to proper discharge of responsibilities as a licensee.

So basically what we did over the period post-raid was assess the various measures that we had implemented, modified and fine-tuned. So, for example in toilets now, in contrast to the previous regime, where we had checks every 30 minutes in the toilets and so forth, we now have a regime where we have staff who are dedicated to that particular task, equipped for the task, that patrol in there every 10 minutes as do security operatives. So we have increased the frequency of toilet patrols, we have cut down the doors even further so that they can ensure that there is not any illicit activity without disturbing the patron's privacy behind the doors.

We shortened rather than eliminated the day clubs, and I think that is an important message to send to your patrons, simply that all good things must come to an end. I think indefinite day clubs or experiences that follow on through after an all-night clubbing experience that goes until demand dictates that it is no longer profitable, is an irresponsible measure. I think it is important to send the message to the patrons that this venue closes at a fixed hour and you shorten that hour to ensure that public health is maintained. We did that and we found that to be very successful.

Similarly, other measures, and this touches on the question of communication and so forth, were implemented, for example, signage. My view about signage, and this is part of the difficulty with all of these things is actually testing the effectiveness of some of these measures empirically but nevertheless they cannot hurt, so in conjunction with ACON and NDARC we composed a form of words and had signage put behind every toilet door, which emphasises the question of respect, not only of the venue but the liquor licensing laws under which the venue operates, and also most importantly, of themselves as patrons in the quest for responsible clubbing.

Of all the various measures, by far the most effective was 'roaming'. Security operatives, which we are obliged to have under the conditions of consent, and we have had that for a long time, they were re-disciplined to 'roam' intensively – far

more so than they were doing, and of all the various measures that were canvassed, our experience has been - head and shoulders above rest – that if you increase the roaming in your venues, looking out for people ‘on-the-nod’, looking out for any illicit activities, that is one of your most effective measures (obviously in conjunction with the others.) People do not like to think that they are being watched.

The important thing to realise, however, is that there is no manual on how to run a nightclub, in the true sense of the word, and everything has to be monitored on a case-by-case basis. Just as new recreational party drugs come onto the market, that require new responses, so different patron activity and attitudes need to be monitored. And it is very important I think for licensees to be vigilant about the question of monitoring what moves the patrons, what is fashionable, what is cool, what is uncool, and adjust their practices to ensure that, no matter what those trends are, you are promoting responsible clubbing to the best of your ability.

The major changes have been at the macro level, and this has been the focus of my talk to you today, when you have a raid like this, there is no manual for promoters or operators on how to react. Our reaction, perhaps fortunately, was to turn to others, like NDARC, and ACON – the AIDS Council of New South Wales, and other bodies, for assistance in understanding what exactly what had happened. It was quite clear the raid had occurred because of a breakdown in communication, however that happened; we bear no malice towards the police at all, quite the opposite, we have actually come out of this experience with an even stronger and closer relationship with the police.

The important thing with law enforcement agencies, police and licensing – police in particular in our experience, is that a venue owner has to be accountable. You have to be honest and open in your dealings with law enforcement. Clubs themselves seem to be suffering from an identity crisis – maybe it is a function of the shady people who have historically run these sorts of establishments, but that is yesterdays thinking; from our point of view, there is nothing to hide, there is nothing that goes on in our venue that is illicit, we are very keen and have done and shown ourselves to be keen in working with law enforcement. You have to be open, you have to be transparent and with transparency comes accountability – it is just a matter of course.

It is all about communication – the moment we were alerted to that and the true context in which ARQ Sydney was operating – the world changed, and that has been the most significant and positive fall out from the 14th of September 2003 raid. For the first time we were alerted to the existence, interests and the anxieties of certain stakeholders, of whom we were aware, but whose importance, in the context in which we were operating as a business, was wholly unappreciated by us. Those people included not only the police, but also the liquor licensing, the local hospital (in our case the St. Vincent’s hospital, the New South Wales Ambulance Service) ACON, NDARQ.

I shall never forget a conversation I had the day after the raid, with a high ranking officer from St. Vincent’s, and I was deeply shocked at the level of concern, hitherto I was ignorant of, that they had at St. Vincent’s and the sheer demand that venues, not just ours but venues in the Oxford street district, they perceived were imposing upon their emergency resources, particularly with the onset of GHB. I listened for about 30 minutes to all manner of false accusations, but while this person got off his chest a

series of real concerns, it brings one no pleasure, despite the fact that one thinks one is doing everything one can in terms of best practice - to find that there is a view abroad, in the minds of the various stakeholders, that you are the root of all evil, that your business is just an accident waiting to happen, that you are imposing upon their life-support system on ways that you would not believe and that you are compromising public health generally.

Clubs have to very careful about managing their image, particularly in an area like Oxford street or where there is a high concentration of entertainment venues, where there is a tendency to flit between venues and where the geographic location is itself a magnet, not just the individual establishments within that location. Those sorts of places, which are essential to a modern, functioning, inner city environment, nevertheless place huge demands on the infrastructure of the community that those places happen to be located in, particularly ambulance services and particularly hospitals. One has to appreciate that these people are operating under enormous stress, as are the police at times, and to have two or three people come in from wherever, not necessarily our venue, but all sorts of venues, and impose upon their life-support systems for the rest of the day, on a regular basis, is unthinkable – clearly something had to be done.

What we did at ARQ Sydney was pioneer the existence of a local accord, which now includes monthly meetings, communication between not only the various stakeholders but also between other venues, hitherto unheard of in Oxford street, and it is a matter of changing the culture; Oxford street is a very cut-throat sort of place where venues compete with one another – competition is healthy but you have to realise (and what we have tried to do at ARQ Sydney is pioneer the realisation) that all venues are servicing the one market and we each have an interest in exchanging ideas with one another and ensuring that as a collective we exchange ideas with the other stakeholders, relevantly the police, the ambulance and the hospital.

That process has been underway now since December/ January of last year and early this year, and I can only say that it is working superbly. Now we have lines of communication, previously unheard of, where *mardi gras*, Easter periods – we let them know what is happening, we follow up if there is any over doses. Our objective with over doses is plain zero, as it is a zero tolerance venue in terms of illicit activity, zero in terms of over doses, and when you consider that we put through maybe 10,000 people over *Mardi gras* and there were no over doses, and there was one over dose over Easter, these are good figures. One is too many but these are good figures relative to the sorts of numbers that have been put through.

In conclusion, I believe that it is vital to exchange ideas and bring matters out into the open rather than see yourself as a sole operator that owes no responsibility other than to the liquor licensing and to the liquor police. In my view, in venues like this, the responsibility does not end once the door is closed. The venue must take on the view of communicator, community worker, research facilitator, distributor of the literature and an educator. They have to be more proactive than I think is contemplated by legislation or a general law, and I think venues are uniquely placed because of the attachment that patrons form to the brand and loyalty to influence, without raising any ethical issues, and I think they can do that by taking an active role in the education process.

So, I think the future is very bright and rosy, our experience has been on a business point of view, that you can sustain a body blow of that nature and with an appropriate management strategy, come back stronger than before, having learnt extremely valuable lessons, not only for the venue itself, but hopefully for the whole activity of clubbing generally.

Thank you.