



LICENSING SUB-COMMITTEE

NOTIFICATION OF DETERMINATION

Application for a Review of the Premises Licence at New Bar Serengeti, 124 Wellingborough Rd, Northampton, NN1 4DR

Hearing date: Wednesday 30th December 2015 @ 10.00am

RESOLVED:

The Sub Committee have carefully considered the application, representations from the licensing authority, environmental health and clarification points from the police and the representative for the premises licence holder and those representors supporting the Bar Serengeti

The Sub Committee have decided unanimously that on a balance of probability the current operation of the premises is not promoting the licensing objectives of the prevention of public nuisance and considered that it was necessary and proportionate to:

Modify the conditions on the licence so that the following are added:

- Conditions as detailed in **Appendix 1**
- The close down procedure offered in committee is adopted in its entirety as detailed in **Appendix 2**
- Section 177 Licensing Act 2003 do not apply to this licence in accordance with S177 (6) (a)

The committee have also decided to suspend the premises licence for 3 days for the operational days of Thursday, Friday and Saturday and to remove Mr Bernard Kakala as the DPS.

There is a direction from the committee that Mr Kakala have no responsibilities whatsoever in managing, or with the operational requirements of the premises but the committee did take great confidence from Danny Kituno's submission regarding the reassurances of the licensing objectives will be adhered to going forwards.

The Sub Committee received legal advice in terms of:

- 1) The licensing objectives
- 2) The legal test to be applied
- 3) The options available to the committee
- 4) Section 182 guidance

The reasons for the decision are as follows:

- 1) The conditions were offered by the premises licence holders and accepted by the licensing authority and Environmental Health Officer
- 2) The suspension is to reflect that trading outside of hours did take place and was admitted by Mr Kituno and that this was proportionate punitive action
- 3) Removal of Mr Kakala as DPS because the committee had no confidence that he would uphold the licensing objectives based on the police evidence of 1 August 2015 and his own representations to the Committee which the Committee were of the view were untrue and accepted the police version of events
- 4) Section 177 deregulation because of the public nuisance element at the premises

Any persons aggrieved by this decision has a right of appeal to the magistrates court no later than 21 days from the date of receiving the decision notice

This Notice Dated Thursday 31st December 2015

Appendix 1

1. A CCTV system shall be maintained which shall cover the entry/exit points and the bar/till area where any licensable activity takes place and will record at all times when open to the public. The system shall record images from the cameras and shall be calibrated with a time stamp to show the date and time that the image is recorded. Recordings will be stored for at least 25 days and a member of staff trained in the operation of the equipment will be available or contactable to attend the premises at all times the premises is open to the public.

Subject to the provisions of the Data Protection Act 1998 and guidance from the Information Commissioner's Office, the recorded images shall be made available for viewing by a police officer or an authorised person as defined in s 13 of the Licensing Act 2003 and a copy shall be provided of recordings requested by such an officer within a period of 48 hours of a request being made.

2. A self-closer shall be fitted to the rear door of the premises and the door linked to a system that, after 23:00, either alerts a member of staff that the door has been opened or reduces the sound level of any licensable music that is played when the door is opened.
3. Signage shall be fitted to the rear door of the premises to indicate that it must not be used after 23:00, except in case of emergency
4. A contact telephone number shall be provided for local residents or enforcement officers to call in the case of emergency. This number shall be conspicuously displayed at the exterior of the premises.
5. A log book shall be maintained that shall record details of any calls made to the contact telephone number by a local resident or enforcement officer, where that call is in relation to one or more of the licensing objectives. The log shall record the date and time of the call, the identity of the caller if known, the issue reported and the corrective action taken. The log book shall be retained at the premises, unless removed for the purpose of duplication, for a period of at least six months from the date of the last entry. This record shall be made available for inspection upon reasonable request by an authorised or police officer.

6. On regular occasions after 23:00 and when the premises is open for the conduct of one or more licensable activities, a member of staff shall survey the area around the premises from time to time to ascertain if any noise from the premises is likely to be heard in any adjacent residential property. The member of staff will report back to the manager on duty and where a need for corrective action is required, this will be logged along with the corrective action taken in a log book. The log book shall be retained at the premises, unless removed for the purpose of duplication, for a period of at least six months from the date of the last entry. This record shall be made available for inspection upon reasonable request by an authorised or police officer

7. All staff engaged in a licensable activity must be provided with training on the promotion of the licensing objectives that is commensurate with their duties. Details of this training shall be recorded in a log, which shall be retained at the premises, unless removed for the purpose of duplication, for a period of at least six months from the date of the last entry. This record shall be made available for inspection upon reasonable request by an authorised or police officer

Appendix 2

This procedure is put in place to ensure that the close-down of the premises at the end of the trading day is conducted effectively and efficiently. All staff working at the premises are to be made aware of the arrangements and failure of a member of staff to comply with the requirements will be regarded as gross misconduct, which could ultimately lead to dismissal.

At the beginning of each shift, the duty manager will allocate duties to the staff so that there is clarity on the responsibility for carrying out the various aspects of the close-down procedure.

The manager on duty will record their name in the log book at the beginning of their shift and will indicate that the necessary briefing has been given to staff and that they are familiar with the regulatory requirements in place, particularly in relation to closing time. The manager will set the warning alarm to activate thirty minutes before closing time. It should be noted that closing time must be no later than that indicated on the licence and may be earlier. Staff should be aware that the premises are covered by CCTV and recorded footage may be used by the company to ensure compliance.

The Procedure

1. At thirty minutes before closing time, an announcement will be made by an allocated member of staff or the manager that the premises are due to close within that period and any final orders must be made within five minutes.
2. At 20 minutes before the closing time, **all** sales will cease.
3. At fifteen minutes before closing time, an announcement will be made by an allocated member of staff or the manager that the premises are due to close. At this point, the level of any music shall be reduced and the level of lighting increased.
4. Five minutes before closing time, the manager will announce in a polite but firm manner, to any patrons remaining, that the premises are closing and that they need to leave immediately. A member of staff will be positioned on the door to supervise patrons who leave and to deter any re-entry in conjunction with door staff. Upon the last patron leaving, they will shut the door and display the 'closed' sign.
5. At closing time, the allocated member of staff will check all areas of the premises to ensure that there are no members of the public on the premises.
6. The manager on duty will note in the log book the time that the premises are closed to the public. This log book will be reviewed on a regular basis.

7. Having closed, the allocated staff will undertake the cleaning rota. This will include cleaning table and bar tops, rinsing beer lines and all other matters as set out in the cleaning schedule.
8. Prior to leaving, the manager will ensure that all door supervisors are signed out and that log books have been completed as needed. The manager will sign to show this has been done.
9. The manager will ensure that all staff have left the premises before locking up and ensuring the premises are secure.