

Licensing Disciplinary Investigation Process

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Purpose: This document sets out the process investigating disciplinary matters in our licensed venues and possible outcomes.

1. Introduction

Most ICU spaces are licensed for the retail of alcohol and provision of entertainment. This is a legal requirement under the Licensing Act 2003. As part of this licence, ICU needs to comply with a number of conditions which are designed to uphold the four licensing objectives:

- i. the prevention of crime and disorder
- ii. public safety
- iii. the prevention of public nuisance
- iv. the protection of children from harm

In order to uphold these objectives, and to provide the most welcoming, inclusive and safe place for our customers, ICU Venues operate a Code of Conduct which sets the expectations we have of customers, and what our customers can expect from us in return.

Where it is alleged that a customer has failed to comply with the Code of Conduct, an investigation will be launched to ascertain the facts and determine the appropriate response.

2. Scope of Investigations

Investigations under this procedure will be limited to those that relate to incidents within or in relation to ICU Venues. ICU Venues also operate under a number of other frameworks (including College regulations and the ICU Constitution) which have their own processes for investigation and disciplinary matters.

Investigations conducted under this process may, at any time, be suspended pending the outcome from another process, or referred to another process. For example, an incident that occurred in an ICU Venue but is also a membership disciplinary matter may be referred to the President for investigation under Bye-law H.

Venue Managers, and those with delegated authority from the DPS, empowered to take such decisions whilst operational to best uphold the licensing requirements, to keep venues and customers safe and uphold ICU policies. This includes, but is not limited to, refusal of entry, refusal of service, asking customers to leave the premises, escalation to College Security, referral to this disciplinary investigation process or other processes. Such action is outside the scope of this process.

Throughout this policy, if the DPS is unavailable, a Senior Manager of Imperial College Union may assume this responsibility, as appointed by the Managing Director.

3. Definitions

The following table clarifies the meaning of terms used in this document:

Code of Conduct	ICU Venues & Events Code of Conduct . This also refers to any more superior policy governing behaviour in ICU Venues such as the ICU Constitution and Bye-laws, College regulations and the law.
Customer	Any member, student, guest or member of the public making use of ICU Venues or attending an event. For the avoidance of doubt, customers do not necessarily need to make a purchase.
Complainant	Any person(s) making a complaint that is being dealt with under this process.
Designated Premises Supervisor (DPS)	This is the individual member of staff who is legally responsible for ensuring that ICU complies with the condictions of our license.
ICU Venues	Metric, FiveSixEight, Union Bar, Reynolds Bar, H-Bar and any other venue, on or off campus, in which ICU is centrally running an event (such as Summer Ball). This includes all events and activities taking place under licences held by ICU.
Responding Party	Any person(s) being investigated under this process, who faces a possible sanction.
Venues Restrictions List	A list of individuals who are subject to sanctions / restrictions affecting ICU Venues (whether a result of this or other process(es)). This is available to venue managers and security staff to aid them in managing our venues.

4. Investigation Process

Each College weekday, the Designated Premises Supervisor (DPS), or their delegate, will review any reported incidents or complaints from the previous day(s). Where there has been a complaint or incident has been logged, the DPS will do the following:

- i. Review the report / complaint to ascertain:
 - a. What occurred and who was involved.
 - b. Whether there a potential breach of the Code of Conduct by a customer.
 - c. Whether there a material level of uncertainty that requires further investigation.
- ii. Review previous incidents including these individuals.
- iii. Where the DPS requires more information, they will interview staff involved, the complainant (if applicable), potential witnesses responding party.
- iv. The DPS may request and review CCTV footage to help ascertain facts / corroborate accounts.
- v. Where the DPS is satisfied that there is no material uncertainty as to what happened, they may determine an outcome.
- vi. Where there is material uncertainty, or conflicting reports, the DPS will initiate a formal review.

All opinions will be formed on the basis of 'balance of probabilities', which means that where there is uncertainty the DPS will what is most likely to have occurred, rather than requiring a 'beyond reasonable doubt' burden of proof.

5. Formal Review

If a formal review is required, the DPS will:

- i. Write to all parties involved that the incident is subject to formal review.
- ii. Write to the Director of Finance & Resources informing them that a formal review is required.
- iii. Request that all relevant parties provide a written statement, which may include responses to specific questions (providing at least three College Days notice of the deadline)
- iv. Offer to meet individually with any relevant parties and take notes of the conversation in place of a written statement.
- v. After all statements have been received, or three College Days have passed, determine an outcome.

6. Potential Outcomes

An investigation may find any of the following outcomes:

- i. There is no breach of the Code of Conduct
- ii. There is likely to have been a breach of the Code of Conduct, but individuals involved have not been able to be identified
- iii. There is insufficient evidence to uphold a complaint or
- iv. There has been a breach of the Code of Conduct, and one of the following sanctions may be given:
 - a. A formal warning, which will be kept on record for a period of time, and will be taken into account if future breaches occur.
 - b. A suspension from all ICU Venues & Events for a fixed period of up to 20 College Days (for those to whom Bye-Law H applies, or indefinitely for others). Where it is felt that a suspension from ICU Venues for more than one month is required, a referral will be made to a Members Disciplinary.
 - c. A suspension from all ICU Venues & Events until such time that a condition has been met (eg if there has been damage caused, until the cost or repair has been paid by the customer). If conditions are unmet after 20 College Days, a suspension may be extended and a referral made to another disciplinary process.
 - d. Referral to another disciplinary process (which may or may not include a suspension from ICU Venues pending the outcome).

7. Communicating Outcomes

As soon as an outcome has been determined, the DPS will communicate this to the complainant (if applicable), responding party and the Director of Finance & Resources.

Where the individual being sanctioned is a member of staff at Imperial College London or Imperial College Union, their line manager will be informed of the outcome and sanction applied.

The DPS will update the Venues Restriction List with any suspensions.

Communication will include details on the right to appeal, as well as the possible implications of breaching any sanctions applied.

8. Appeals

Both the complainant and the responding party have grounds to appeal based on the following grounds:

- i. The process is considered to be unfair as a result of material non-compliance with this process.
- ii. Additional evidence has come to light since the original decision was made, which could affect the outcome or sanction.

Appeals should be submitted within 5 College Days of the notification of the outcome, to the Appeals Officer via email. The Appeals Officer shall normally be the Director of Finance & Resources, but may also be another Senior Manager as appointed by the Managing Director. The complainant and responding party will be notified of this when the outcome is communicated.