**Dealing with Customer Trespass**

**The Hospitality sector presents a range of challenges when dealing with the public and providing customer service, often in demanding situations.**

From time to time you will encounter customers who you do not wish to be on your premises for a range of reasons. There may also be situations where you require them to leave your premises. This may be because customers are committing offences on your property, such as stealing, being disorderly, causing damage, behaving aggressively towards staff, creating Health and Safety risks or simply having no right to be there.

**We recommend the following**

1. Have an **Acceptable Standards of Customer Behaviour Policy** in place, viewable near the till or entrance ways. This will ensure customers have a clear understanding about what the expected standards of behaviour are on the premises. If you are frequently encountering customers who are abusive towards your employees, this signage will set the tone of the establishment from the outset. **Sample Policy below**
2. Train staff to manage disorderly customers. Ensure they understand the trespass process, both verbal and written.

**Sample**

**Acceptable Standards of Customer Behaviour Policy for Display**

*Welcome to [insert business name]*

*We hope you enjoy your visit here. We look forward to sharing our beautiful venue with you.*

*While you are here, we ask you to respect our premises as well as the [gardens and surrounds] and all directions from staff. As this is a [vineyard, cafe, restaurant, catering kitchen] we have significant health and safety obligations and requirements to be followed.*

*As well as your enjoyment, safety of our staff and customers is our main priority.*

*Abusive and/or threatening behaviour towards our staff and customers will not be tolerated. You will be refused service and may be asked to leave the premises for this kind of behaviour.*

**Process for managing a customer who you do not wish to be on the premises**

If the customer is intoxicated the employee should advise the Duty Manager.

The Duty Manager should take appropriate steps under the Sale and Supply of Liquor Act to refuse to serve the customer more alcohol. When appropriate, politely ask the customer to leave the premises.

If the customer is not intoxicated but is causing a nuisance the following steps could be taken.

Establish the *nature* of the nuisance. For example:

* *Behaving in a disorderly manner*
* *Causing damage*
* *Behaving aggressively towards staff or other customers*
* *Creating health and safety risks*
* *Disregarding reasonable requests by staff, such as smoking in the toilets or prohibited areas*

If the employee is not confident about establishing the nature of the nuisance or does not feel comfortable dealing with the customer, they should refer the matter to the Duty Manager.

**Once the matter has been referred to the Duty Manager**

**The Duty Manager should:**

* Attempt to de-escalate the situation by speaking with the customer to identify the problem
* Refer the customer to the **Acceptable Standards of Customer Behaviour Policy** displayed (if you have one)
* If appropriate allow the customer an opportunity to cease or modify the behaviour and to apologise
* The Duty Manager may allow the customer to remain on the premises

**If the customer does not stop the behaviour or is causing a further nuisance, the Duty Manager may issue a verbal trespass notice as follows:**

**Clearly, politely & confidently –**

* ask the customer to leave
* explain the reason/s why you are asking them to leave the premises immediately
* advise the customer to stay off the premises

**Advise –**

* if the customer does not leave immediately, they will be issued with a verbal trespass notice
* they are required to leave the premises within a reasonable period of time
* they are being issued with a verbal trespass notice ­­– if the customer refuses to leave or does not leave within a reasonable period of time
* If they do not leave now, you will have no other option but to call the police which may result in their arrest

**Make a record** of the date and time the trespass incident occurred, the name and description of the customer asked to leave and the reason/s why the trespass notice was given. You may be required to rely on this record as evidence later.

**Additional points about Trespass notices**

There is no legal requirement to issue a trespass notice in writing. However, a written document reinforces the situation for the person given the trespass notice, so they cannot say they did not know about the notice and the requirement to leave and not return.

**The form for the written trespass notice is here:**

<https://www.police.govt.nz/sites/default/files/publications/trespass-notice-form.pdf>

If you opt to issue a written notice, complete **three** copies of the Trespass Notice:

**One Copy –**

* to the person you are serving the trespass notice on
* for you to keep
* to provide to the nearest Police Station or attending police officer, to be entered into the Police records database

To serve the notice, you simply hand it to the person. If they refuse to accept it and drop it on the floor, it is still considered served. Keep a copy. Make a note if the person refused to accept the notice. You are required to allow a reasonable amount of time for the trespasser to leave.

If the person remains or is taking an unreasonable amount of time to comply, call 111 and ask for Police.

**Please note: If at any point, an employee feels there is an imminent threat to their safety or the safety of anyone in the establishment –**

**Contact the Police immediately**