



Victorian Commission for Gambling and Liquor Regulation

REASONS FOR DECISION

In the matter of an inquiry into whether the continuation of the licence held by Manolane Pty Ltd, trading as the Francis Hotel (licence number 31905758) would detract from or be detrimental to the amenity of the area in which the licensed premises are situated.

Commission:

Mr Bruce Thompson, Chairman

Ms Kate Hamond, Commissioner

Mr Robert Kerr, Commissioner

Date of Inquiry:

29 May 2013

Date of Decision:

29 May 2013

For the Requestor:

Miss Lisa Donaldson

For the Licensee:

Ms Alison Elverd

Counsel Assisting:

Mr Raj Malhotra

Date of Reasons:

22 July 2013

Decision:

Having conducted an inquiry pursuant to section 94(1)(a) of the *Liquor Control Reform Act 1998* into whether the continuation of the licence would detract from or be detrimental to the amenity of the area in which the licensed premises are situated, the Commission, pursuant to section 95(3), has determined to:

- vary the conditions of the licence as outlined in paragraph 19 of these Reasons for Decision; and
- accept a written undertaking given by the Licensee, pursuant to section 133F of the *Liquor Control Reform Act 1998* for a period of two years.

Signed:

Bruce Thompson

Chairman

REASONS FOR DECISION

BACKGROUND

1. By way of Request dated 3 September 2012, Licensing Inspector Paul Ross (**the Requestor**) sought that the Victorian Commission for Gambling and Liquor Regulation (**the Commission**) inquire into whether the continuation of the licence held by Manolane Pty Ltd, trading as the Francis Hotel (licence number 31905758) (**the Licensee**) would detract from or be detrimental to the amenity of the area in which it is situated. The Requestor is a licensing inspector appointed under section 172 of the *Liquor Control Reform Act 1998* (**the LCR Act**). The request was made under section 94(2)(b)(ii) of the LCR Act.
2. Inspector Ross supported his request with 20 particulars alleged against the Licensee. The particulars effectively alleged drunken and disorderly behaviour, and violence and offensive behaviour, both in and outside of the premises.
3. The licensed premises, being the Francis Hotel (the licensee also operates the businesses of Niagara Hotel and Club Retro), is located at 383 Lonsdale Street, Melbourne.

PROCEEDINGS

4. From lodgement of the Request until conclusion of the inquiry, the Requestor and the Licensee have held considerable discussions in an attempt to address concerns regarding the conduct which forms the basis of the Request. To this end the parties sought numerous adjournments to allow for full and proper negotiations.
5. The parties wrote to the Commission on 21 January 2013 (Requestor's representative) and 11 February 2013 (Licensee's representative) advising that they had reached a 'compromised' position and seeking that the Commission decline from holding an inquiry and enter into a proposed Enforceable Undertaking (encompassing, amongst other things, a management plan).
6. On 10 April 2013, the Commission wrote to the parties advising that it had determined to conduct an inquiry under section 94(2) of the LCR Act on the basis that the draft undertaking did '...not provide the Commission sufficient comfort in relation to the matters outlined in the statement of agreed facts' and that it had determined to hold a directions hearing.
7. On 23 April 2013, the Commission conducted a directions hearing and determined to provide the parties with the opportunity to make further submissions (by way of an amended undertaking and management plan) and further listed the matter for a 1 hour hearing to be held on 29 May 2013. The Requestor and Licensee were represented at the directions hearing.
8. On 3 May 2013 the Licensee, through its representative made submissions including the filing of a further proposed undertaking including a revised management plan.
9. On 29 May 2013, the Commission conducted a public inquiry pursuant to section 28(2)(c) of the *Victorian Commission for Gambling and Liquor Regulation Act 2011* (**the VCGLR Act**)

relying on the filed statement of agreed facts as to the 20 alleged particulars as forming the factual basis of inquiry.

LEGISLATION

Commission inquiries

10. If the Commission has determined to conduct an inquiry, it is required to give written notice to the Licensee. Section 94A(1) of the LCR Act provides that the notice must, amongst other things, specify the grounds the Commission proposes to consider; and specify that the Commission may make a determination under section 95 following the inquiry whether or not the Licensee (or a person representing the Licensee) has made a submission to the Commission.
11. Upon proposing to conduct an inquiry, the Commission is also required under section 94B(2) to give written notice to a person who may be the subject of a determination of the Commission if the Commission has contact details for that person.
12. The Commission is also required to publish a notice of the inquiry.

Section 94 of the LCR Act

13. Section 94 of the LCR Act allows a licensing inspector to make a written request to the Commission to conduct an inquiry into whether the continuation of a licence or permit would detract from or be detrimental to the amenity of the area in which the licensed premises are situated.
14. After conducting an inquiry under section 94(2), the Commission may make a determination based on that inquiry that the continuation of a licence would detract from or be detrimental to the amenity of the area in which the licensed premises are situated.
15. If it determines to make such a finding, the Commission may make the following orders under section 95(3):
 - (a) cancel the licence or BYO permit; or
 - (b) suspend the licence for a period specified by the Commission; or
 - (c) vary the licence; or
 - (d) make any other direction the Commission thinks fit.

MATERIAL BEFORE THE COMMISSION

16. The Commission had before it a Statement of Facts agreed between the Requestor and the Licensee (which the Commission accepted as a true account of the conduct contained in the Requestors alleged particulars).

17. The Commission further had before it (and took into consideration) a revised management plan which formed part of an undertaking offered by the Licensee to the Commission (and to be published on the Commission's website).

STATEMENT OF AGREED FACTS

18. The Commission has accepted that the conduct described at 'Annexure A' attached to the undertaking constitutes the facts for the purposes of the inquiry (and also annexed to these Reasons for Decision).

SUBMISSIONS

19. The Requestor and Licensee submitted to the Commission that it accept an undertaking and further that the following condition on the licence be deleted:

- Crowd controllers, licensed under the Private Security Act, are to be employed at a ratio of 2 crowd controllers for the first 100 patrons and 1 crowd controller for each additional 100 patrons or part thereof. One crowd controller is to be present outside the premises to monitor patrons arriving at and departing from the premises. Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure.

and be replaced with:

- Crowd controllers, licensed under the *Private Security Act 2004*, are to be employed at a ratio of 3 crowd controllers for the first 100 patrons and 1 crowd controller for each additional 100 patrons or part thereof. Two crowd controllers are to be present outside the premises to monitor patrons arriving at and departing from the premises. Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure.
- The licensee is to install and maintain ID scanners at each entrance to the premises which is open after 9 pm. All patrons who enter the premises after 9 pm are to be scanned prior to being admitted to the premises. If all the ID scanners at the venue cease to operate for reasons outside the licensee's control, the licensee is to notify the relevant licensing inspector as soon as practicable, and take all reasonable steps to fix or replace the ID scanners as soon as possible. The licensee is not required to refuse entry to patrons for the period in which no ID scanners are operational.
- Two (2) additional crowd controllers licensed under the Private Security Act and trained in the responsible service of alcohol to be present after 10pm to monitor patrons with the aim of ensuring that liquor is not provided contrary to the Act. The persons are to wear a tabard with the letter R.S.A displayed on the front and rear in letters no smaller than 10cm in height.
- Bottled water is to be supplied free of charge to all patrons upon request.

20. On 3 May 2013, the Licensee's representative made written submissions outlining the history of, operation of, and contribution to the community by the Licensee and advised the Commission that many (if not all) of the matters contained within the undertaking and management plan had already been implemented. The Commission has considered the efforts of the Licensee in making its orders.

DECISION

21. The Commission has determined to:

- a) accept the written undertaking (annexed to these Reasons for Decision including the Plan of Management) pursuant to section 133F of the LCR Act given by the Licensee which includes (but is not limited to) –
 - a statement of facts agreed upon between the Requestor and the Licensee;
 - a Plan of Management to which the Licensee will comply commencing immediately; and
 - that the undertaking is for a period of two years.
- b) vary the conditions of the licence in accordance with paragraph 19 of these Reasons for Decision.

The preceding document is a true copy of the Reasons for Decision of the Commission.

LIQUOR CONTROL REFORM ACT 1998 (the Act)
ENFORCEABLE UNDERTAKING
PURSUANT TO SECTION 133F

The commitments in this undertaking are offered to the Victorian Commission for Gambling and Liquor Regulation (**the Commission**) by Manolane Pty Ltd (**the Licensee**).

1. Background

- 1.1. The Francis Hotel, situated at 383 Lonsdale Street, Melbourne (**the Premises**) operates pursuant to Late Night (General) Licence 31905758 (**the Licence**).
- 1.2. The Licensee is the holder of the Licence.
- 1.3. On 18 September 2012, the Licensee received notice from the Commission that it had received a request from Licensing Inspector Paul Ross to conduct an inquiry into whether the continuation of the Licence would detract from or be detrimental to the amenity of the area in which the licensed premises is situated under section 94 of the Act.
- 1.4. The Commission, having conducted an inquiry on 29 May 2013 (**the Inquiry**), has determined to make orders pursuant to section 95(1)(a) of the Act and, by way of those orders, has determined to accept this Enforceable Undertaking.

2. Statement of Agreed Facts

The Licensee accepts the conduct alleged in the statement of agreed facts attached to this undertaking at **Annexure A** as the facts in the Inquiry.

3. Undertaking

In consideration of the matters referred to in this undertaking, the Licensee will, as and from the date of this undertaking ensure:

- 3.1. no drunk person is to be on the licensed premises;
- 3.2. all Directors of the Licensee, namely, Stephen John Beaumont, Richard Ian Conacher, Cameron Norton Jackson and Peter John Cook, together with any other person in management or control of the premises will undertake the Licensee Enforceable Training delivered by Franklyn Scholar Hospitality by no later than 4 weeks after the commencement of this undertaking;

3.3. the Premises is operated in accordance with the Plan of Management dated May 2013 as provided to the Commission and attached to this undertaking at **Annexure B.**

4. Commencement and duration of the undertaking

This undertaking comes into effect when executed by the Licensee and the Commission and will continue to take effect for a period of two (2) years thereafter.

5. Acknowledgements

The Licensee acknowledges that:

- 5.1. Pursuant to section 133G of the Act, the Commission will register this undertaking in the Register of Undertakings and the undertaking will be available for public inspection on the internet;
- 5.2. The Licensee, the Commission and/or the Premier or a Minister of the Government of Victoria may from time to time publicly refer to this undertaking;
- 5.3. This undertaking does not fetter the Commission in respect of any other action it may deem appropriate to take, or in any other power or function contained within the Act.

6. Execution

Executed by **MANOLANE PTY LTD**

Director:.....

Dated the *14th* day of *July* 2013

THE VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION

B. Brennan
.....
Dated the *22nd* day of *July* 2013

STATEMENT OF AGREED FACTS

1. On 25 September 2008, Licensing Inspector Robert Hodgkin issued the licensee with a Written Warning detailing the incidents occurring in the premises and in the area of the premises. The Written Warning advised the licensee that further incidents or events may lead to VCAT disciplinary proceedings.
2. On 5 June 2009, a patron was sitting on the footpath outside the premises. He had blood shot eyes, his clothing was dishevelled and he was unable to stand unassisted. He was arrested for being found drunk in a public place.
3. On 13 June 2009 two patrons were evicted from the premises by crowd controllers. They behaved aggressively, swearing and abusing crowd controllers. This escalated as the patrons become more agitated and began pushing and shoving the crowd controllers. Police used OC spray to contain the patrons. Both were arrested for being found drunk in a public place.
4. On 2 October 2009, an intoxicated female patron was evicted from the premises. She began behaving aggressively towards a crowd controller and scratched him across his face.
5. On 28 May 2010, a patron was evicted from the premises and engaged in a verbal altercation with police. He was slurring his words and unsteady on his feet. He was arrested for being found drunk in a public place.
6. On 11 July 2010, a male patron walked into an adjoining laneway in Lonsdale Street. He urinated against a wall in full view of the public. He said to police "I could not hold on. We have been waiting in the queue for ages".
7. On 11 July 2010, a male patron left the queue to the premises. He urinated against a wall in an adjoining laneway in full view. He said to police "Sorry mate can't find a toilet, I'm busting".
8. On 30 October 2010, a patron was being restrained on the ground by two crowd controllers outside the premises. He had earlier attempted to enter the premises but was refused due to being intoxicated. He was arrested for being found drunk in a public place.
9. On 21 November 2010, a patron was evicted from the premises and refused to leave the area. He picked up a metal bollard and threw it at a crowd controller. He was struck on the chin and bleeding. The offending male patron was charged with assault.
10. On 18 June 2011, a group of approximately six males were brawling on the dance floor on the second level inside the premises. Two crowd controllers attempted to intervene and were assaulted. One crowd controller received lacerations to his head from glass being smashed across his head. Once evicted the patrons continued brawling on Lonsdale Street.

11. On 14 August 2011, loud noise was heard coming from the premises. One patron was being restrained and escorted from the foyer by a crowd controller. He had earlier been drinking in an upstairs bar at the premises and asked to leave due to his aggressive behaviour. He smelt strongly of intoxicating liquor and was unsteady on his feet. He was arrested for being found drunk in a public place.
12. On 16 August 2011, Licensing Inspector Paul Ross issued the licensee with a further Written Warning detailing the incidents occurring at the premises and in the area of the premises. The Written Warning advised the licensee that further incidents or events may lead to VCAT disciplinary proceedings.
13. On 17 September 2011, a patron was evicted from the premises for behaving aggressively towards a crowd controller. He was arrested for being found drunk in a public place.
14. On 17 September 2011, a male person was standing outside the premises with blood covering his upper lip and nose. He told police he did not know how he was injured.
15. On 17 September 2011, a male was observed vomiting in Lonsdale Street next to a public toilet. The male said he had been drinking at the premises.
16. On 5 November 2011, approximately five male patrons were brawling with crowd controllers on the footpath outside the premises. Police used OC to separate and contain the patrons. The brawl began when one patron threw a bottle inside the premises.
17. On 26 February 2012, approximately six male patrons were fighting inside the premises. A female intervened and was struck on the side of her head. .
18. On 26 February 2012, a male person was stumped on a window sill outside the premises. He was unable to keep his eyes open and found it difficult to maintain an upright position. He was arrested for being found drunk in a public place. He admitted that he had been drinking at the premises.
19. On 3 June 2012, a female patron was punched to the forehead and had her hair pulled by another patron inside the premises. They were evicted from the premises for fighting. One female had minor lacerations to her forehead and collarbone.
20. On 10 June 2012, a male patron was asked to leave the premises on two occasions but refused to do so. His breath smelt strongly of intoxicating liquor he was unsteady on his feet and belligerent.
21. On 1 July 2012, several male patrons were fighting and arguing with crowd controllers inside the premises. Four male patrons were evicted and loitering in the area. One male had cuts and bruising to the left side of his face.
22. On 7 July 2012, a male patron was evicted from the premises. He refused to leave the area for approximately 20 minutes and then punched a crowd controller on his chin. He smelt strongly of intoxicating liquor, slurred his words and was unbalanced on his feet. He was arrested for being found drunk in a public place.

PLAN OF MANAGEMENT

NIAGARA HOTEL & CLUB RETRO

383-387 Lonsdale Street

MELBOURNE

May 2013

INTRODUCTION

This Patron Management Plan has been prepared for the Niagara Hotel and Club Retro, at 383-387 Lonsdale Street, Melbourne (**the Premises/Venue**).

The Patron Management Plan is intended to detail how the Venue will operate to ensure that offsite impacts are managed to avoid unacceptable offsite impacts, and that the onsite behaviour of patron will be managed to ensure responsible service of alcohol. This management plan deals with the following issues:

- a) *Staffing and security arrangements for the Premises, including staffing security to manage the number of patrons and the behaviour of patrons on and associated with the Premises,*
- b) *Measures to manage any patrons queuing to enter the Premises,*
- c) *Monitoring of patrons during peak times by professional security crowd controllers,*
- d) *Staffing and other measures to ensure the orderly departure of patrons,*
- e) *Signage to encourage responsible off site behaviour,*
- f) *The training of staff in the management of patron behaviour,*
- g) *Complaint identification and management,*
- h) *Measures to control noise emissions from the Premises,*
- i) *Video surveillance arrangements,*
- j) *Waste management and the prevention of littering, both on site and off site.*

VENUE OPERATIONS AND MANAGEMENT PROCEDURES

The licensee has a clear understanding that the fundamental principle of the Patron Management Plan is to ensure the ongoing good operation of the use and to minimise off site amenity impacts to the surrounding/nearby residential and business areas.

The licensee acknowledges that the 'key risks' of operating licensed premises in the Melbourne CBD are as follows:

- Appropriate assessment of patrons for entrance to the Premises.
- Detection of intoxicated and drunken patrons and early intervention in relation to patrons who may become intoxicated or drunken.
- Managing refusals of entry and removals in a manner that is not harmful to the amenity of the area.

The licensee has in place the following philosophies to manage the key risks identified in this document:

- *Communication: Staff and patron communication begins 'at the door' when a patron's ID is scanned and continues throughout the night with all staff, crowd controllers and – particularly – RSA officers being encouraged to engage with and communicate with patrons regularly. Bottled water is to be made available to patrons at all times upon request and the distribution of the same by staff is to be used as a key opportunity to engage with patrons and assess intoxication levels.*
- *Early Intervention: The licensee is committed to approaching patrons in relation to their alcohol consumption before it becomes an issue. The licensee will take all reasonable steps to identify patrons who may be approaching levels of alcohol consumption that could lead to inappropriate behaviour.*
- *Responsible Service of Alcohol: RSA underpins the provision of a late night premises in the CBD. All staff will bear RSA principles in mind when supplying liquor to patrons. The implementation of the RSA officer as set out further in this Patron Management Plan will assist in RSA delivery.*

Policy Review

This policy will be reviewed annually by the licensee or more frequently in response to legislative or other regulatory change.

OPERATIONAL MATTERS

- a) *Staffing and security arrangements for the Premises, including staffing security to manage the number of patrons and the behaviours of patrons on and associated with the Premises.*

Crowd controllers are required by the liquor licence to be present from thirty minutes before the start of live or recorded amplified entertainment other than background entertainment (**Entertainment**) being provided, until thirty minutes after closure. This comprises three (3) crowd controllers for the first hundred patrons and one crowd controller for each additional 100 patrons or part thereof.

It is noted that at all times, crowd controllers are employed in addition to bar and management staff.

Bar staff (including at least one manager) are employed on a demand basis and at the time of preparing this document typically included the following numbers through out the week as follows:

Monday- 2

Tuesday- 2

Wednesday- 2

Thursday- 2

Friday- 10

Saturday- 10

In addition to the foregoing, two (2) Responsible Service of Alcohol officers (licensed under the *Private Security Act*) are required to be provided after 10:00pm when Entertainment is provided. These officers are over and above security staff and bar staff. It is the role of these officers to take all reasonable measures to advance the principle that liquor is not provided contrary to the *Liquor Control Reform Act*. The role of RSA officers is to

identify patrons who may be intoxicated and to take appropriate action following such identification. When conducting their duties, these officers will be required to communicate with patrons and other staff on an ongoing basis. In addition, RSA officers are required to communicate with patrons on all levels of the Venue throughout the evening when Entertainment is provided.

b) MEASURES TO MANAGE ANY PATRONS QUEING TO ENTER THE PREMISES

When required, a combination of sold barriers and 'Tensa barriers' will be used by security staff to facilitate the orderly queuing of patrons outside the Venue. The 'Tensa barriers' are placed in a U shape immediately outside the front door to enable security staff to manage patrons entering and exiting the Venue.

Security stationed at the front door are required to ensure that patrons waiting to enter the Venue queue in an orderly manner and are not intoxicated before entering the Premises. Security staff will control the length of the queue on a needs basis and ensure that all patrons waiting to enter the Venue are queuing in an orderly manner without obstructing the footpath. Security staff as required will monitor the end of the queue.

In the event of a queuing patrons becoming unruly, security staff will direct any patron/s to leave the queue and immediate area. Taxis will be offered to any unruly patrons requested to leave the area. In the event of unruly patrons refusing to leave the area, police will be called.

c) MONITORING OF PATRONS WHEN ENTERTAINMENT IS PROVIDED BY PROFESSIONAL CROWD SECURITY PERSONS

When Entertainment is provided, the Venue employs crowd controllers, licensed under the Private Security Act, at a rate of three (3) crowd

controllers for the first hundred patrons and one crowd controller for each additional hundred patrons or part thereof.

It is noted that the Venue's Liquor Licence requires crowd controllers to be present from thirty minutes prior to the Entertainment commencing and until thirty minutes after closure.

All crowd controllers employed by the licensee are required to hold a current security licence under the Private Security Act 2004 and have successfully completed all training required to obtain that licence. Training includes responding to security risk situations, monitoring and controlling individual and crowd behaviour, managing conflict negotiation, responsible service of alcohol and planning and conducting an evacuation of Premises.

The licensee employs crowd controllers in accordance with the Liquor Licence. All security staff employed by the licensee will be professionally trained to defuse potential conflict in accordance with the directions of management.

d) STAFFING AND OTHER MEASURES TO ENSURE THE ORDERLY DEPARTURE OF PATRONS

All patrons removed from the Venue will be asked to leave the area via taxi or Night Rider bus. Should a patron be unruly, police will be contacted immediately via 000.

e) SIGNAGE TO ENCOURAGE RESPONSIBLE OFF SITE BEHAVIOUR

A sign situated near the exit to the Premises and which is clearly visible will read, "In consideration to our neighbours patrons are requested to keep noise to a minimum whilst leaving the Venue and the area".

f) THE TRAINING OF STAFF IN THE MANAGEMENT OF PATRON BEHAVIOUR

All staff employed to serve alcohol on the Premises will be required to have undertaken a Responsible Serving of Alcohol course as approved by the Victorian Commission for Gambling and Liquor Regulation.

All directors of the licensee and the nominee of the Premises are required to have completed Licensee Enforceable Training.

The law stipulates that serving of alcohol to intoxicated patrons is prohibited and this practice is to be strictly adhered to at the Venue. Responsible Serving of Alcohol training includes training for staff on dealing with intoxicated persons. Drunk patrons are not permitted in the Venue.

All security staff employed at the Premises will hold a current security licence and have undergone professional training in the management of patron behaviour.

Removal of patrons is to be managed by way of the following process so that:

1. Patrons who are identified as being potentially intoxicated will be removed to the 'chill out' area in the lounge on the ground floor of the Venue. Patrons will be offered bottled water, coffee and snacks as appropriate and given an opportunity to 'cool down'.

Once an assessment has been made by management as to that patron's level of intoxication and fitness to remain on the Premises, that patron will either:

- a. Be readmitted to the balance of the Premises; or
- b. Removed from the Premises and asked to leave the immediate area. Taxis will be called upon request. If the removed patrons become unruly and/or do not leave the immediate area when asked to do so, police will be called to remedy the situation.

g) COMPLAINT IDENTIFICATION AND MANAGEMENT

It is current practice that either a proprietor of the Venue, or an authorised manager, will be on duty during all operating hours to receive and deal with complaints. Entry to the Premises will be made freely available during all opening hours to members of the Victoria Police, an "authorised officer" of the City of Melbourne or an officer of Victorian Commission for Gambling and Liquor Regulations (collectively, **Authorised Officers**), to carry out investigations associated with the sale or consumption of alcohol on the site.

The proprietor, or authorised manager, will use its best endeavours to ensure that no disturbances occur or emanate from the land which would cause a nuisance to nearby residences or occupiers or cause adverse detriment to the amenity of the neighbourhood.

The manager of the Venue will be available to assist any Authorised Officer investigating a disturbance in an effort to rectify any problems arising from the use of the Premises as soon as possible. The telephone number and primary contact for the management of the Venue are listed below and shall be updated when necessary.

Primary Contact and Nominee: Richard Conacher

Telephone Number: 9670 6575 or 0409 093 425

Management will retain a logbook of complaints for review.

The Venue will maintain an incident book recording all patrons removed from the Venue and all removals will be recorded on CCTV surveillance footage for viewing up to thirty days after the incident.

h) MEASURES TO CONTROL MUSIC NOISE EMISSIONS FROM THE PREMISES

It is noted that the Venue is located approximately 25 meters from any residential uses and these uses are separated from the Venue by other commercial buildings. Noise generated from the operation of the Venue is required and shall continue to comply with the standards set out in the State Environment Protection Policy (SEPPN-2) – Control of Music Noise from Public Premises.

i) VIDEO SURVEILLANCE ARRANGEMENTS

The Venue will use multiple security cameras (both internally and externally) to monitor activity within the Premises. These cameras are a part of a stand-alone system as approved by the Licensing Inspector. One external camera has a wide-angle view of the street immediately surrounding the front door as well as a view of the front walkway to enable clear identification of patrons entering and exiting the Venue.

A camera showing the entry provides a clear view of patrons entering the Venue. Six (6) other cameras are placed around the Venue to monitor patrons within the bar and dance floor areas.

Patrons are made aware upon entry that any information recorded on the video surveillance system will be provided to the Police in the event of an incident.

In addition, cameras are located in the adjoining lanes as a measure to control inappropriate behaviour in the adjoining lanes.

*j) WASTE MANAGEMENT AND THE PREVENTION OF LITTERING, BOTH
ONSITE AND OFFSITE*

All bottles rubbish and refuse generated by the Premises will be stored within the Premises until the end of each night. Material will then be transferred to bins, which are located within the common property to the south of the Venue, after the Venue has closed. All rubbish is separated for recycling and is collected by private contractors. Rubbish bins are provided as follows:

- i) General waste will be stored in one skip, and is collected by Veolia Environmental Services (or another appropriate provider) on a weekly basis.
- ii) Glass is stored in four wheelie bins and is collected by Visy Recycling (or another appropriate provider) on a weekly basis.

All bins will be stored within the common property and do not encroach on any car parking spaces. Additional waste receptacles will be provided if required at a later date and can be accommodated within the common property to the south.

No glasses or bottles are to be taken from the Premises by patrons. Security stationed at the front door are also responsible for ensuring that no glasses or bottles are taken from the Venue.

Security staff who are stationed on the front door will be responsible for the collection of any litter, including bottles, outside the Venue and within the immediate vicinity of the Venue.

Bar staff will be responsible for the collection of empty bottles and glasses within the Venue and regularly check all areas for litter throughout trading hours and at the end of each night.

In the event of persons vomiting or urinating within the immediate vicinity of the Venue, management will arrange for these areas to be thoroughly cleaned.

OTHER CONSIDERATIONS

(a) Use of Identification Scanner

All patrons seeking entry to the Venue when Entertainment is being provided must present identification for scanning. Failure to provide identification for scanning will result in denial of entry.

(b) Management of Patrons Numbers:

Patron numbers within the Venue will be managed through the use "clicker counters" by security staff stationed on the front door. It is noted that a security staff member is stationed at the door at all time to monitor patron numbers and suitability of patrons for entry.

(c) Pass Outs

Pass outs are not available from the Venue.

Management Issues specifically related to the Rooftop Deck Planning Permit TP/2006/1097) ("the Permit")

- (i) **The ways in which staff are made aware of conditions attached to the permitted use of the new area – all staff will be put through an extra induction session immediately prior to the opening of the new second level area. All of the operational aspects of the permit will be explained to management and mind staff, ensuring and understanding of the conditions of use of the new area (Condition 9(a) of the Permit).**

- (ii) **Staff communication arrangements in relation to the new second level areas** – all security staff and management staff currently use shortwave radio transmitters to communicate during peak periods. An additional security guard will be positioned on this level during peak periods to ensure swift communication with other security and management. Staff will have access to an internal phone system, enabling them to reach management immediately in the instance of management being in another area of the building. Staff will undergo an ongoing twice-yearly in house training session, which will cover any issues relating to the new areas (Condition 9(d) of the Permit).

- (iii) **Measures to control noise from the Premises** – the new second level area will have prominently displayed signage reading *"In consideration of our neighbours, patrons are requested to keep noise to a minimum"*. No live or amplified music will be permitted on the external deck area. Security guards, management and line staff will be briefed on this requirement and will be able to continually monitor patron behaviour (Condition 9(e) of the Permit).

- (iv) **Measures to control inappropriate behaviour in the lanes adjacent to the hotel** – the property will have video surveillance in the lanes adjacent to the hotel. Signs advising of the presence of video surveillance will be clearly visible in the vicinity of the surveillance cameras (Condition 9(f) of the Permit).

- (v) **Measures to control patron behaviour and to limit unruly behaviour** – all security, management and line staff have completed a Victorian RSA certificate, as outlined in section (f) of this Patron Management Plan. Patron supervision, as detailed above, will ensure patrons are alerted to unruly behaviour. If the patron's behaviour does not improve, they will be removed from the Premises (Condition 9(h)(i) of the Permit).

- (vi) **Measures to ensure the door to the courtyard is not left open so that music can escape from the building** – the door will be fitted with a permanent automatic closing mechanism (Condition 9(h)(ii) of the Permit).

- (vii) **Use of security cameras to monitor the courtyard** – the property will have video surveillance of the second level internal and external areas, which will make up a part of the Venue surveillance system, as approved by the local Victoria Police Liquor Licensing Inspector. Patrons will be made aware upon entry that any information recorded on the video surveillance system will be required to the police in the event of an incident (Condition 9(h)(iii) of the Permit).

SUMMARY

This document has been prepared and formalises the current best practice hospitality operation management, in relation to noise, amenity and patron management for the Niagara Hotel and Club Retro. It is a document that provides transparency regarding the operation of the Venue and communication with the community to ensure continued success into the future.