



BURNLEY BOROUGH COUNCIL LICENSING ACT 2003 SUB COMMITTEE

REMOTE-TEAMS AND YOUTUBE

Tuesday, 9th November, 2021 at 2pm

PRESENT

MEMBERS

Councillors I Emo, K Ingham, A Kelly and L Mehanna

OFFICERS

Catherine Waudby	– Head of Legal and Democratic Services
Eric Dickinson	– Democracy Officer
Alison McEwan	– Democracy Officer
John Clucas	– Licensing and Compliance Officer
Mark Hindman	– Graphic Designer
Jill Wolfendale	– Principal Environmental Health Officer

39 Appointment of Chair

Councillor Anne Kelly was appointed as Chair for this meeting.

40 Minutes of the last Meeting - 8th October 2021

The Minutes of the last Meeting held on the 8th October 2021 were agreed as a correct record.

41 Exclusion of the Public

It was determined that the hearing would be held in public.

42 Determination of Objections to a Temporary Event Notice -MODE, 77 Hammerton Street, Burnley.

The Sub Committee considered a report to determine a Temporary Event Notice (TEN) application from Rebecca McQuoid for MODE at 77, Hammerton Street, Burnley.

Written objections had been received from Lancashire Constabulary and Environmental Health at Burnley Council.

Pc Michael Jones (Lancashire Constabulary), Jill Wolfendale (Environmental Health), and Rebecca McQuoid (MODE) attended the hearing and presented their cases in turn regarding the application for a Temporary Event Notice, and Members and all parties present asked questions.

Members RESOLVED to go into private session to consider the Temporary Event Notice application, and to receive legal advice.

RESOLVED - DECISION AND REASONS FOR DECISION

DECISION

Regarding MODE, 77 Hammerton Street, Burnley.

The Temporary Event Notice has been determined with a view to promoting the four licensing objectives namely the prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

The Sub Committee carefully considered the report of the Licensing Officer, the representations made by Lancashire Constabulary, Environmental Health and the representations put forward by the Applicant.

The Sub Committee has had regard to the Temporary Event Notice and the relevant representations received.

The Sub Committee has had regard to the s182 Licensing Act 2003 Guidance issued by the Government.

The Committee has had regard to its own Statement of Licensing Policy.

Having taken all of the above into consideration, the Council considers it appropriate for the promotion of the licensing objectives to issue a counter notice in relation to the Temporary Event Notice (TEN) applied for by Rebecca McQuoid for the Mode Nightclub, 77 Hammerton Street, Burnley for 0600 –0800 hours on 14th November 2021.

REASONS FOR DECISION

1. Prevention of crime and disorder

The Sub Committee took into account the information provided by the Police of incidents/alleged crimes that occurred on 6th and 7th November 2021 which were connected with MODE.

The Sub Committee accepted the concerns of Environmental Health and the Police that the TEN would increase disorder in the town centre if MODE was allowed to open until 8 am.

2. Prevention of Public Nuisance

The Committee accepted the opinion of Environmental Health that the TEN event would generate additional noise complaints from residents who live close to the venue.

The Committee also accepted the opinion of the Police that the granting of the TEN would be likely to extend crime and disorder further into the morning.

3. Public Safety

The Police expressed concern that there was no suitable plan in place to control the numbers limited by a TEN and the Sub Committee was not satisfied by the reassurances given by the Applicant that numbers could be properly controlled as no detailed plan was provided.

4. Protection of Children from harm

Some of the incidents on 6th and 7th November 2021 were alleged to involve minors who should not have been in the venue.

5. The matters set out in the paragraphs above had and/or have the effect of undermining all 4 of the licensing objectives
6. In those circumstances it is considered that the issue of a counter notice serves to promote all 4 of the licensing objectives.
7. Consideration has been given to all the powers available to the licensing authority under section 105 of the Licensing Act 2003 and concludes that the issue of counter notices is both necessary and proportionate in the circumstances.
8. The Applicant has the right of appeal against the issue of the Counter Notice. Such appeal must be made at least 5 working days before the date of the event.