

Prevention of Intoxication on Licensed Premises

OAK FLATS BOWLING & RECREATION CLUB - MANAGEMENT PLAN

OBJECTIVES OF MANAGEMENT PLAN

Under section 73(2) of the *Liquor Act 2007* (Act) it is unlawful for a licensee or staff member to sell or supply liquor to an intoxicated person on licensed premises. The maximum penalty is \$11,000 and a breach of the section can result in a “Strike Offence” under Part 9A of the Act.

A person is intoxicated if:

- (a) The person’s speech, balance, coordination or behaviour is noticeably affected; and
- (b) It is reasonable in the circumstances to believe that the affected speech, balance, coordination or behaviour is the result of the consumption of liquor.

Under section 73(1)(a) of the Act it is unlawful for a licensee to permit intoxication on licensed premises. The maximum penalty is \$11,000 and a breach of the section can result in a “Strike Offence” under Part 9A of the Act.

A Licensee is deemed to have permitted intoxication if an intoxicated person is on the licensed premises (see section 73(4) of the *Liquor Act 2007*), unless the licensee can prove:

- (a) The licensee or staff:
 - I. Asked the intoxicated person to leave the premises; and
 - II. Contacted, or attempted to contact, the police for assistance in removing the person from the premises, and
 - III. The person was refused further service of liquor; or
- (a1) The licensee or a staff member had taken the steps set out in guidelines issued by the Secretary, NSW Trade & Investment under section 73(5A) of the *Liquor Act 2007*;
or
- (b) The intoxicated person did not consume liquor on the licensed premises

Under section 73(5A) of the Act the Secretary, NSW Trade & Investment, has issued “Guidelines” to assist licensee and staff in determining whether a person is intoxicated. These Guidelines are available at www.olgr.nsw.gov/pdfs/intox_guidelines.pdf. The purpose of the Guidelines is to describe the steps that the Club (as licensee) and its staff must take in circumstances where the Club wishes to be able to rely upon the defence in section 73(4)(a1) to establish that intoxication was not permitted on the Club’s licensed premises.

Where a licensee seeks to rely upon this defence, it will be necessary to demonstrate that each of the steps in the guidelines were followed at the time that the offence of permitting intoxication was alleged to have occurred.

The guidelines contain four (4) steps, the fourth being the requirement for the Club to implement a written document (such as a plan or a policy) containing specific information.

This Management Plan is prepared and implemented in accordance with step 4 of the Guidelines.

The Club implements and practices the Responsible Service of Alcohol in compliance with this Management Plan.

It is the aim of the Club, in adopting the provisions of this Management Plan, to:

- (a) Minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour) on the Club's premises, and
- (b) Encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor on the Club's premises.

Management accepts that the minimising of harm not only applies to our patrons but also to the residents of homes located within the vicinity of the Club's premises and to others who are also members of our local community.

1. Selling, supplying and promoting liquor responsibly

Not sell or supply liquor to an intoxicated person (under section 73(2) of the Liquor Act 2007)

What is intoxication?

The Act states that a person is “intoxicated” if:

- (a) The person’s speech, balance, coordination or behaviour is noticeably affected; and
- (b) It is reasonable in the circumstances to believe that the affected speech, balance, coordination or behaviour is the result of the consumption of liquor.

The above definition of “intoxication” is not an exhaustive list of the signs of intoxication. The Secretary, NSW Trade & Investment has also issued guidelines to assist in determining whether or not a person is intoxicated for the purposes of the Act. A copy of the Intoxication Guidelines are attached to this Management Plan.

The attached Intoxication Guidelines should be understood and considered by the Licensee and employees of the Club together with this Management Plan.

Refusal of Service

Under section 73(2) of the Liquor Act 2007 (Act) it is unlawful for a licensee or staff member to sell or supply liquor to an intoxicated person on licensed premises. The maximum penalty is \$11,000 and or 12 months imprisonment and a breach of the section can result in a “Strike Offence” under Part 9A of the Act.

Refusal of service to a patron who is showing signs of “intoxication” is a fundamental aspect of the responsible service of liquor. The refusal of service in circumstances where the law requires refusal can be difficult. Individual patrons and some sections of the public do not readily accept that such refusals are obligatory and that the failure of staff to apply the law could place the Club’s licence in jeopardy or result in changes being laid against the Club, its employees or agents.

To minimise any potential hostility or antisocial behaviour on the part of a patron who has been refused service, such refusals should always be done in a professional, polite, discreet but firm manner and where appropriate the reasons for refusal of service should be explained to the patron.

Where refusal of service takes place the person or persons who have been refused service must be requested to leave the Club’s premises. If the person/s refuse to leave at the request of the Approved Manager or other staff member, other persons, including the Police must be asked to remove the person using such force as may be necessary.

Under the Act, it is the duty and obligation of Police at the request of the Club, Approved Manager or other staff member, to remove an intoxicated, quarrelsome or disorderly person from the Premises.

Club management will support staff in the refusal of service providing:

- A Shift Supervisor/Duty manager available at all times to assist bar staff in the refusal of service.
- Diversionary and alternative strategies to minimise conflict when service is refused.
- Appropriate signage prominently displayed with the Club's premises emphasising the Club's and the staff duties under the Act to refuse service.

No staff will be directed to sell or supply liquor to a person if the staff member reasonably believes that the person is intoxicated. The Act provides that a person is "intoxicated" for the purposes of the Act if that person's speech, balance, coordination, or behaviour is noticeably affected by liquor

Obligations relating to responsible service of alcohol training and the availability of free water

Training

Management will ensure the proper and regular training of all bar staff in the responsible service of liquor. Management requires and encourages all staff to undertake appropriate training to a level that is commensurate with their roles and duties at the Club. All staff involved in the sale, supply or service of liquor on the Club's premises and all crowd controllers and bouncers must:

- (a) Hold a current recognised competency card or existing RSA certificate; or
- (b) Have been granted a valid interim RSA certificate within the previous 5 years

In order to demonstrate its commitment to training, the Club adopts the following training requirements:

Approved Manager

The Approved Manager of the Club will attend and successfully complete an accredited training course in Responsible Service of Alcohol

Duty managers

Duty Managers are required to attend and successfully complete an accredited training course in Responsible Service of Alcohol. A Duty manager will be on site at all times during the trading hours of the Club.

Practical encouragement will be given and opportunities offered to the Duty managers to attend or participate in additional accredited training courses relevant to their position and duties at the Club.

Bar Staff

All bar staff on appointment must have undertaken an approved Responsible Service of Alcohol course. All bar staff will be given an introduction to and instructions in the principles of Responsible Service of Alcohol and this Management Plan.

Security

All security personnel engaged at the Club will be given an introduction to and instructions in the principles of Responsible Service of Alcohol and this Management Plan.

Ongoing Training

Responsible Service of Alcohol and Liquor Licensing issues will be included as an agenda item at all staff meetings. Issues of concern regarding the implementation of this Management Plan and Responsible Service of Alcohol measures generally will be open for discussion generally at staff meetings.

Responsible Service of Alcohol and Liquor Licensing issues will be incorporated into training sessions involving all employees. Training will be provided by in-house personnel, qualified trainers and others and will cover all matters relating to the responsible service of liquor and its implementation within the Club.

Minors

The Act prohibits minors being present on licensed premises except in certain circumstances.

Minors are permitted within the following areas of the Club's premises whilst being supervised by a responsible adult:

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A minor will only be permitted to be present on the Club's premises if:

- The minor is a guest of a temporary member, and:
 - i. At all times while on the club premises, remains in the company and immediate presence of the member, and
 - ii. Does not remain on the Club's premises any longer than the member; and
 - iii. In relation to whom the member is a responsible adult

Management undertakes that it will support staff refusing service to and/or denying a patron access to the Club's premises, and will facilitate that patron's removal from the Club's premises, if the staff member has reason to believe that the patron is a minor and that minor is not at the Club's premises as the guest of a temporary member who is a responsible adult.

The Approved Manager and staff will have reason to remove a patron from the Premises whom they suspect to be a minor if that patron cannot produce acceptable ID verifying their age, or if the patron is confirmed to be a minor and does not fall within one of the exceptions listed above.

An acceptable ID will only include the following documents:

- A current Australian driver's licence with a photograph
- A current passport with a photograph
- NSW photo Card issued by RMS
- A current proof of age card issued in another State or Territory

Management will display appropriate signage on the Premises which explains the law in respect of minors being on licensed premises.

The Approved Manager and a staff member or agent of the Licensee is an “authorised person” under the Act and as such is authorised to ask a suspected minor to produce evidence of their age.

If the minor does not satisfy the Approved Manager, staff member or agent as to their age, or if the ID produced is not acceptable, the staff member is legally entitled to ask the suspected minor to leave the Club’s premises and can remove the minor (or ask any other person to do so) using such force as may be necessary. The minor commits an offence if he or she does not leave the Premises.

Staff should be aware that although there may be controlled access to the Club’s premises and it is intended that ID will be required of any person seeking to enter the premises who is a young looking person, there is still an obligation on servicing staff to be sure that no minor is sold or supplied with liquor.

Staff who suspect that:

- A minor (who does not fall within one of the exceptions listed above) is present on the Club’s premises; or
- A minor has attempted to purchase liquor or is consuming liquor;

Should request acceptable ID by the suspected minor and if no acceptable ID is produced the suspected minor should be immediately refused service and asked to leave the Club’s premises. The assistance of Approved Manager, Duty Manager and Supervisor or Security, if any, should be obtained if the suspected minor refuses to leave.

Staff must not:

- Sell or supply liquor to minors either on or off the Club’s premises;
- Permit a minor to consume liquor on the Club’s premises
- Permit liquor to be sold or supplied to a minor on the Club’s premises
- Permit liquor to be sold to a person who is purchasing or obtaining liquor on behalf of the minor on licensed premises.

Drinking Water

The Club will ensure that drinking water is, at all times while liquor is sold or supplied for consumption on the premises, available free of charge to patrons at or near the point of service at which, or by the same means of service by which, liquor is sold or supplied on the premises.

Water will be available at the following locations throughout the Club premises.

- Self-serve water outlets are located at the sports bar and the brasserie bar, along with asking staff behind the bar for a glass of water.

Conditions imposed on the Club license or any requirements under the Liquor Act 2007 which restricts the times, type or quantity of alcohol sold or supplied on the licensed premises

Specific Licence Conditions

Liquor is not sold, supplied or promoted in a manner that is inconsistent with the Liquor Promotion Guidelines issued by the Secretary, NSW Trade & Investment, under section 102(4) of the Liquor Act 2007.

Liquor Promotion Guidelines

The Club aims to comply with the Liquor Promotion Guidelines in that it does not promote liquor in a manner that:

- Has a special appeal to minors, because of the designs, names, motifs or characters in the promotion are, or are likely to be, attractive to minors or for any other reason;
- Is indecent or offensive
- Involves the use of non-standard measures that encourage irresponsible drinking and are likely to result in intoxication;
- Uses emotive descriptions or advertising that encourages irresponsible drinking and is likely to result in intoxication;
- Involves the provision of free drinks or extreme discounts, or discounts for a limited duration that creates an incentive for patrons to consume liquor more rapidly than they otherwise might;
- Encourages irresponsible, rapid or excessive consumption of liquor
- Is not otherwise considered to be in the public interest.

The Liquor Promotion Guidelines are available at www.olgr.nsw.gov.au. A copy of the Guidelines will be maintained at the Club at all times.

Advertising and Drink Promotions

No advertising will be displayed nor will incentives be promoted at the Premises which encourages patrons to consume liquor in a manner that is considered irresponsible. In the course of maintaining responsible service of alcohol, the Club will prohibit promotional material, including but not limited to:

1. Drinks that offer alcohol in non-standard measures and/or by virtue of their emotive titles such as “laybacks”, “shooters”, “slammers”, “test tubes”, “blasters”, and their method of consumption encourage irresponsible drinking habits and are likely to result in rapid intoxication.
2. Drink cards that provide a multiple of free drinks, extreme discounts or discounts of limited duration on a given day or night and have a capacity to be readily stockpiled by patrons or transferred to other patrons. In other words, the drink card must not, by design or potential misuse, create an incentive for patrons to consume liquor more rapidly than they otherwise might.
3. Promotions for a limited duration, in which excessive discounts is the enticement for people to consume liquor on the premises and which may encourage the irresponsible consumption of liquor.
4. Any labelling or tilting of promotions that may encourage patrons to consume liquor irresponsibly and excessively to an intoxicated state
5. The refusal to serve half measures of spirits on request or provide reasonably priced non-alcoholic drinks
6. Any promotion that encourages a patron to consume liquor excessively “all you can drink offers”, “free drinks for women”, “free drinks for women all night”, “two for one” and to consume it in an unreasonable time period.
 - i. Staff will discourage and deter patrons from indulging in activities within the Premises that have been identified as being of the kind that are likely to lead to binge or irresponsible drinking of liquor.
 - ii. Staff are to encourage the consumption of non-alcoholic, “light” or low alcohol drinks
 - iii. Staff are to promote the consumption of food by patrons
 - iv. Staff are to indicate a willingness to serve half measures of spirits

2. Monitoring liquor consumption and patron behaviour

The licensed premises is operating under the direct supervision of the licensee or appropriately experienced supervisory staff whenever liquor is being sold and supplied

At all times in which liquor is being sold and supplied on the Club's premises, the Club will operate under the direct supervision of the Approved Manager or appropriately experienced Duty manager/s or supervisor/s.

Liquor consumption by all patrons is actively monitored by the licensee or staff

Club staff are expected, for the purposes of the responsible service of liquor, to actively monitor and identify at an early stage patrons whose behaviour may appear to be affected by liquor and patrons who are consuming liquor irresponsibly and in a manner likely to result in intoxication.

Supervisors are required to complete an hourly checklist which includes observing the floor for patrons who may be displaying signs of intoxication. During known busy periods additional floor staff are rostered.

Staff who consider that a patron is or may be nearing intoxication, suspect that a person may be intoxicated or consuming liquor irresponsibly and in a manner likely to result in intoxication should bring the matter to the attention of the Supervisor or Duty Manager in order to confer and assess the patron's state.

Intervention occurs when the licensee or a staff member becomes aware that a patron is consuming liquor irresponsibly and in a manner likely to result in intoxication

Where the staff and Supervisor or Duty manager form the view that a patron is consuming liquor irresponsibly and in a manner likely to result in intoxication the staff, Supervisor or Duty Manager will immediately implement the steps referred to above in this Management Plan including ceasing service of liquor to the patron.

Where a patron is identified as consuming liquor irresponsibly and in a manner likely to result in intoxication, and the steps are taken in accordance with this Management Plan, that fact will be recorded in the Club's incident register.

Intervention occurs when the licensee or a staff member becomes aware that a patron is intoxicated to prevent the person from consuming liquor and to request that person to leave the premises.

Where the staff and Supervisor or Duty Manager form the view that a patron is showing signs of intoxication the staff, Supervisor or Duty Manager will implement steps to prevent the person from consuming liquor and request the person to leave the premises.

It is important that patrons who are refused service or who are asked to leave are dealt with in a professional but firm manner. The patron/s should be directed to the provisions of the Responsible Service of Alcohol House Policy in force at the Club's premises and assistance to obtain taxis should be offered.

Where a patron is identified as showing signs of intoxication and the steps are taken in accordance with this Management Plan, that fact will be recorded in the Club's incident register.

Patrons entering the licensed premises between midnight and 4am are actively monitored and assessed for intoxication at the time of entry

Where the club trades between midnight and 4am door staff, including security personnel, will actively monitor and assess patrons entering the Club's premises for intoxication. This is done by restricting entry to the club to members/members guests only between this time period and engaging in conversation with each member and guest to determine signs of intoxication / previous alcohol consumption. Correct identification and / or membership card must be shown upon entry.

The active monitoring will be implemented by door staff by observing patrons for common signs of intoxication.

Patrons observed to be showing signs of intoxication will be refused entry to the Club's premises.

Patrons pre-loading or consuming alcohol prior to entering the Club's premises.

A patron who is suspected of consuming alcohol before entering the Club's premises will not be allowed entry. It is impossible for Club staff to know how much alcohol has been consumed and in what time frame. Therefore, whilst the signs of intoxication may not be present if there is reasonable grounds for suspecting a person has pre-loaded or consumed alcohol prior to attending the club then they will be denied entry.

Possible signs of pre-loading and consumption of alcohol prior to attending the Club include: smelling of alcohol; visual observation of a person consuming alcohol in the car park or outside the venue or any other suspicion based on the signs of intoxication or evidence available at the time.

Any conditions imposed on the liquor licence, requirements under the Liquor Act 2007, or requirements of a development consent or approval under the Environmental Planning and Assessment Act 1979, relating to the engagement and duties of security personnel and/or RSA marshals are complied with.

Refer to RSA Policy for specific duties of security personnel, supervisors and floor staff.

3. Implementing harm minimisation measures

The availability of free drinking water is actively promoted to patrons throughout the licenced premises.

The Club makes free drinking water available at all times. Jugs of water and drinking vessels are placed on the bars throughout the Club for self service by patrons wishing to drink water.

Bottled still and sparkling water is available for purchase.

Action is taken to make patrons aware of the availability of non-alcoholic and low strength alcoholic beverages in the licensed premises.

The Club promotes non-alcoholic and low strength alcoholic beverages in the licensed premises.

Drinks menus and signage throughout the Club is intended to promote non-alcoholic and low strength alcoholic beverages.

Tap heads at the bar specify the strength of beers available, including light beer.

Any requirements under the Liquor Act 2007 relating to the provision of food on the licensed premises are complied with in a manner consistent with the reasonable requirements, expectations and demands of the patrons of the premises.

The Club ensures that food is available at all times when liquor is being sold for consumption on the Club's premises.

The club bistro operated during lunch / dinner periods with an extensive menu available to purchase from. During other periods, sandwiches, wraps and light foods are available from the club Coffee Shop.

The following drinks are not sold or supplied between midnight and 5am

The Club does not sell or supply the following drinks between midnight and 5am:

- i. Drinks that offer alcohol in non-standard measures and/or by virtue of their emotive titles such Galliano, Sambuca, schnapps, caffeinated drinks or Energy Drinks are likely to result in rapid intoxication.
- ii. Any ready to drink beverage with an alcohol by volume content of more than 5%
- iii. Any drink prepared on the premises that contains more than 30ml of spirits or liquor, other than a cocktail that contains spirits or liqueur (or both) mixed with other ingredients and that is not designed to be consumed rapidly.

Other harm minimisation initiatives

Club Management will implement other management control measures from time to time to minimise harm. These include, but are not limited to:

- i. Special Event Provisions – the service of mid strength, light beer, half nips and no bottles of wine on event days associated with excessive alcohol consumption. Eg Anzac Day;

- ii. No shot policy as per the Club's RSA Policy;
- iii. A no swearing policy – if a third party can hear a person swearing, then the offender will be given one warning before being asked to leave the Club;
- iv. Firm and consistent penalties for persons who display anti social behaviour;
- v. Other initiatives

By signing this **PREVENTION OF INTOXICATION ON LICENSED PREMISES Management Plan**, I acknowledge that I have received instructions and training on the contents of this Plan and acknowledge my responsibilities in regard to the Plan and RSA procedures:

Name: _____

Signature: _____

Date: _____

Received by:

Manager: _____

Signature: _____

Date: _____