

THURINGOWA CITY COUNCIL

LOCAL LAW NO. 4M (ENTERTAINMENT VENUES)

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PART 1 - PRELIMINARY

Citation

1. This local law may be cited as Local Law No. 4M (Entertainment Venues).

Objects

2. The objects of this local law are to:-

- (a) ensure that entertainment venues comply with appropriate standards of health and safety; and
- (b) protect the amenity of areas in which entertainment venues are situated.

Definitions

3. In this local law:-

“**authorised person**” means a person authorised by the local government to exercise the powers of an authorised person under this local law.

“**compliance notice**” see section 13(1).

“**entertainment**” includes recreation and amusement.

“**entertainment venue**” means a place that is open to the public for entertainment but does not include a shop or licensed premises.

Explanatory note

A place is taken to be open to the public:-

(a) whether or not a charge for admission is made; and

(b) whether or not the person who controls admission to the place reserves a right to refuse admission.

Examples:-

- *a cinema;*
- *a theatre;*
- *a concert hall;*
- *a billiard saloon;*
- *an electronic games centre;*
- *an indoor sports centre (including a bowling alley);*
- *an art gallery;*
- *a museum;*
- *a bazaar or flea market (of a non-permanent nature);*
- *a fair ground.*

“**licensed premises**” means premises for which a licence is in force under the *Liquor Act 1992*.

“**operate**” an entertainment venue means to open the entertainment venue to the public for entertainment.

“**operator**” of an entertainment venue means the person who operates the entertainment venue and includes the owner or someone else who has the management and control of the entertainment venue.

“**shop**” means premises for the wholesale or retail sale of goods and includes a warehouse.

“**stop order**” see section 12(1).

“**the Act**” means the *Local Government Act 1993*.

PART 2 - CONTROL OF ENTERTAINMENT VENUES

Requirement to hold permit

4. A person must not operate an entertainment venue unless a permit for the entertainment venue is in force.

Maximum penalty-200 penalty units.

Application for permit

5. An application for a permit authorising the operation of an entertainment venue must include or be accompanied by:-

- (a) a plan of the entertainment venue; and
- (b) details and drawings of buildings and other structural elements of the entertainment venue; and
- (c) a detailed statement of the nature of the entertainment to be provided at the entertainment venue and when the entertainment venue is to be open to the public; and
- (d) if the applicant is not the owner of the entertainment venue-the written consent of the owner; and
- (e) if approval of anything to be done under the permit is required under another law-a certified copy or other appropriate evidence of the approval; and
- (f) other information and materials required under local law policies.

Grant of permit

6. (1) The local government may grant a permit authorising the operation of an entertainment venue if satisfied that:-

- (a) the design and construction of the entertainment venue is safe and appropriate to the nature of entertainment proposed and the number of people expected to attend the venue; and
- (b) entertainments of the proposed kind would not unreasonably detract from the amenity of the area in which the entertainment venue is situated; and
- (c) entertainments provided at the entertainment venue will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and

- (d) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and
 - (e) adequate provision will exist for the disposal of refuse generated by the use of the entertainment venue; and
 - (f) adequate provision will exist for people and (if relevant) vehicles to enter and leave the entertainment venue; and
 - (g) the entertainments to be provided at the entertainment venue will comply with criteria specified under local law policies.
- (2) A local law policy may specify criteria with which the operation of an entertainment venue must comply.

Term of permit

7. (1) A permit is granted for a term specified in the permit.
- (2) The local government may, from time to time, on application by the operator renew the permit.
- (3) The term for which a permit is granted or renewed is to be:-
- (a) fixed as required by a relevant local law policy; or
 - (b) in the absence of a relevant local law policy-decided by the local government when it grants the permit or the renewal.

Conditions of permit

8. (1) A permit may be granted on conditions the local government considers appropriate.
- (2) The conditions of a permit may, for example:-
- (a) require specified action to maintain or improve the entertainment venue;
 - (b) require the operator to provide specified equipment, and to take specified measures, for the safety of the public;
 - (c) require the operator to provide specified facilities and amenities;
 - (d) regulate the hours of operation of the entertainment venue;
 - (e) regulate illumination of the entertainment venue and light spillage from the entertainment venue;
 - (f) regulate noise emission from the entertainment venue;
 - (g) require the operator to provide specified equipment, or take specified measures, to reduce adverse effects of activities in the entertainment venue on the surrounding neighbourhood to acceptable levels.

- (3) However, the conditions of the permit must be consistent with the conditions of any statutory authorisation or approval for the establishment of the entertainment venue.
- (4) The local government may, by local law policy, prescribe conditions that must be imposed in a permit or that will ordinarily be imposed in a permit.

Compliance with conditions of permit

9. An operator must ensure that the conditions of the permit are complied with.
- Maximum penalty-200 penalty units.

Power to change conditions of permit

- 10.(1) The local government may, by written notice given to an operator, change¹ the conditions of the operator's permit.
- (2) However, the local government may only change conditions of a permit if:-
- (a) the operator agrees to the proposed change; or
 - (b) the local government:-
 - (i) has given the operator reasonable written notice of the proposed change inviting the operator to make written representations about the proposed change within a reasonable period fixed in the notice; and
 - (ii) if the operator makes written representations within the time allowed in the notice-has taken the representations into account.

PART 3 - ENFORCEMENT

Division 1 - Inspection

Inspection

11. An authorised person may enter² and inspect an entertainment venue and activities in the entertainment venue to find out whether the requirements of this local law and the conditions of the permit are being complied with.

Division 2 - Stop orders

Stop orders

- 12.(1) If a person operates an entertainment venue without a permit under this local law, an authorised person may, by written notice given to the person (a "**stop order**"), order the person to stop operating the entertainment venue.
- (2) A person against whom a stop order is made must comply with the order.
- Maximum penalty-200 penalty units.

- (3) However, if a person against whom a stop order is made undertakes to make an application for a permit as soon as practicable, the authorised person may suspend the stop order to give the person a reasonable opportunity to apply for and obtain a permit.

Division 3 - Compliance notices

Compliance notices

- 13.(1) If the operator contravenes a provision of this local law or a condition of the permit, an authorised person may give the operator a written notice (a “**compliance notice**”) under this section.

- (2) A compliance notice may:-

- (a) if the contravention is of a continuing or recurrent nature- require the operator to stop the contravention; and
- (b) whether or not the contravention is of a continuing or recurrent nature- require the operator to take specified action, within a time specified in the notice, to remedy the contravention.

- (3) The operator must comply with a notice under this section.

Maximum penalty-50 penalty units.

Division 4 - Suspension or cancellation of permit

Suspension or cancellation of permit

- 14.(1) If an operator fails to remedy contravention of this local law or a condition of a permit within the time allowed in a compliance notice, the local government may, by written notice given to the operator, suspend or cancel the permit.

- (2) However, before suspending or cancelling a permit, the local government must:-

- (a) give written notice to the operator of the proposed suspension or cancellation; and
- (b) allow the operator a reasonable period stated in the notice to make written representations to the local government about the proposed suspension or cancellation; and
- (c) consider representations made in response to the notice.

Division 5 - Local government’s power to carry out work

Local government’s power to have work carried out

15. If an operator fails to have work required by a compliance notice carried out, the local government may itself have the work carried out.

Powers of entry and cost recovery

16. (1) The local government may enter land to perform work under section 1066 of the Act.
- (2) If the operator is the owner of the relevant land, the amount properly and reasonably incurred by the local government in performing the work is recoverable (together with interest) under sections 1066, 1067 and 1068 of the Act.
- (3) If the operator is not the owner of the relevant land, the amount properly and reasonably incurred by the local government is recoverable as a debt from the operator (together with interest) on the same basis as applies to an owner of land under section 1067 of the Act.³

PART 4 - LOCAL LAW POLICIES**Local law policies**

17. The local government may make local law policies about:-
- (a) information and materials required for a permit application;⁴ or
 - (b) criteria with which entertainments to be provided at an entertainment venue must comply;⁵ or
 - (c) the term for which a permit is to be granted or renewed;⁶ or
 - (d) conditions that must, or will ordinarily, be imposed in a permit;⁷ or
 - (e) other matters about which this local law specifically provides for the making of local law policies.

Footnotes

- 1 A “change” to the conditions of a permit includes a change by omission, substitution or addition (See *Acts Interpretation Act 1954*, s. 36).
- 2 For power to enter premises, see Chapter 15, Parts 4 and 5 of the Act.
- 3 Section 1067(2) of the *Local Government Act 1993* provides for the payment of interest on the same basis as for an overdue rate.
- 4 See section 5(f).
- 5 See section 6(2).
- 6 See section 7(3).
- 7 See section 8(4).

This and the preceding 7 pages bearing my initials is a certified copy of Local Law No. 4M (Entertainment Venues) made in accordance with the provisions of the Local Government Act 1993, by the Thuringowa City Council by resolution dated nineteenth day of May, 1999.

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Chief Executive Officer