

MEMORANDUM FOR THE CABINET BY
THE HON. THE PRIME MINISTER

Amendment of the Regulations governing the
Registration of Premises intended for use
as Night Clubs

In January of this year the Commissioner of Police received a petition signed by a number of persons residing in the neighbourhood of the 'Whisky A Go Go' Club in Sliema protesting about the nuisances being caused during the night as a result of the existence of this club in a residential area. The Commissioner of Police submitted the case to this Office for consideration and in so doing expressed the opinion that while for tourist purposes Malta might be in need of such places as the Whisky A Go Go Club, the argument of the petitioners that the Club should be moved to premises detached from a residential area was also a sound one.

2. The Commissioner of Police also pointed out that the Club is registered in accordance with statutory regulations and that the annoyance to neighbours was not, in fact, emanating from within the premises but was due to the 'banging of car doors, starting of cars, greetings and other exchanges between persons at entrance or exit from the Club' which go on till the small hours of the morning. The problem is that these nuisances are, of course, beyond the control of the Club's management.

3. The Crown Counsel advised that at present there is no law to provide a remedy and the Commissioner of Police was accordingly invited to suggest how such a remedy could, in fact, be provided. He suggested that the Regulations governing the Registration of Clubs (G.N. 505/39) be amended so as to enable the Government to have more control over the issue of Licences, and the hours of opening and closing of clubs. The detailed amendments are attached.

4. The Hon. Minister of Industrial Development and Tourism has commented, however, that, as regards tourism, we are badly in need of any form of night entertainment and the proposed amendments will certainly not help us in our efforts to fill this gap. He therefore suggested that this is not the opportune time for the amendments to be made.

5. The Commissioner of Police has stated that he has with him several applications for the opening of clubs in Sliema and Gzira which might develop on lines similar to the Whisky A Go Go and he is holding over approval of these applications, which are in accordance with existing regulations but not with those proposed, pending a final decision on this question.

6. Of course, if nothing is done, those unfortunate ones who happen to reside in the vicinity of such clubs will, justifiably enough, continue to protest against the continuation of annoyances to which they are being subjected due to the absence of adequate legislation to protect them against this; but on the other hand the views of the Hon. Minister of Industrial Development and Tourism are equally worthy of serious consideration, protecting as they do an important aspect affecting tourism.

7. Hon. Ministers are invited to state whether they agree that the proposed amendments should be put into force.

20th December, 1963.

PROPOSED AMENDMENTS TO

GOVERNMENT NOTICE NO. 505 DATED 4TH OCTOBER, 1939

- (a) An additional sub-regulation to be inserted after sub regulation (e) in regulation 3 reading as follows:-

"(f) If the opening of the club is deemed likely to cause annoyance to neighbours, on grounds which the Director of Public Works, the Commissioner of Police, and the Chief Government Medical Officer, or their representatives, consider to be reasonable."

- (b) Two additional sub-regulations to be inserted after sub-regulation (g) in regulation 7 reading as follows:-

"(h) that any restriction imposed by the Commissioner of Police, in regard to the hours during which the club may be open, has been violated."

"(i) that annoyance to neighbours has been and is likely to be caused, on grounds which the Director of Public Works, the Commissioner of Police, and the Chief Government Medical Officer, or their representatives, consider to be reasonable."

- (c) A new regulation to be inserted immediately after regulation 9 reading as follows:-

"9A. The Commissioner of Police shall have power to restrict the hours during which a club may be open, if the Director of Public Works, the Commissioner of Police, and the Chief Government Medical Officer, or their representatives, deem such measure to be necessary to prevent annoyance to neighbours."

- (d) A new definition to be inserted after sub-regulation (b) in regulation 13 reading as follows:-

"(c) The expression 'annoyance to neighbours' comprises annoyance emanating from the premises of the club, and includes any annoyance caused outside or at the approaches to the club, by or in consequence of any person proceeding to or from the club."