

LICENSING ACT 2003 SUB COMMITTEE

Wednesday, 6th September, 2023
10.30 am





LICENSING ACT 2003 SUB COMMITTEE

**COMMITTEE ROOMS 2 & 3, TOWN
HALL, MANCHESTER ROAD,
BURNLEY.**

**Wednesday, 6th September, 2023 at
10.30 am**

AGENDA SUPPLEMENT

6) *Review of a Premises Licence Application*

3 - 1894

To determine an application for a review of a Premises Licence under section 51 of the Licensing Act 2003 relating to Mode, 77 Hammerton Street, Burnley.

Includes new Appendices F, G and H:

Appendix F - Public and private versions of additional police document;
Appendix G - Ten private police logs, and
Appendix H - Public and private versions of Premises Licence Holder supporting documents.

Mode update following review application

I am taking the opportunity to review what has happened at Mode following my review submission dated 12th July 2023.

One of the concerning elements here is around, what I suspect is a lie, around their licence conditions.

Unless agreed in writing by the Police all events at the premises shall be strictly over 18's only with no person who is under 18 years being admitted to the premises whilst licensable activities are taking place.

The premises shall give a minimum of twenty eight days written notice to Lancashire Constabulary Licensing Department of any function targeted predominantly at persons under the age of eighteen.

On 25th July, an intelligence report was received stating that: THE OWNERS OF MODE NIGHTCLUB, BURNLEY HAVE INSTRUCTED THE DOOR STAFF TO KEEP ANY ASSAULTS 'IN HOUSE' AND NOT TO INFORM OR CO-OPERATE WITH THE POLICE BECAUSE THEY ARE WORRIED ABOUT LOSING THEIR LICENCE.

This was assessed as per legal obligations and graded as 1 – 'reliable source'.

There have been 10 incidents linked to Mode during this period:

LC-20230714-0221 has been recorded as an assault. At 05:42 a call is made from a male stating he has been assaulted by the bouncers for no reason. Unable to retrace victim.

LC-20230716-0329 has been recorded as an assault. Call made at 05:32. Low-level assault with reluctant victim.

LC-20230730-0439 has been recorded as an assault. At 05:00 the informant calls stating they were chatting with a female in the smoking area, As walking back in she started swinging them around and kned in the face. Suspected broken nose but reluctant victim.

LC-20230805-0254 – AT 04:54 a drunk male is seen leaving club, getting into car and driven into parked cars.

LC-20230806-0631 is a concern log with CCTV reporting a collapsed male who was taken to urgent care has he has taken rhino ketamine.

LC-20230806-0267, at 04:37, CCTV report a fight outside with no complaints on arrival.

LC-20230806-0300, at 05:34, CCTV report males kicking off outside. One male has injuries but all drunk. All to be issues with Fixed Penalty Notices for Public Order and a community resolution for a 16YO.

LC-20230820-0313, at 05:31, is a report of assault. Male states he was assaulted inside Mode, bouncers got involved and he was ejected. Reluctant victim.

LC-20230827-0354, at 06:38, CCTV report an altercation with a female pushing another. Both intoxicated but no complaints made.

LC-20230828-0174, at 04:14, male arguing with doorstaff and being refused entry.

In terms of police visits, it was reported that the ID scanner was not working but they had reported this to police on the 21st July as per condition.

In addition, there is a licence condition that requires that someone from Mode contacts the police every week to discuss any incidents. This contact has been intermittent and certainly not always every week. There was no contact the week commencing 21st August and the most recent contact asking if there were any issues was on 31st August 2023. The last request previous to that was 13th August.

Regardless of some positive moves at the club around compliance, this does not change the stance of Lancashire Constabulary in recommending revocation of licence. A review process should not have to bring compliance to licensing conditions and working with the authorities to ensure the objectives are upheld. After two previous reviews, it is clear that the PLH and DPS do not take their obligations seriously and this view still stands.

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LICENSING ACT 2003

MODE, BURNLEY

APPLICATION TO REVIEW A PREMISES LICENCE

DOCUMENTS UPON WHICH THE PREMISES LICENCE HOLDER INTENDS TO RELY

DOCUMENT	PAGES
Various emails from _____ checking in with Lancashire Police	1 - 32
Copy Accident Book	33 - 47
Copy Incident Book	48-65
Copy Drugs Policy	66
Copy Dispersal Policy	67 - 74
Copy Door Supervisor's Log Book	75 - 78
Email from _____ CCTV dated 13 July 2023 Regarding the condition detailing accredited training	79 - 82
_____ certificate for Level 2 First Aid	83
Email from _____ to _____ dated 25 August 2023 at 12.20	84 - 86

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