

Module 4

Refusing service



(Note: Click the  button to play the slide.)

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At the end of **Module 4: Refusing service**, you will be able to:

Explain who should be refused service

Describe how you should refuse service

Explain how you should remove customers from the premises

Describe when you should escalate a difficult situation



Who you should refuse service to + How you should refuse service

Refusing service is not just a legal requirement, it also helps to meet your duty of care to:

The customer



Other customers



Staff



Prevention is always the best option

Responsible hospitality practices → Reduce the need to refuse service

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The licensee, their staff or security can refuse to admit, or ask any person to leaves the licensed premises who is:



Suspected minors without valid ID
Minors who show fake ID
Anyone who you suspect may be purchasing alcohol on behalf of a minor. If a minor shows you a fake ID, you must contact the police



Use the common behavioural signs and indicators
Signs of intoxication can also be signs of a disability, injury, health issue or drug use
Use common sense



For example:
Behaving in a way that is boisterous, disruptive, argumentative, aggressive or violent



Smokers who smoke within a designated smoke-free area
Someone who uses or possesses a prohibited drug while on premises



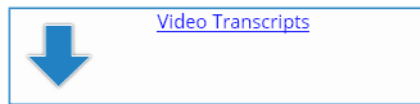
For example:
Minors, customers who have been removed from the premises or barred from the premises
Someone whose presence renders the licensee liable to a penalty under the Act





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Let's watch what happens if you **don't refuse service** to a **minor**.



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You and the licensee can be **fined** and even **prosecuted**

Also the case if you don't refuse service to **intoxicated** or **disorderly** customers

You are **not** meeting your **duty of care**

You are putting the **safety** of the customer, other customers and yourself at **risk**

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Ensure you remain professional and polite while refusing service and reduce the chance of the situation escalating.

Click each letter below to find out more.

T A K E C A R E



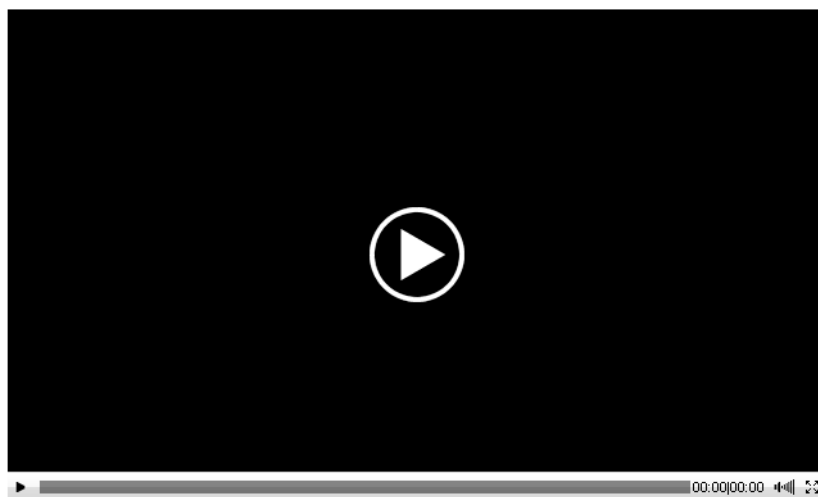
- Always be **respectful** and **polite**
- Diffuse the situation by **blaming** refusal on the **law**
- Explain to the customer that you **do not have a choice**



Your behaviour is indicating signs of intoxication. Due to the law, I'm not able to serve you any more alcohol. Is there anything else I can get you?

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Let's watch an example of how to **refuse service** to a customer who is **intoxicated**.



[Video Transcripts](#)

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Often the refusal of service will also require the customer to be removed.

Any person who is refused entry or asked to leave in the circumstances below can be barred by the licensee indefinitely.



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You can give a customer a **verbal warning** and ask them to leave



Unfortunately you are being disorderly and I will have to ask you to leave this venue

The best way to remove a customer is using **words, not force**.

If they **refuse**, you will need to arrange for the customer to be **removed**

The situation should be handled **efficiently** and with the **minimum** amount of **disruption**

- Ensure there are sufficient **support staff**
- Decide on a **speedy route** to the exit
- Only use **necessary** and **reasonable force**
- **Control** the customer to minimise the danger
- Continue to talk **calmly**
- Ensure the customer **leaves the venue**
- Ensure the customer has a **safe way home**
- Record the details in the **Incident Register/Log** and let other **staff know**

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May be necessary to impose a **short** or **long term ban** on a customer

Check your **House Policy** for guidelines

Explain to the customer clearly **why** they are being barred and the **duration** of the ban

Use a **similar approach** to when you are **refusing service**



The ban needs to be **enforced consistently** by all staff for the duration of the ban

All details must be recorded in the **Incident Register or Incident Log**

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If a person is refused entry or ejected from licensed premises, an offence is committed if they:



- Attempt to re-enter the premises within 24 hours
- Re-enter the vicinity of the premises within six hours without a reasonable excuse

- Remain in the vicinity of the premises eg within a radius of 50 metres from the boundary of the licensed premises without a reasonable excuse, such as waiting for transport, fearing for their safety or the person resides in the vicinity

- Under the NSW liquor laws - An intoxicated person **MUST** leave the premises – they cannot stay on the premises

- Maximum of court fine \$5,500

- NSW Police and L&G NSW Inspectors have the option of issuing a \$550 penalty notice

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IMPORTANT NOTE:

If police are continually called to the same premises to assist in removing drunken patrons or enforcing the fail to leave offence, a disciplinary complaint can be taken on the ground that intoxicated persons have frequently been on the premises, or have been seen frequently leaving the premises.

In these instances, police could obtain evidence to determine whether the patron was intoxicated while alcohol was still being served to that person, and what steps, if any, were taken at the time by staff to remove the patron. This enables police to consider taking disciplinary action against the licensed premises (or its staff) for intoxication offences, or action against the patron for failing to leave.

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Banning orders

While barring strategies are generally sufficient to deal with disruptive patrons, licensees also have the option to apply for a formal banning order.

These orders can mean that a person who has been repeatedly intoxicated, violent, quarrelsome or disorderly on or in the immediate vicinity of licensed premises can be banned for up to six months from multiple licensed premises.

The Independent Liquor & Gaming Authority determines whether or not to make a banning order.

Applications for a banning order may be made by the Secretary, Department of Justice, NSW Police, or a licensee who is a local liquor accord member.

A person named in a banning order must not enter, attempt to enter or remain on, the licensed premises.



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Sydney CBD and Kings Cross precincts banning orders

Police can issue a person with a temporary banning order that applies for up to 48 hours, preventing them from entering most licensed premises in the precincts.

Long-term banning orders can be issued by the Independent Liquor & Gaming Authority for up to 12 months in more serious cases.



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Voluntary exclusions

The liquor laws allow people with a drinking problem to voluntarily exclude themselves from licensed premises.

The person enters an agreement with the licensee allowing the licensee, or a responsible member of staff, to prevent the patron from entering the licensed premises.

Licensees are obliged to comply with a request for self-exclusion from licensed premises.

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The liquor laws recognise a licensee's common law right to exclude or evict a person from their licensed premises. Under common law, a patron has an implied licence to enter and remain on the premises - which the licensee can revoke at any time.

Common examples of the use of these rights is through the enforcement of dress codes, voluntary lock outs or barring patrons for behaviour which occurred at another premises or outside the licensed premises. Essentially, licensees can revoke a person's implied common law invitation to enter the premises for any reason, provided it is not discriminatory.

If a patron refuses to comply with a common law request to leave a licensed premises, they are committing an offence under the *Inclosed Lands Protection Act 1901*, and could also be exposed to civil liability for trespass.

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Easy to deal with



Difficult to deal with



Never put **your** safety or the safety of **others at risk**

If a situation becomes more than you can safely handle, you must **escalate** it



you don't feel comfortable **refusing service** to a customer, you can **escalate** it to your **supervisor** or **manager**



If a customer becomes **violent**, you must get **security** involved. If the violence **continues**, you may need to call the **police**

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A technique to use when refusing service to an intoxicated person could include:

*(Select **one** answer and click the **Submit Answer** button to confirm your selection)*

- demand the attention of the intoxicated person
- explain the reasons for refusing service to the intoxicated person in a polite and respectful manner
- talk to the intoxicated person in front of their friends and family
- make an example of the intoxicated person in front of other patrons



Correct !

Click Next to continue.

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What are the consequences of not refusing service to minors and drunk and disorderly patrons?

*(Select **two** answers and click the **Submit Answer** button to confirm your selection)*

- You and the licensee can be fined and even prosecuted
- There are no consequences, as long as the customers are spending money, it doesn't matter how they behave
- Customers may have to pay a fee to enter the premises to help pay towards any damage they cause whilst drunk and disorderly
- You are not meeting your duty of care, therefore putting the safety of the customer, other customers and yourself at risk



Correct !

Click Next to continue.

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Congratulations! You have now completed **Module 4: Refusing service.**

You should now be able to:

- Explain who should be refused service
- Describe how you should refuse service
- Explain how you should remove customers from the premises,
- Describe when you should escalate a difficult situation



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