



Ask Gail

by William D. Frye, Ph.D., CHE

Can a hotel restrict outside food and beverages from hotel premises?

Another great article from *The Rooms Chronicle*®, the #1 journal for hotel rooms management! ***Important notice: This article may not be reproduced without permission of the publisher or the author.*** College of Hospitality and Tourism Management, Niagara University, P.O. Box 2036, Niagara University, NY 14109-2036. Phone: 866-Read TRC. E-mail: editor@roomschronicle.com

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Dear Gail:

When servicing guestrooms, our hotel's housekeeping staff keeps finding menu cards and remnants of food and beverages brought in from outside the hotel. They have also noticed greater "wear and tear" in guestrooms where these items have been found. Realistically, can a hotel create a policy restricting food or alcoholic beverages that aren't purchased from the hotel from being brought onto hotel grounds and consumed in the privacy of guestrooms? Our general manager seems unsure how to proceed.

Kristin T.
Front Desk Manager
Whittier, CA

Dear Kristin:

The short answer to your question is YES, a hotel can restrict outside food and beverages if it so chooses; however, enforcement can be somewhat tricky and may create thorny guest relation situations. I will elaborate on these aspects.

Generally speaking, hotels are considered places of "public accommodation" and are thus required to accept all guests as long as they do not pose a danger or threat to the hotel, other guests or themselves, and have the ability to pay. Additionally, the hotel must have vacancy to accommodate such guests. However, hotels (at least in the United States) are also considered private business entities and thus Management retains specific rights as part of this private ownership feature.

Probably the single most important right inured to an innkeeper is the right to exercise "control over their premises". In furtherance of this right, innkeepers are permitted to create and enforce "house rules" that are designed to ensure order and safety and to prevent misconduct that can offend guests, upholds the reputation of the hotel or brand, or limits guest conduct that does not further the business purposes of the hotel. Such house rules should be reasonable, clearly posted, and enforced uniformly. Also, "house rules" may not discriminate against individuals based upon their inclusion in a class that is protected by law. So, no house rules may be enforced that are directed towards individuals because of their race, religion, gender, color, ethnicity, country of national origin, or any other protected-class status.

Bringing in food and beverages from outside the hotel does not violate such protected-class status, as long as the "no outside F&B" policy is applied to all guests and not just some. This means that the hotel can prohibit delivery personnel of take-out restaurants from entering upon hotel grounds either to deliver orders or to slide menu cards under doors in order to solicit business.

Restricting access is a prudent security measure as it makes it more difficult for potential criminals to pose as delivery personnel in order to gain access to the guest floors of the hotel. Posing as a delivery person really takes little more than an empty pizza box and perhaps a rooftop sign for the delivery vehicle or a uniform shirt and cap from

Pictured below: Many hotels have started advertising off-premise food and beverage services on the top of guestroom card keys.



a local restaurant. Once on a guest floor, criminals may choose to force-open guestroom doors looking for valuables, steal supplies from housekeeper carts or supply rooms, or assault guests or staff members. For this reason among others many hotels choose to exclude delivery personnel from entering guest floors or even the hotel lobby. Many properties require a guest who has ordered food from the outside to come to the lobby or front entrance to meet the delivery person. Some guests become embarrassed or upset when forced to leave their guestrooms to claim their food delivery in a public setting. So expect some complaints from guests if your hotel adopts this policy. Enforcing this policy will also require constant vigilance of hotel entrances; something that many limited-service and select-service hotels are unable to follow-through on consistently due to the limited number of staff members.

As for dealing with unwanted menu cards, this may be slightly easier to resolve as the name and telephone number of the restaurant will appear on the menu. Oftentimes a simple phone call to the restaurant's manager or owner can stem the unwanted proliferation on hotel premises. Again, more vigilant supervision of hotel entrances and guest floors will also make it more difficult for those attempting to distribute unwanted literature.

Alternatively, if your housekeeping staff is noticing a marked increase in menu distribution or food and packaging remnants from one or two restaurants, this might indicate that these restaurants have become very popular with the hotel's guests. If your hotel does not offer food and beverage for all meals, perhaps consider entering into a marketing arrangement with the restaurants. The hotel may be able to earn a commission from delivery sales to its property or command a fee for placing the restaurants' menus in the in-room hotel directory or displayed near the telephone. Some limited-service hotels have even sold advertising space on the front of their electronic room keys to local pizza delivery restaurants. And hotel employees often receive free or reduced pizzas to enjoy during their meal breaks as a courtesy from the restaurant.

It can be far more difficult to control the consumption of alcoholic beverages brought in from off premises than food because guests often import these items themselves instead of receiving them through a delivery person. It is not uncommon for guests to smuggle alcohol into their guestrooms in suitcases, coolers, or shopping bags. Frequently, not until the next day does a hotel staff member find the empty bottles. If the consumption was excessive, the room attendant will probably find other evidence of a party or personal overindulgence such as damaged furniture or linens, illness stains, or just the appearance of a guestroom that has been trashed. Unfortunately, some guests think renting a hotel room for the night gives them license to lose control and behave in a manner that they would not in their own residence.

Deciding whether or not to allow guests to bring in alcohol is tricky as enforcement can be complicated, especially if the guest has already been drinking. Also, it is common knowledge that alcohol consumption often changes a guest's behavior, which may pose a threat or disturbance to the hotel or others therein. To prevent unfortunate disturbances from erupting, embracing a no outside alcohol policy is the safest course of action, especially if the hotel does not offer alcoholic beverage for sale. If the hotel holds a liquor license, justifying to a guest why they can't consume their alcohol (as opposed to that offered for sale by the hotel) is much more challenging.

Legally speaking, the liquor licensing authorities in most states actually place the responsibility for preventing the consumption of outside liquors on premise onto the license holder. Generally, bars, restaurants, clubs, and yes...hotels, are required as a condition associated with the granting of the license to prevent consumption of alcoholic beverages on their premises that are not purchased from the licensee, or risk penalties such as fines or revocation of the liquor license. Those hotels that do not hold a liquor license bear no such legal responsibility other than assuring that minors do not consume such beverages on premises with the hotel's knowledge. It is this liquor license stipulation that makes justification for prohibiting outside alcohol to guests much more palatable.

If your hotel decides to engage in a policy that prohibits outside food and beverages from being brought

Two Important Reminders for Hoteliers

I-9 Form Update

Just when you thought you understood the I-9 identification employment form.....

A new I-9 employment form was originally scheduled to be in effect in late January 2009 for all U.S. employers to complete for new hires. **That date has been postponed and all employers are required to use the previous version of the I-9 form until April 3, 2009.**

Please note: Employers who use the new form *prior* to the April 3, 2009 effective date are subject to civil monetary penalties.

Post OSHA 300A Form

It's that time again to gather the hotel's Workers Compensation injury totals, and fill out the OSHA 300A summary form. Employers are required to post this OSHA 300A summary form in an area that can be easily seen by employees (e.g., near the time clock, breakroom, employee bulletin board, etc).

Posting is required from **February 1, 2009 to April 30, 2009**. Employers should only post the 300A form, NOT the OSHA 300 log that contains employee names, departments and injuries. The original OSHA 300 log is private and is to be protected.

Post only the OSHA 300A Form.

on property there are several proactive steps you can take. Remove refrigerators and microwaves from guestrooms. They are no longer needed and will only serve to irritate guests if they see them but can't use them. Clearly post the "house rules" that pertains to outside food and beverages in the guestroom and at the front desk. Provide a copy of these rules to the guest when they check in. Ask the registering guest to initial acknowledging they understand the rules. If the hotel chooses to allow outside food in guestrooms but not delivery personnel on guest floors, post notice of this in each guestroom and suite near the telephone or directory of menus. Guests should be advised in advance that they will need to meet the delivery person in the lobby or hotel entrance. Warning guests in advance can minimize many problems and complaints later.

Finally, offer food and beverages to guests for sale through room service, hotel restaurants and lounges, or the gift shop/lobby marketplace. If these services are not offered, guests will go to great lengths to smuggle in their own F&B, even if it is through the back door or a guestroom window. ✧

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