

# **PLAN OF MANAGEMENT**

**FOR THE OPERATION OF  
THE BERRY HOTEL**

**120 QUEEN STREET, BERRY**

**LIQH400119917**

**July 2023**

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## **1.0 INTRODUCTION**

### **1.1 PURPOSE**

- a) The Purpose of this Plan of Management is to establish performance criteria for various aspects of the operations of The Berry Hotel (The Hotel) having regard to the relevant matters under the Environmental Planning and Assessment Act, 1979, the Liquor Act, 2007 and any relevant Regulation under that legislation.
- b) All Staff and security personnel working at the Hotel shall be made familiar with this plan and its provisions and with the conditions of the relevant Hoteliers' license and the requirements for the operation of the hotel to comply with this Plan of Management at all times.
- c) The Hotel will maintain a compliance folder that will contain the following documentation and will be able to be immediately produced for inspection upon request by Police or Council Officers:
  - (1) This Plan of Management
  - (2) House Policy
  - (3) The Hotels Liquor Licence
  - (4) RSA and RCG register with hard copies of all certificates along with a tracking document that records all expiry dates of such certificates.

## **2.0 OPERATIONAL DETAILS**

### **2.1 HOURS OF OPERATION AND USE OF PREMISES**

- a) The Hotel trades at all times in accordance with the liquor licence. The Hotel's licensed hours are:
  - For the whole of premises excluding the outdoor deck and eating area on Queen Street – 5am – 2am Mon-Sat, 6am-12 midnight Sun; and
  - For other areas – 5am – 12 midnight Mon-Sat, 6am – 12 Midnight Sun.

- b) Consumption on premises Good Friday and Christmas Day 12 noon - 10pm (liquor can only be served with or ancillary to a meal in a dining area). 31st December has normal opening time until normal closing time or 2am on New Year's Day, whichever is the later.
- c) Take-away sales are not permitted on Good Friday or Christmas Day.

## **2.2 RESPONSIBLE SERVICE OF ALCOHOL**

The license attached to this Hotel shall be exercised at all times in accordance with the provisions of the Liquor Act and Regulation.

In this part, the use of the word "licensee" means the licensee and any and all persons employed by, or contracted to, the Hotel for the purpose of its business of retailing liquor.

The following operational policies for the responsible service of alcohol shall apply:

- a) The Licensee, all managers and staff of the Hotel who serve liquor shall complete an approved course in the Responsible Service of Alcohol. The venue, as part of Feros Group Policy, will also conduct RSA Refresher training upon employment and annually through an inhouse online Learning Management System.
- b) The licensee shall maintain a register on the premises containing copies of RSA certificates or RSA ID Cards showing the satisfactory completions of Responsible Service of Alcohol courses undertaken by the licensee and all staff and security. The register will also contain a register documenting expiry dates of all RSA certificates and ID cards as a reference point to ensure they are current at all times.  
That register shall be made available for inspection on request from a NSW Police Officer or Special Inspector.
- c) The Licensee shall not engage in any liquor promotion that is likely to promote irresponsible service of liquor. All venue promotions and advertising are controlled by a Group Marketing Manager and the venue Licensee and will be developed in strict accordance with the Liquor Promotion guidelines and Section 102 of the Liquor Act.

- d) The licensee shall not serve any alcoholic beverage to any person who exhibits signs of intoxication. During peak trading periods, security personnel/RSA Marshalls will move through the venue to monitor intoxication levels of patrons. Security will remove any patrons in the venue that they observe as being intoxicated.
- e) The licensee shall decline entry to any person who is already intoxicated.
- f) The licensee shall not permit any intoxication or any indecent, violent or quarrelsome conduct on the premises. Any patron causing such disturbance shall be refused service and asked to leave the premises.
- g) At all times the venue is open, floor staff and bar staff will monitor the intoxication levels of patrons. When a staff member observes a patron approaching intoxication they are to follow the escalation protocol outlined below:

A radio is available at all service points to make direct contact with Management and security

Management will carry a radio with them at all times during trading periods

Security will carry a radio with them at all times during peak trading periods

When staff observe a patron exhibiting any of the follow signs:

- Signs of intoxication
- Aggressive, quarrelsome or disorderly behaviour
- Signs of being under the influence of any illicit substance

They must immediately make contact with Management or Security over radio and inform them of their location and that there is an RSA issue. The staff member is to explain their observation to the patron wherever possible and refuse them the right to service. They are to offer the patron a water and inform them that Management are on their way to discuss the matter. They are to observe and monitor the patron until such time as management or security arrive to take over the situation. Once they have been briefed, the staff member may then resume duties.

If it is deemed appropriate to ask the patron to leave, they will be informed by security officers (if on duty) or the licensee/manager.

- h) Any patron who refuses to leave the premises will be informed that it is an offence to remain within 50m of the hotel and that a \$550 fine applies if they do not comply. Police will be notified at the earliest practical opportunity in relation to a patron refusing to leave the premises or the vicinity of the premises. Should the patron leave prior to Police arrival then Police will be notified that the patron has left.
- i) Any patron whose behaviour is either extreme or repeatedly objectionable may be barred from entering the Hotel for a period to be determined by the licensee.
- j) The licensee shall promote the service of non-alcoholic beverages and food.
- k) No person under the age of 18 years who is not accompanied by a responsible adult shall be permitted in the Hotel. Production of photographic identification will be required where age is an issue. This will be monitored at points of entry during peak trading periods and at bar service points at all times. Acceptable proof of age shall be:
  - a. Photo driver's licence;
  - b. Proof of age card (Service NSW Issued)
  - c. Current passport
  - d. Keypass Identification; or
  - e. Service NSW Digital Identification
- l) A responsible adult, in relation to a minor, means a person aged 18 or over who is:-
  - a. A parent, step-parent or guardian of the minor
  - b. The minor's spouse, or
  - c. A person who is **in loco parentis** to the minor
- m) A person claiming to be a responsible adult may be required to provide documentary evidence of his or her age and relationship to the minor.
- n) The Licensee will ensure that all mandatory signage developed by the Liquor Industry Consultative Council are prominently displayed throughout the Hotel. As part of venue operating procedure, the licensee will complete the current Self Audit Checklist as displayed on the OLGR website on a monthly basis. Copies of all completed audits will be maintained

onsite and will be available for inspection on request from a NSW Police Officer or Special Inspector.

- o) Low alcohol beer and non-alcoholic beverages shall be available at all times when full strength beer is available in the Hotel and will be available at every beverage service point in the venue.
- p) Food shall be available whenever liquor is available for consumption in the Hotel.
- q) Any conditions imposed the hotelier's licence shall be met
- r) Staff employed at the Hotel (including security personnel) shall be dressed in smart, identifiable uniforms in order to allow easy identification and promote a suitable professional image of the business.
- s) The licensee shall be a member of the Local Liquor Accord.

## 2.3 ACCOMMODATION CONTROLS

- a) There is a separate building at the rear of the site that operates as a 33 room boutique accommodation offer.
- b) The licensee and management of the hotel will oversee all procedures relating to the operation of the accommodation including check in, check out, servicing of rooms and other related matters.
- c) Standard check in time of 2pm and checkout time of 10.30apm will apply for the rooms.
- d) Maximum occupancy of each room will be generally restricted to 4 patrons excluding minors.
- e) Access to the accommodation is via key, 4 digit pin or swipe access.
- f) Only 1 vehicle will be permitted for each room.
- g) Access to the unground carpark will be provided to hotel guests as part of their check-in communication. Only vehicles registered to stay at the hotel will be permitted to park underneath.
- h) The pool area of the accommodation will be open to guests from 7am until 10pm. During

these hours, a maximum of 12 guests are permitted in the pool area at one time, to be monitored by accommodation staff.

- i) Terraces to the accommodation rooms shall not be used by guests after 10pm.
- j) After-hours communication will be available with a manager via phone or text.
- k) Rooms will be cleaned daily when occupied and otherwise as required.

### **3.0 MANAGEMENT**

#### **3.1 BEHAVIOUR OF PATRONS AND GENERAL AMENITY OF THE NEIGHBOURHOOD**

- a) At all times, the licensee of the Hotel shall consider the amenity of its neighbors and shall take all reasonable measures to ensure that impacts adverse to the amenity of the surrounding area do not occur.
- b) The Hotel shall be conducted in such a manner as not to interfere with, or materially affect, the amenity of the neighborhood by reason of noise, vibration, smell, fumes, vapor, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
- c) The licensee shall take all responsible steps to control the behaviours of the patrons of the Hotel as they enter and leave the premises.
- d) The licensee, staff and security personnel shall take all reasonable steps to ensure that :-
  - iii) There is no loitering, in the vicinity of the Hotel, by persons who may be seeking admittance to it; and
  - iv) Any person denied entry to the hotel does not loiter near it.

#### **3.2 INCIDENT REGISTER AND COMPLAINTS POLICY**

The licensee and all staff shall adhere to the Hotels complaints policy regarding noise and bad behaviour.

The licensee or manager shall ensure that details of the following are recorded in the Hotels Incident



Register:

- a) Any incident involving violence or anti-social behaviour occurring in the Hotel;
- b) Any incident of which the licensee or manager is aware, that involves violence or anti-social behaviour occurring in the immediate vicinity of the Hotel and that involves a person who has recently left, or been refused admission to the Hotel;
- c) Any person who is restrained by staff, refused entry to, or turned out of the premises:
  - i. for being intoxicated, violent, quarrelsome or disorderly;
  - ii. whose presence on the licensed premises renders the licensee liable to a penalty under the Liquor Act; or
  - iii. who uses, or has in his or her possession, while in the Hotel any substance suspected of being a prohibited plant or prohibited drug.
- d) Any incident that results in a patron of the Hotel requiring medical assistance;
- e) Any incident that occurred either in the Hotel or in the immediate vicinity, which have involved the committing of a crime, or required the intervention of staff;
- f) Any complaints made directly to the management or staff of the Hotel by local residents or business people, about the operation of the Hotel or the behaviour of its patrons; and
- g) Any visits by any NSW Police Officers or Special Inspectors noting their agencies or departments, reasons for the visits and results of the visits.

The following details of complaints made to the Hotel are to be recorded in the Incident Register:

- a) Date and time of the incident;
- b) Nature of the complaint;
- c) Contact details of complainant
- d) Any actions proposed to deal with the complaint
- e) The actions taken and time and date when that was reported to the complainant

Management is to provide a contact phone number and email feedback contact on its website that persons can use to contact the Hotel, in order to make a complaint during all hours of its operation. Any staff member answering such a call must do so in a polite, sympathetic and courteous manner and fill in the Incident Register in accordance with the details above.

The Licensee is to be made aware of the incident. Where possible, action shall be immediately taken

to address any complaint so made, including follow-up action, such as returning the call to let the complainant know what has been done to address the concerns/complaints expressed.

### 3.3 NOISE

- a) The LA10 noise level emitted from the Hotel shall not exceed the background noise level in any octave band center frequencies (from 31.5 Hz to 8000 Hz inclusive) by more than 5dB between 7.00am and 12 midnight at the boundary of any affected residential property.
- b) The LA10 noise level emitted from the Hotel shall not exceed the background noise level in an octave band center frequency from (from 31.5 Hz to 8000 Hz inclusive) between 10.pm and 7.am the following day at the boundary of any affected residential property.
- c) Notwithstanding compliance with the above, the noise from the hotel shall not be audible within any habitable room in any residential premises between the hours of 12.00 midnight and 07.00am.
- d) OPERATIONAL NOISE MEASURES
  - i) The outdoor dining area will not be occupied by more than 80 people during daytime or evening hours.
  - ii) The outdoor dining area will not be occupied by more than 40 people after 10 pm.
  - iii) The Sports Bar Terrace will not be occupied by more than 20 people during the daytime or evening hours.
  - iv) The Sports Bar Terrace will not be occupied after 10 pm.
  - v) The outdoor lounge dining area will not be occupied by more than 15 people at any time.
  - vi) All windows and doors to the sports bar, dining pavilion, lounge room and kids' play area shall remain closed except as used for entry and exit.

vii) The lounge bar and bistro windows and doors may be open during daytime and evening hours only (7 am – 10 pm). The windows and doors to these areas shall remain closed after 10 pm, except as used for entry and exit.

viii) The lounge dining windows and doors may remain open during all operating hours.

### 3.4 LIGHTING

- a) Lighting shall be installed to provide clear directional access to the Hotel, including throughout the car park areas.
- b) Lighting shall be of an illumination as to be obstructive to other properties.
- c) Appropriate security lighting shall be provided around the perimeter of the site to provide for clear and safe pedestrian access within and around the hotel property.

### 3.5 SIGNAGE

- a) Compliance signage required under the Liquor Act 2007 and Regulation will be maintained and be audited on a monthly basis through the current Self Audit Checklist available on the OLGR website.
- b) Signage notifying patrons that CCTV is used on premises must be located at all entry and exit points of the Hotel.
- c) Signage notifying patrons of the \$550 Fine for Failing to Quit will be displayed at all entrances of the Hotel.

### 3.6 SAFETY OF STAFF AND PATRONS

- a) All staff shall be briefed on the procedures they should adopt in the event of there being an attempt to rob the premises. In these briefings, the NSW WorkCover publication *“Armed holdups and cash handling – A guide to protecting people and profits from armed hold-ups”*

should be utilised.

- b) Any contact or arrangements entered into with a security provider shall be in accordance with:-
  - i. AS4421 – 1996 *“Guards and Patrols”*
  - ii. AS3745 – 1995 *“Emergency control Procedures for Buildings”* and
  - iii. AS/NZS 4360 – *“Risk management”*
- c) Risk management procedures are to comply with AS/NZS 4360-1999

### 3.7 MAINTENANCE AND CLEANING

- a) The premises shall be kept in a clean and tidy condition and regularly maintained to satisfaction of Council both, internally and externally.
- b) An external contractor is employed to clean the premises.
- c) An external gardening and landscaping contractor is employed to maintain all external landscaping, lawns and planting to the property.

### 3.8 HOUSE POLICY

The following house policy will be on display at the main entrance to the hotel:

We strive to provide responsible, safe and professional service of alcohol. We will endeavour to serve customers in a responsible, friendly and professional manner, and abide by the conditions of our liquor license. Staff are on hand to assist customers in enjoying their time at the venue and to assist in their decision to drink in moderation and, where appropriate, avoid drinking activities that put customers at harm or risk. Management is committed to adhere to all liquor licensing laws.

#### **Training**

All staff involved in the sale and/or service of alcohol must have completed an approved Responsible Service of Alcohol (RSA) course. At no time are staff to encourage excessive or unsafe drinking practices. We are committed to ongoing training to deliver best possible adherence to our policy.

### **RSA expectations**

At no time will any person exhibiting any of the following, be admitted into, or served in the venue:

- Signs of intoxication
- Aggressive, quarrelsome or disorderly behaviour
- Signs of being under the influence of any illicit substance

We reserve the right to define 'intoxication' for this purpose.

### **Alternative beverages**

We offer a full range of non-alcoholic and low alcoholic beverages. This includes juice, soft drink, and water. Further, it is a commitment of the venue that a variety of low strength and mid strength beverages are offered. They are displayed prominently and always at a lower price than their full strength counterparts.

### **Consider our neighbours**

It is asked that patrons please leave the venue and surrounding area clean and with minimal noise. Patrons who make excessive noise, loiter or otherwise disrupt the good order of the neighbourhood will not be admitted or re admitted to the venue.

### **Transport**

Taxi services are available upon request at the bar.

### **Security**

Respect, courtesy and dignity are the standards by which patrons will be dealt with whilst on our premises. Whilst keeping this in mind, all staff including security will be mindful of refusing service and/or entry to any patron who displays any signs of intoxication (as per RSA), cannot prove their age or is generally unruly.

### **Proof of age**

We require one of the following forms of identification:

- a current driver's licence or learner's permit with photo and date of birth
- a current passport

- an Australian government-issued proof-of-age card (18+ Card) or
- Student ID cards are not acceptable forms of proof of age.

### **Minors**

Minors will only be permitted on the premises when accompanied by a legal guardian and can only enter signposted authorised areas of the venue. Minors are strictly not permitted in the Gaming Room.

## **4.0 SECURITY**

### **4.1 SECURITY PERSONNEL**

- a) The licensee and all duty managers employed at the Hotel shall have completed suitable courses and hold suitable certificates to enable them to ensure that an appropriate standard of behaviour is maintained in the Hotel.
- b) The licensee shall make arrangements with an independent organisation for the provision of security personnel (who are appropriately licensed) at the Hotel. Whose arrangements shall include the provision of additional security personnel at short notice if requested by the licensee or duty manager.
- c) Uniformed security officers will be on duty at the hotel as required, dependent on patron numbers and activities such as entertainment or special functions.
- d) The licensee shall require any security person, on duty at the hotel to :
  - i. Be appropriately licensed and to have completed an approved course in the Responsible Service of Alcohol and present that certificate or ID Card for filing in the Hotels RSA Register ;
  - ii. Be dressed in readily identifiable uniform and display identification as a private security officer. Of working outside the Hotel, to wear an approved reflective jacket with the word "SECURITY" clearly visible upon it;
  - iii. Fill in a time-sheet (showing start and finish times) for each shift worked.
  - iv. Report to the licensee or duty manager to obtain a briefing on his or her duties

before commencing duty;

- v. Prevent any person, detected as intoxicated, from entering the Hotel and bring to the notice of the licensee or duty manager any person observed in it who might be considered intoxicated
- vi. Prevent and person deemed to be under the age of 18 years from entering the Hotel until appropriate proof of age is produced. Any such person observed in the Hotel shall be requested to produce proof of age and, if that is not produced escorted from the Hotel;
- vii. Prevent any person who does not comply with the hotels dress code from entering the Hotel
- viii. Prevent patrons leaving the Hotel with open drinking containers
- ix. Co-operate with the Police or any other private security personnel operating in the area near the hotel
- x. Monitor the behaviours of patrons in the vicinity of the Hotel and encourage them to leave its vicinity in a quiet and orderly way;
- xi. Go to the assistance of their fellow(s) if required;
- xii. Be provided with a two-way radio or mobile phone with mouth-to-ear-pieces to allow them to make contact with the licensee, duty manager, key staff and/or other security person(s) on duty at the Hotel and vice versa without creating undue noise;
- xiii. Collect any rubbish or debris which might reasonably be considered to arise from the Hotel or its patrons in the area monitored or patrolled when monitoring or patrolling the streets near the Hotel; and
- xiv. At the end of each shift, bring any incidents that have occurred and the actions taken to the attention of the licensee/duty manager who shall confirm that all details of incidents have been recorded correctly in the Incident Register and add any additional information as required.

e) Any complaint received at the hotel shall be addressed according to the complaints procedure outlined in this Plan of Management.

## 4.2 CCTV AND VIDEO SURVEILLANCE

- a) The licensee shall maintain a CCTV system that meets the following minimum requirements:
  - i. be in digital format and record at a minimum of six frames a second;
  - ii. operate continuously
  - iii. The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- b) The system's camera must cover as a minimum:
  - i. All entry and exit points of the premises with a camera quality that allows clear recognition of facial features of patrons as they enter and leave;
  - ii. Carpark areas and entry and exit driveways; and
  - iii. Publicly accessible areas such as any stairs cases, entertainment areas and entrances to toilets.
- c) Recordings shall be retained for a period of 30 days before being reused or destroyed. The licensee shall ensure that no person is able to delete or alter any recordings within the 30 day period.
- d) When the Hotel is trading, at least one person shall be at the premises who is capable of accessing the CCTV system and is able to immediately review recordings. The procedure for this will be included as part of the Compliance register and will be immediately available on request by Police.
- e) The CCTV system shall be able to reproduce a copy of the recordings on DVD or USB memory stick.
- f) Copies of recordings are to be made available to NSW Police within 24 hours of such a request.



## 5.0 OTHER COMPLIANCE

### 5.1 CRIME SCENE PREVENTION GUIDELINES

a) Immediately after the licensee or duty manager in charge of the Hotel becomes aware of an incident involving an act of violence causing injury to a person on the premises requiring immediate medical assistance, the person must:

- i) Render any required first aid;
- ii) Immediately contact '000' or the Local Area Commander, or their delegate, and advise them of the incident; and
- iii) Comply with any directions given by the Commander, or their delegate, to preserve or keep intact the area where the violence occurred.

b) Unless directed otherwise by the Local Area Commander or their delegate, the following crime scene preservation guidelines must be observed:

- i) Determine the crime scene and remove all persons from the area. Take all practical steps to preserve and keep intact the area where the act of violence occurred. Cordon off the area utilising stools, tables or tape. Consider closing off the area completely for areas such as toilets or hallways. Remember there may be multiple crime scenes.
- ii) Do not allow any persons to enter this area;
- iii) DO NOT CLEAN UP ANY CRIME SCENE. You may be destroying vital evidence;
- iv) Remember some evidence may not be visible to the naked eye;
- v) Do not move any items that may have been involved in an offence unless absolutely necessary. Use gloves to stop transference of your DNA or fingerprints;
- vi) Notify Police if any items have been moved or removed from the crime scene;
- vii) Make notes in relation to the incident;
- viii) Secure any CCTV footage and the staff sign on sheets;
- ix) Obtain any details of witnesses and try to keep all witnesses separated so as to maintain the integrity of their evidence. Witnesses are to be dissuaded from leaving the premises before Police arrive;
- x) Hand this information to Police on arrival; and
- xi) Be prepared to make a statement to Police regarding the incident.

Interfering with evidence may constitute an offence, leaving you liable to prosecution or disciplinary action, and/or may result in the closure of the Hotel.

## 5.2 FIRE SAFETY AND ESSENTIAL SERVICES

- a) The licensee shall ensure that all essential services installed at the Hotel are certified annually and shall ensure that they remain in good working order at all times. The annual fire safety certificate will remain on permanent display to the public in the Hotel.
- b) The licensee will conduct an internal monthly fire services audit. In the event of any malfunctioning of any essential service, the licensee shall ensure that it is rectified as soon as possible.
- c) All managers and other permanent staff shall be made aware of fire safety requirements and the procedures to be followed in the event of an emergency at the Hotel.

## 6.0 AMENDMENTS TO THIS PLAN

If, in circumstances where experience shows that it is reasonable or desirable to modify any provision of this plan for the better management of the Hotel, that modification shall be made to the plan with consultation with Local Licensing Police and approved in writing by council, which consent shall not be unreasonably withheld.