



# PLAN OF MANAGEMET

**FISH & LEMONADE PTY LTD | ACN: 638 012 781**  
Shop 15 Manly Wharf | East Esplanade Manly NSW 2095

The purpose and intent of this Plan of Management from a venue operational and management perspective is to implement and effectively maintain the highest standards of responsible service of alcohol and harm minimisation systems to ensure staff, patron and community safety and welfare by identifying key venue management functions responsible for assuring the service of alcohol and harm minimisation strategies adopted by the Restaurant.

The Plan of Management is a living document that may from time-to-time be adjusted or involve updating contents or modification of information to suit to ensure the contemporaneous nature of it and where necessary in consultation with the Northern Beaches Police Area Command.

It provides an overview of the proposed licensed premises mandatory and voluntary operational, management and compliance strategies to ensure effective implementation and compliance with the provisions of the Liquor Act 2007

The Plan of Management will be supplemented by a range of documented procedural measures in the form of policy procedures and guidelines developed and adopted by the Restaurant.

1<sup>st</sup> February 2020



# Table of Contents

## Contents

1. OBJECTIVES OF THE POM.....	4
2. OVERVIEW.....	5
3. THE PREMISES.....	5
4. PROPOSED OPERATORS.....	6
5. DEVELOPMENT CONSENT.....	6
6. FLOOR PLAN.....	6
7. USE OF PREMISES.....	6
8. CAPACITY.....	6
9. PROPOSED LIQUOR LICENCE.....	7
10. ALCOHOL PRODUCTS.....	7
11. PROPOSED LICENSEE.....	7
12. TRADING HOURS.....	7
<i>Local Consent Authority</i> .....	7
<i>Liquor Licence</i> .....	8
13. QUIET AND GOOD ORDER OF THE NEIGHBOURHOOD.....	8
14. ENTERTAINMENT.....	8
15. NOISE LEVELS.....	8
16. NOISE COMPLAINTS.....	8
17. RESPONSIBLE SERVICE OF ALCOHOL.....	9
<i>House Policy</i> .....	9
<i>Operating Key Procedures</i> .....	9
<i>Responsible Service of Alcohol</i> .....	10
<i>Promotion of Non-Alcoholic Beverages</i> .....	11
18. BEHAVIOUR OF PATRONS.....	11
19. BYO.....	11
20. MINORS.....	11
21. OUTDOOR ALFRESCO AREA.....	12
Defined Area.....	12
Maintenance and Furniture.....	13
22. SUPERVISION.....	13
23. THE INCIDENT REGISTER & COMPLAINTS.....	13
24. ILLICIT DRUGS.....	14
25. REPORTING FAIL TO QUIT INCIDENTS TO POLICE   Section 77.....	14
26. CRIME SCENE PRESERVATION POLICY.....	15

27.	GLASSING INCIDENTS.....	15
28.	CROWD CONTROL.....	15
29.	CONTROL OF PATRON NUMBERS IN PREMISES .....	15
30.	PATRON QUEUEING .....	16
31.	SIGNAGE.....	16
32.	CONSULTATION WITH POLICE .....	16
33.	OUTLAW MOTORCYCLE GANGS [OMCG] .....	17
34.	LOCAL LIQUOR ACCORD.....	17
35.	CLOSE CIRCUIT TELEVISION [CCTV].....	17
36.	SECURITY [Optional] .....	18
37.	STAFF TRAINING.....	19
38.	NOMINATED DRIVER.....	19
39.	PUBLIC TRANSPORT INFORMATION .....	19
40.	GRAFFITI.....	19
41.	SMOKING .....	19
42.	DELIVERIES AND WASTE REMOVAL .....	19
43.	FIRE SAFETY.....	20
44.	EMERGENCY PREPAREDNESS AND EVACUATION.....	20
45.	REVIEWING THE POM .....	20

# PLAN OF MANAGEMENT

1. The operators of the licensed premises known as Fish & Lemonade [the venue] and its representative, Liquor Advisory Services Pty Ltd [LAS] have developed this Plan of Management [PoM] (*Copyright © Prepared by Liquor Advisory Services - Specialist Licensing Consultants*) for and on behalf of Veronica PAPACOSTA and the proposed licensee Paul PAPACOSTA for consideration by Manly Council and the New South Wales Police Force [NSWPF] Northern Beaches Police Area Command [PAC] and its Licensing Branch and , Liquor & Gaming New South Wales [L&GNSW].
2. The purpose and intent of the plan from a venue operational and management perspective is to implement and effectively maintain the highest standards of operational practice through the responsible service of alcohol [RSA] and harm minimisation systems to ensure staff, patron and community safety and welfare.
3. In undertaking this commitment, the Licensee shall implement a range of measures in consultation with the PAC in order to reach these high standards and mitigate further risks associated with alcohol related crime and crime in general.
4. All staff involved in the sale and supply of alcohol shall be made familiar with this PoM, with a copy of the said plan to be made available on site at all times within the venues Compliance Folder and immediately be produced for inspection upon request by a member of the NSWPF, Special Inspector L&GNSW and Council.
5. The provisions of this PoM shall be always be adhered to and complied during the execution of the duties of all staff employed by the licensed venue.
6. The Licensee shall clearly articulate to and consistently remind all staff that disregarding the provisions of this PoM and relevant legislation may lead to disciplinary action and instant dismissal, as well as regulatory action.
7. For the purpose of this PoM, proposed premises of Fish & Lemonade shall be referred to as the 'Restaurant' and the term immediate vicinity of the licensed premises shall mean fifty [50] metres from the boundary of the actual proposed licensed area.

## 1. OBJECTIVES OF THE POM

8. The underpinning objectives of this PoM are as follows:
  - a. Ensuring the restaurant trades successfully and be recognised as a responsible and responsive member of the local and broader community.
  - b. Delivering a commitment to provide a safe and healthy environment to customers/clients, staff and visitors to the Manly Wharf area so far as is reasonably practical.
  - c. Creating an operating environment that is safe and non-threatening to staff, patrons and other members of the community.
  - d. Discouraging rapid or excessive consumption of alcohol by limiting the amount of drinks per

customer by ensuring that the range of alcoholic beverages are minimal with price range discouraging minors.

- e. Ensuring patrons and guests are served in a responsible, friendly and professional manner by trained staff.
- f. Ensuring all employees acknowledge their responsibilities, receive training on such and have a sound understanding of management procedures adopted by the operator with the sale and supply of alcohol.
- g. Minimising and manage any potential adverse impacts of the operation of the premises on the community and to respond to community concerns promptly and professionally.
- h. Building and maintaining a strong and transparent rapport with major stakeholders, in particular with the Northern Beaches PAC, Licensing Department.

## 2. OVERVIEW

9. Fish and Lemonade is the exciting new food service venture by the PAPACOSTA Family. Seafood retail veteran Ms. Andrea COSTI with her two children Paul and Veronica PAPACOSTA have over eighty [80] years combined experience in the seafood industry and business operations.
10. Andrea began her business in 1976 in Penrith with her son Paul joining the business as Operations Manager in 1996 and Veronica as Chief Executive Officer [CEO] in 2000. Paul and Veronica are renowned expert judges for the Sydney Fine Food Awards and Veronica is also the Chair of Seafood Industry Australia, the national peak body for the Australia Seafood Industry, with ten [10] stores currently operating around New South Wales [NSW] through a joint venture with Harris Farm Markets, Sydney Fresh Seafood is considered the preeminent seafood retailer in NSW.
11. The ethos of Fish and Lemonade is to supply high quality cooked local sourced seafood in a clean and beautiful setting using natural materials to create an upmarket but accessible offering to its valued customers.
12. Fish & Lemonade is designed to set a new standard in traditional fish and chips offering. The Lemonade component is a high quality and cold pressed non-alcoholic beverage that has been created along with its specific choices of Australian wine and craft beers to perfectly match the seafood menu on offering.
13. The engagement of the retail design team behind Fish & Lemonade is headed up by Paul Kelly Design of Bettys Burger fame, well known for high quality and customer focused design whilst the food development team is headed up by renowned chef Mr. Steve Hodges who is referred to as the master of seafood in Australia.
14. Giving due consideration to this exciting concept and the availability of the proposed premises upon the Manly Wharf which will see the first of ten [10] proposed and specific locations for Fish and Lemonade combined with the fact that all business will remain a family owned and controlled business providing seafood to Australian families for generations to come stakeholders can be satisfied that the operations of this venue will be held to an extremely high and professional standard.

## 3. THE PREMISES

15. The subject premises are located at Shop 15 (*previously occupied by McDonalds*) upon Fairlight walkway

adjoining the East Esplanade within the Manly Wharf thoroughfare and situated between a public walkway and current licensed tenant known as Guzman Y Gomez. The precinct is described as an historic gateway to Manly which has been recently transformed into a must-see Sydney tourist attraction, and a great destination for anyone planning the perfect day out with some of Sydney's finest waterfront restaurants and eateries.

16. Records retained by Manly Council describe the property as Shop 15, Manly Wharf, East Esplanade MANLY NSW 2095.
17. The proposed premises will comprise of a restaurant eatery located on a ground level floor plan consisting of both an internal and outdoor area.
18. The venue is to be known as Fish & Lemonade Pty Ltd and is currently registered under with the Australian Securities and Investment Commission [ASIC]. ACN No. 638 012 781 relates to this business.
19. A financially interested entity by the name of Batterbox Pty Ltd ACN 633 597 930 in which Mr. Paul PAPACOSTA is a director thereof, holds the lease to the said premises.

#### 4. PROPOSED OPERATORS

The proposed operator of Fish & Lemonade Veronica & Paul PAPACOSTA.

#### 5. DEVELOPMENT CONSENT

20. Development Application [DA] Number DA2019/0987 has been lodged and currently being determined by the Local Consent Authority

#### 6. FLOOR PLAN

21. Attached hereto and marked *Addendum 1* is a floor plan depicting the proposed layout of Fish & Lemonade.

#### 7. USE OF PREMISES

22. The Restaurant is a new concept eatery combining a selection of quality seafood products and beverages which include a minimal range of beer and wine product with various varieties of freshly pressed lemonade.
23. The restaurant shall provide a new and diverse concept of contemporary seafood product experience within the Manly Wharf area.
24. The premises shall operate with its principal business as being that of a bona-fide restaurant as defined by the Liquor Act 2007 with its primary product being food.

#### 8. CAPACITY

25. The capacity of the licensed premises is proposed at fifty-six [56] patrons of which twenty [20] patrons internally and thirty-six [36] patrons externally.

## 9. PROPOSED LIQUOR LICENCE

26. The venue intends to, in consultation with the Northern Beaches Police Area Command apply for a new On-Premise [Restaurant] Licence to the Liquor & Gaming NSW [L&GNSW].
27. In consultation with the PAC, the applicant has agreed that no application for a Primary Service Authorisation [PSA] or an Extended Trading Authorisation [ETA] will be made in association with this venue.

## 10. ALCOHOL PRODUCTS

28. The proposed venue only seeks a minimal offering of alcohol consistent and in line with its primary purpose of being a bona-fide restaurant with a concentration of its food products and that any alcohol will only serve as an accompaniment to a meal.
29. The intended range of alcohol proposed will consist of [*Cira*],
  - a. four [4] beers,
  - b. one [1] Cider,
  - c. six [6] Australian wine products (*White, Sparkling, Red & Rose*) and
  - d. a small variety of premixed cocktail products.
30. This limited range will only be served in single serve vessels offered at price points which will discourage underage, rapid or excessive drinking of alcohol.

## 11. PROPOSED LICENSEE

31. The proposed licensee will be Mr. Paul PAPACOSTA [the Licensee] who is the current part owner of the business.
32. The Licensee will ensure that he complies with the legislative requirements of the Liquor Act and its Regulations and shall participate in the local Liquor Accord.
33. The Licensee shall regularly consult with the local community and the PAC regarding the operation of the licensed premises and its immediate vicinity and the maintenance of safety and wellbeing of patrons, staff, and the local and broader community.
34. The Licensee acknowledges that the venue shall not operate with a greater overall level of social impact on the well-being of the local and broader community than what could be reasonably expected from the information contained in the application and the PoM submitted in the process of obtaining a liquor licence.

## 12. TRADING HOURS

### *Local Consent Authority*

35. The proposed operational hours under the current Development Application are:
  - Monday – Sunday 9:00am to 12:00 midnight

## *Liquor Licence*

36. In recent consultation with the PAC the Licensee will only apply for the following trading hours under the provisions of its Liquor Licence.

- Monday – Sunday 10:00am to 10:00pm

## 13. QUIET AND GOOD ORDER OF THE NEIGHBOURHOOD

37. The Licensee shall carefully consider and assess the amenities of the neighbourhood and the Manly Wharf precinct and shall take all reasonable steps to ensure the conduct of the venue does not impact adversely on the surrounding neighbourhood.

38. The Licensee shall take all reasonable steps to ensure that the behaviour of patrons and staff when entering and leaving the venue do not detrimentally affect the amenities of the surrounding neighbourhood.

39. The Licensee shall ensure that the immediate vicinity of the licensed venue is always kept clean and tidy.

40. The Licensee shall ensure that the licensed premises is conducted in such a manner as not to affect the surrounding businesses and neighbourhood by reason of noise or vibration during hours of operation.

## 14. ENTERTAINMENT

41. The proposed premises shall **not** operate as anything other than a bona-fide restaurant.

42. The venue will not morph into any form of a small or general bar or a bona-fide nightclub nor disco or provide live music other than from time to time lite background recorded music for patrons and shall always comply with Council conditions.

43. The venue may provide recorded background music consistent with the theme and ambience of the venue and from time to time consistent with corporate functions and events provide amplified music.

## 15. NOISE LEVELS

44. The venue shall comply with its Acoustic report recommendations and any conditions imposed on the restaurant liquor licence and or Consent conditions relevant to the hours of operations of the venue.

## 16. NOISE COMPLAINTS

45. The Licensee shall always be committed to maintaining and not disturbing the quiet and good order of the neighbourhood.

46. The licensee undertakes that in the unlikely situation where a disturbance complaint is received, in accordance with instructions staff shall effectively deal with such complaints in a polite and sympathetic manner and where reasonably possible to take immediate action to address such complaints and recurrence.

47. Furthermore, each complaint received shall be documented in the venue's incident register under Part A and Part B shall also be completed with the following information:

- a. The date and time of the complaint



- b.* The nature of the complaint received
- c.* Details of the complainant including name, address and contact number
- d.* Undertakings given to the complainant to resolve the issue
- e.* The actual action[s] taken by the Licensee/staff
- f.* The details of a follow up call[s] to the complainant by the Licensee
- g.* Outcome and resolution

## 17. RESPONSIBLE SERVICE OF ALCOHOL

### *House Policy*

48. The venues house policy as it relates to the sale and service of alcohol shall include:
- a.* The responsible service of alcohol.
  - b.* Harm minimization measures.
  - c.* Minors.
  - d.* Secondary Supply
49. The policy shall be displayed within the premises in a suitable location whereby customers can easily access and read the said document.
50. The content of any advertising or promotional material issued in respect of the premises shall be consistent with the development consent and remind patrons that the venue practices the 'responsible service of alcohol'.

### *Operating Key Procedures*

46. The Restaurant shall adopt the following practices in regards to the sale, service and supply of alcohol like those that apply to the Kings Cross and Sydney CBD precincts to ensure its ongoing commitment in mitigating risks associated with the sale and supply of alcohol:
- a.* Maintain an incident register at the premises to record relevant incidents prescribed therein and be readily available for inspection at any time for inspection by members of the NSW Police Force and Inspectors from LGNSW.
  - b.* Install and maintain an effective CCTV system for the purposes of recording operations of the licensed premises and incidents that may occur and shall make footage available to police and L&GNSW upon formal request.
  - c.* Adopt enhanced NSWP Crime Scene Preservation policy and procedures.
  - d.* From 8:00pm until close of business [1] alcoholic drink is to be sold or supplied to anyone person at a time.
  - e.* The Restaurant will not sell any drinks referred to as shots, slammers or bombs or any drink containing more than 50% spirits or liqueur, furthermore any ready to drink beverage with alcohol by volume content of more than 5% or drinks prepared on the premises that contains more than one 30ml nip of spirits or liqueur.

### *Responsible Service of Alcohol*

51. The Licence shall always be operated in accordance with the provisions of the Liquor Act, its regulations and any conditions imposed by LGNSW and or the Independent Liquor & Gaming Authority [ILGA].

52. The Licensee shall ensure that all staff (*and if warranted security personnel*) who may be employed from time to time understand the definition of 'Intoxication', under Section 5 of the Liquor Act 2007 in that:

*"A person is to be considered intoxicated if the person's speech, balance, co-ordination or behaviour is noticeable affected and it is reasonable in the circumstances to believe that the effected speech, balance, co-ordination or behaviour is the result of the consumption of liquor".*

53. The following Responsible Service of Alcohol [RSA] operational measures shall apply at the Restaurant

- a. All staff in the sale, supply and service of liquor shall hold an approved RSA Competency Card and be able to produce that Card via hard copy or digital copy to a member of the NSWPF or Special Inspector.
- b. The Licensee shall adopt as policy the LGNSW guidelines relating to the 'Prevention of Intoxication on Licensed Premises' issued in March of 2015 and shall re-enforce with all staff the importance of **relevant steps** to be taken when dealing with intoxicated patrons which include:
  - i. Refuse and cease any further service or supply of alcohol
  - ii. Ask that person to leave the licensed premises
  - iii. Request the affected patron/s to vacate the area at least 50m from the boundary of the licensed premises
  - iv. Contact Police [Manly Police Station 9976 8019] if the person refuses to do so
- c. The Licensee shall adopt as policy the LGNSW guidelines in relation to Responsible Liquor Promotions, discouraging irresponsible liquor promotion and consumption.
- d. The venue shall adopt and maintain a 'Traffic Light Policy' as a guide to staff in assessing persons levels of intoxication and appropriate action to be taken.
- e. No Alcohol shall be sold or supplied to any person who is intoxicated.
- f. Staff shall be trained to identify secondary supply to minors and intoxicated patrons.
- g. Any person pre-loading or showing signs of intoxication shall be refused entry into the venue.
- h. All staff shall ensure that intoxicated or any indecent, violent or quarrelsome conduct by patrons in the licensed venue is brought to the attention of the Licensee or Manager. A person causing such a disturbance shall be refused service and asked to leave the licensed premises immediately.
- i. No person under the age of eighteen [18] years old shall be sold or supplied alcohol on the licensed premises.
- j. Newly available signage via LGNSW relating to 'Minors' shall be erected throughout the licensed premises.
- k. Low alcoholic beer and non-alcoholic beverages shall be available throughout the trading hours of the venue and priced accordingly.

- l.* Free drinking water shall be available throughout the trading hours of the venue.
- m.* The primary product or service of the venue shall always remain as food with staff challenging patrons on their intent to order a meal.
- n.* The Licensee and staff shall not permit alcohol to be removed from the licensed area by patrons with signage to that effect to be clearly displayed at each entry/exit points.
- o.* The licensee shall ensure that any drink (commonly referred to as a “shot” or a “shooter”) that is designed to be consumed rapidly are not sold or supplied on the licensed premises.
- p.* From 8:00pm to closure a restriction of a maximum of one [1] drink per person will apply.
- q.* At all times all alcohol sold and or supplied to patrons will be opened by staff prior to service.
- r.* Food will always be available whilst the sale, supply and service of alcohol is conducted on the premises of the Restaurant with the main product and service within the stated premises being food.

### *Promotion of Non-Alcoholic Beverages*

- 49. The Licensee and staff shall actively promote patron availability to non-alcohol beverages and food as the name (Fish & Lemonade) clearly reflects the branding of the business model has a strong reliance on the sale of freshly pressed lemonade.
- 50. Tap/drinking water shall always be made available and free of charge

## 18.BEHAVIOUR OF PATRONS

- 54. The licensee and staff shall take all reasonable steps to manage and control the behaviors of the patrons of the restaurant as they enter, remain upon and leave the premises with due consideration to the provisions of Section 77 [s77] of the Liquor Act..
- 55. The Licensee shall adopt a barring policy to this effect and consult with Local Police in respect to the current policies adopted by the Local Accord.

## 19.BYO

- 56. The licensee acknowledges the current popular trend of bring your own [BYO] practices but will adhere to a zero tolerance to such practices with persons being refused service and asked to leave.

## 20.MINORS

- 57. Staff shall actively monitor younger patrons to ensure they are not underage by requesting and verifying approved proof of age identification [including photograph and date of birth] prior to serving person’s alcohol who appear to be under the age of 18 years.
- 58. Where identification is not produced and the patron is suspected of being a minor, alcohol shall NOT be supplied or served to them under any circumstances whilst on the licensed premises.
- 59. The restaurant’s policy shall require any person who appears to be under the age of twenty-five [25] years of age to produce the only acceptable proof of identification approved by L&GNSW including:
  - a.* New South Wales Photo Card

- b.* Drivers licence issued by an Australian State or Territory or another country
  - c.* Passport issued by Australia or another country
  - d.* Proof of Age card issued by an Australian State or Territory except NSW
  - e.* Key pass identification Card issued by Australia Post
60. Staff shall check that identification documents are current [i.e. not expired) and relate to the actual person presenting such identification, staff shall confiscate drivers' licences or other forms of identification found to be fraudulent or falsely represented.
61. Fish & Lemonade staff shall:
- a.* Advise persons presenting false or fraudulent identification that the matter shall be reported to police to investigate further.
  - b.* Report incidents of false identification to Manly Police as soon as practical. [9976 8019]
  - c.* If sale to do so, confiscate false /fraudulent 'Proof of Age' cards only and provide them to the Police.
  - d.* Make an entry in the restaurant's incident register.
62. All staff shall actively monitor minors whilst they are on the licensed premises to prevent and/or identify secondary supply of alcohol to them by others, and caution those accompanying them against this occurring including the consequences in so doing.
63. Any form of Secondary Supply which is identified shall result in such persons being asked to leave with the incident being recorded within the venues Incident Register and reported to Police.
64. The Licensee shall adopt a zero tolerance on Underage Drinking and attempts to purchase alcohol by Minors, giving due consideration to the Minors Sanction Scheme.

## 21. OUTDOOR ALFRESCO AREA

### *Defined Area*

65. It has been the firm intention of the Licensee to install a permanent boundary structure to aid in the territorial re-enforcement of the outdoor alfresco area of Fish & Lemonade, but due to restrictions on such fixed structures within the confines of the heritage listed Manly Wharf the Licensee is unable to undertake this task.
66. Giving due consideration to such restrictions, the licensee will in consultation with Council propose a temporary border consisting of portable windbreakers and or planter boxes which will clearly define the outdoor licensed area and at the same time guide patrons in and out of the venue.
67. Clear signage will be erected upon entering and leaving the outdoor area informing patrons that it is a Licensed area and illegal to carry away liquor from the venue giving due consideration that an Alcohol Free Zone and Alcohol Prohibited Area situated within the location of the Restaurant.
68. The Licensee will ensure that waiter service is provided and maintained within the outdoor alfresco area with staff monitoring RSA related matters including Underage, Intoxication and Secondary Supply.
69. The Licensee will ensure that no empty glass vessels remain upon un-occupied tables within the outdoor

area and that they are removed and discarded in a timely manner.

70. The Licensee will ensure that staff are aware of the requirements under Section 111 of the Liquor Act 2007 pertaining to the Carrying away of Liquor which an On-Premises Licence relates and such information is provided to patrons via social media and printed material. (*menu's and or other printed material*).
71. In the unlikely situation whereby, a patron attempts to carry liquor away, the Licensee and or Manager will
  - a. approach the patron and remind them that it is against the law to do so
  - b. inform the patron in a polite manner that the matter would be reported to police.
  - c. inform the patron the incident is being recorded on CCTV footage
  - d. complete a report within the Incident Register both Part A and Part B
  - e. Report the matter to Police with a copy of the footage

### *Maintenance and Furniture*

72. The Restaurant and all furniture shall be kept in a clean and tidy condition and regularly maintained to the satisfaction of Council as per approval.
73. The Licensee will ensure that all furniture located within the outdoor area such as tables and chairs will be stored within the Restaurant outside the permitted hours of operation.

## 22.SUPERVISION

74. At any time, the licensed premises are trading and the licensee is not present on the premises the licensee must ensure that the premises are under the supervision of a person (“Supervisor”) of whom the licensee has verified and shall maintain documentary evidence on the premises that the Supervisor has at least one [1] year of experience working as a supervisor or manager of a licensed premises.

## 23.THE INCIDENT REGISTER & COMPLAINTS

75. Although not required by legislation the venue shall adopt and implement as a proactive and functional measure, the Independent Liquor and Gaming Authority [ILGA] approved incident register which shall record RSA related incidents, complaints, injuries and other matters outlined in the venues Policy during all hours of operation.
76. The venue shall implement a comprehensive policy and procedural document relating to the Incident Register which all staff shall adopt and comply.
77. The incident Register shall be reviewed daily by the Licensee or nominated Manager to ensure that issues arising such as complaints are dealt with promptly and professionally and that the register is maintained to a high standard.

## 24. ILLICIT DRUGS

78. The Licensee shall ensure that if any person including a staff member is caught dealing, purchasing or consuming drugs upon the licensed premises, then that person is to be asked to leave immediately.
79. The Licensee and staff will ensure that if any person upon the licensed premises who is suspected to be under the influence of an illicit drug is asked to leave the premises under the provisions of Section 77 [2] or Section 77 [13] of the Liquor Act.
80. The Licensee or Manager is to be notified instantly who shall then contact Manly PAC 9976 8019 and report the incident and at the first available opportunity complete a comprehensive entry within the Incident Register Part A and Part B.

## 25. REPORTING FAIL TO QUIT INCIDENTS TO POLICE | Section 77

81. The Licensee shall have due consideration to the provisions of s77 of the Liquor Act 2007 pertaining to Non-voluntary exclusion of persons from licensed premises and shall adopt a zero tolerance to that end.
82. All staff shall be issued with a 'Stop is it worth \$550.00' information card [\$550.00 card], which also provides step-by-step and legislative information on the reverse side, issued by LGNSW.
83. The Licensee will adopt the following policy and procedures relating to Fail to Quit incidents under the provisions of Section 77 of the Liquor Act 2007 with staff instructed to
  - a. Wherever person[s] are asked to leave the licensed premises this shall occur in company of another staff member or if available security, clearly explaining the reason why the person[s] is being asked to leave and the consequences of disobeying that direction.
  - b. At all times staff, shall always conduct themselves in a non-confrontational manner and remain polite and courteous when communicating with patrons.
  - c. Staff are to contact Manly Police on 02 9976 8019 as soon as possible to report the Fail to Quit incident, mitigating the risk of escalating the incident. In the event of an incident escalating and the safety of patrons and/or staff is at risk, staff shall contact 000 without hesitation.
  - d. Employees should NOT detain the person/s of interest.
  - e. In exact and accurate terms, the relevant incident log within the Incident Register report should be completed and reflect the facts of the incident.
  - f. Where possible staff are to ensure that a \$550.00 card is issued to the person being asked to leave in view of CCTV coverage and where possible inform that person[s] to vacate at least 50 meters from the boundary of the licensed premises.
  - g. The management shall reinforce with attending police that they require action to be taken in the form an on-the-spot fine but at all times keeping in mind that Police shall ultimately determine if a Fail to Quit penalty notice shall be issued or the person is arrested and charged.
  - h. The Licensee/Manager shall record such requests and responses from police in the relevant Incident Register Part B Report entry.

## 26. CRIME SCENE PRESERVATION POLICY

84. The licensee must ensure that immediately after the licensee or a staff member becomes aware of any incident involving an act of violence causing a serious injury to a person on the premises, the following is adhered to:
- a.* take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police;
  - b.* make direct and personal contact with the Manly Police Station [9976 8019] and advise Police of the incident
  - c.* ensure that Fish & lemonade staff comply with any reasonable directions given by the Police to preserve or keep intact the area where the violence occurred.
85. In this condition: "staff member" in relation to subject premises, means any person employed by or acting on behalf of the licensee of the premises, and includes any person who is employed to carry on activities as a crowd controller or bouncer on or about the premises.

## 27. GLASSING INCIDENTS

86. Due to the style and operating procedures of the venue and target market it is most unlikely that glassing incidents shall occur upon the premises.
87. As a safeguard in the event of it occurring the Licensee shall have in place policy and procedures providing guidance to staff regarding their response to and management of glassing incidents on the licensed premises, as required by the venues Crime Scene Preservation guidelines incorporating and underpinning the relevant best practice guidelines recommended L&GNSW.

## 28. CROWD CONTROL

88. The security and safety of employees, guests and members of the public shall be highly valued by restaurant management the Licensee of the venue being licensed premises under the provisions of the Liquor Act 2007. Lawful, professional and effective crowd control activities are an inherent measure to ensuring that objective.

## 29. CONTROL OF PATRON NUMBERS IN PREMISES

89. The Licensee shall ensure that occupancy levels of the restaurant is regularly monitored to ensure compliance with the authorized numbers allocated within the Consent with the aid of seating availability.
90. If the restaurant has reached capacity the following measures will be implemented:
- a.* The Licensee shall install an electronic paging system for patrons waiting to be seated. The pager is a small plastic box device that staff hand over to customers waiting for a seat.
  - b.* Customers are then free to roam about within the immediate vicinity and will eventually be paged. The pager will light up or vibrate, signaling that a table is available. The pager is returned to restaurant staff and the customer led to their respective table.

### 30.PATRON QUEUEING

91. The Licensee acknowledges and appreciates the potential risks arising from patron queuing outside the venue upon the Fairlight walkway and concerns with the potential interference with the free flow of pedestrian traffic, giving due consideration to the public toilets located nearby and related noise disturbances emanating.
92. However, the applicant confidently submits those concerns are mitigated considerably as the venue shall not operate as a bar, general bar, nightclub and will implement an effect measure to discourage queuing by implementing the electronic pager system.
93. In the unlikely circumstance queuing problems should arise management shall ensure staff immediately deal with the issue within the premises and advise those waiting outside the premises to delay times so they may seek an alternative or return once the projected delay time has lapsed, these measures will service to alleviate queuing on the public footpaths.
94. The venue will be fully cognizant of the approved patronage limitation and the need to continually monitor such levels and need to ensure free passage of pedestrians using the walkway of this busy precinct and to mitigate any opportunities for conflict between potential patrons, departing patrons and pedestrians.

### 31.SIGNAGE

95. In accordance with requirements of the Liquor Act 2007, all mandatory signage shall be displayed along with signs associated with Fire Measures, the Department of Health, such as no smoking and Liquor Accord related signage as deemed necessary.
96. Prior to trading under the provisions of the Liquor Act, the Licensee shall contact Northern Beaches Licensing Police and request an informal inspection of the premises in order to gain feedback on the positioning of the said signage and its effectiveness.
97. Additional signage shall not be limited to:
  - a. Signage shall be provided at entry and exit points of the premises to assist users and warn intruders they shall be prosecuted to the carrying away of alcohol off the premises.
  - b. In accordance with Clause 98D of the Environmental Planning and Assessment Regulation 2000 the Licensee shall ensure that a Maximum Capacity Signage shall be displayed in a prominent position within the premises.
98. All other external permanent signage shall be subject to regulatory approval.

### 32.CONULTATION WITH POLICE

99. The Licensee acknowledges the importance of establishing a strong rapport with Police and shall continue to maintain and promote a transparent and open consultative relationship with the Northern Beaches PAC Licensing Branch and seek to consult with the PAC via scheduled meetings on a needs by needs basis.
100. The objective of these meetings would be to discuss current or potential issues associated with the venue and/or potential effects on the local residence and business community, and to collaboratively develop



reasonable strategies to resolve such issues.

### 33. OUTLAW MOTORCYCLE GANGS [OMCG]

101. The licensee will not permit any person to enter the premises, or to remain on the premises, if the person is wearing or carrying any clothing, jewellery or accessory displaying:

- a.* The name of any of the following motorcycle-related and similar organisations: Bandidos, Black Uhlans, Coffin Cheaters, Comanchero, Finks, Fourth Reich, Gladiators, Gypsy Jokers, Highway 61, Life & Death, Lone Wolf, Mobshitters, Nomads, Odins Warriors, Outcasts, Outlaws, Phoenix, Rebels, Hells Angels, Scorpions, Mongols, Notorious, Muslim Brotherhood Movement; or any “declared organisation” within the meaning of the Crimes (Criminal Organisation Control) Act 2009.
- b.* the colours, club patch, insignia or logo of any such organisation, or the “1%” or “1%er” symbol, or any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, any of the organisations specified in point (a).

102. The Licensee shall ensure that any incident where a person is refused entry or removed from the premises in relation to this condition must be recorded in the incident register and reported to Police.

### 34. LOCAL LIQUOR ACCORD

103. The licensee shall participate and be an active member of the Northern Beaches Liquor Accord and attend meetings with the Accord as required.

### 35. CLOSE CIRCUIT TELEVISION [CCTV]

104. The Licensee and or representative shall prior to installation undertake an informal consultation process with the PAC’s Licensing Branch and Community Safety Officer [CSO] in order to review its proposed CCTV system capabilities and location of such cameras in accordance with industry standards and giving due consideration to Safer By Design principles under the Crime Prevention Through Environmental Design [CPTED] strategies.

105. The Licensee will offer the PAC two [2] additional Cameras to be positioned to assist with better coverage of certain trouble spots upon the Wharf and Walkway to assist in identification and reduction of alcohol related crime.

106. The licensee shall operate the system throughout trading hours.

107. The system shall record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously always).

- a.* Recordings must be in digital format and at a minimum of 10 frames per second.
- b.* Any recorded image must specify the time and date of the recorded image,
- c.* The system cameras must cover the following areas:
  - i.* All the exit and entry points of the premises,
  - ii.* The entire outdoor area

- iii. The fairlight walkway immediately adjacent to the premises,
- iv. All publicly accessible areas (other than toilets) on the premises.

108. The licensee shall also:

- a. Keep all recordings made by the CCTV system for at least 30 days.
- b. Ensure that at least one member of staff is always present at the premises when the system is operating who can access and fully operate the system, including downloading and producing recordings of CCTV footage.
- c. Provide any recording made by the system to a police officer or inspector within 24 hours of any reasonable request by a police officer or inspector to provide such recordings.

### 36. SECURITY [Optional]

109. The Licensee shall (*if warranted*) enter consultation with Police and stakeholders and consider the merits of shared Security Services amongst other venue operators within the Manly Wharf precinct.

110. In the unlikely event that the venue required Security personnel, the licensee may engage from time to time a licensed security firm to provide such services on a needs basis who is also RSA accredited and licensed under the provisions of the Security Industry Act.

111. Any Security guard[s] engaged shall be identifiable via distinctive uniform and the Licensee shall ensure that they;

- a. Report to the Licensee/Manager to obtain a briefing on specific duties to be addressed prior commencing duties.
- b. Prevent any person, identified as intoxicated or any person considered to be impending intoxication from remaining on the licensed premises.
- c. Prevent any patron from leaving the licensed premises with glasses or any other opened drinking vessel containing alcoholic beverages.
- d. Monitor patron behaviour in and within the vicinity of the licensed premises until all patrons have left the area and with all practical steps ensure that patrons departing the premises do not disturb the quiet and good order of the neighbourhood.
- e. At all times co-operate with Police and regulatory agencies.
- f. Inform and update the Licensee and Management of any potential issue identified, which may require intervention with a patron.
- g. At all times apply a 'Hands Off' policy toward patrons, with patrons only to be asked to leave by the Licensee, Manager or nominated staff member. Any forced removal shall only occur at any time at the express direction of the Licensee or Manager with reasonable force to be used as a last resort.
- h. Maintain a notebook and record any incident, which requires the completion of a Part A or Part B entry into the restaurants Incident Register.
- i. The Security Master Licensee engaged by the Restaurant shall maintain a security incident register as required by the Security Industry Act and be available at the licensed premises for inspection.

### 37. STAFF TRAINING

112. The Licensee shall continue to develop and provide an ongoing staff training and induction program to ensure compliance of RSA, the PoM and overall compliance with the Restaurants policy and procedures regarding intoxication or other conduct and the sale/supply of alcohol to minors.
113. Similarly, the Licensee shall provide regular training to staff regarding emergency preparedness and evacuation, crowd control, conflict and incident de-escalation and crime scene preservation.

### 38. NOMINATED DRIVER

114. The venue shall establish a nominated driver program as recommended by L&GNSW and be established to mitigate patrons driving under the influence of alcohol by adopting the Roads and Maritime Services [RMS] strategic approach to Drink Driving in the form of 'Plan B'.

### 39. PUBLIC TRANSPORT INFORMATION

115. Giving due consideration to the various choices of public transport available to patrons within the Manly Wharf precinct which includes, Buses, Taxis and Ferry Service, the licensee is we promote and provide access to local public transport information and taxi services, by displaying public education material focused on drink drive [Plan B] and pedestrian-alcohol issues from either Council or the Roads and Maritime Services.

### 40. GRAFFITTI

116. The restaurant shall have in place measures to minimise the risk of graffiti vandalism at the premises and report incidents to the PAC and Council.
117. The restaurant shall adopt as policy the 'Rapid Removal Program' in respect to Graffiti vandalism.

### 41. SMOKING

118. The restaurant is a smoke free area and shall not provide any area within the premises for patrons to smoke. The Licensee shall comply with the provisions of the Smoke-Free Environment Act 2000 and the Tobacco Legislation Amendment Act 2012 pertaining to smoking bans which broader in extending to beaches and alfresco dining areas within Manly Council.

### 42. DELIVERIES AND WASTE REMOVAL

119. The licensee shall use their best endeavors to ensure that deliveries, loading and unloading of goods at the restaurant occur between 7.00am and 6.00pm on weekdays or Saturdays. No deliveries shall be made on Sundays or between the hours of 12:00midnight and 7:00am on any day. Further;
- a. All wastes generated on the premises shall be stored and disposed of in an environmentally acceptable manner.
  - b. An adequate number of waste containers must be kept on the premises for the storage or garbage and trade waste.
  - c. The removal of wastes and recyclable materials shall be made by Council or by a recognised

contractor approved by the Council.

- d.* All wastes classified as hazardous wastes under the Protection of the Environment Operations Act 1997 shall be transported to an appropriately licensed waste facility for disposal.
- e.* Prior to discharging any trade wastewater to the sewerage system, the Licensee shall contact the Sydney Water Corporation to determine whether a Trade Waste Permit is required.
- f.* All waste storage areas at the premises shall always be maintained in a clean and tidy condition.
- g.* The use of the premises, including plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
- h.* Any discharge to the atmosphere from the premises must comply with the requirements of the Protection of the Environment Operations [Clean Air] Regulation 2010.

#### 43. FIRE SAFETY

120. The Fire Safety Certificate shall be prominently displayed in the building. Annually the owners shall send to the Council and Fire and Rescue NSW an annual Fire Safety Statement, which confirms that all Essential Fire Safety Measures continue to perform to the original design standard.

#### 44. EMERGENCY PREPAREDNESS AND EVACUATION

121. The licensee shall ensure that all that all employees and customers are safe and not exposed to hazards in the event of an emergency. Also, to ensure that staff are responsible and capable in responding effectively in the event of an emergency.

#### 45. REVIEWING THE POM

122. The POM is to be reviewed by the Licensee and venue management regularly to ensure its effectiveness and to address any on-going concerns as they arise.

123. Any changes or adjustments considered appropriate or necessary to the PoM shall be undertaken in consultation with the Northern Beaches PAC Licensing Sergeant or nominated representative.

Signed: \_\_\_\_\_

Name: Paul PAPACOSTA

Position: Proposed Licensee

Date: 1<sup>st</sup> February 2020