

LICENSING ACT 2003 SUB COMMITTEE

Tuesday, 9th November, 2021
2.00 pm





LICENSING ACT 2003 SUB COMMITTEE

REMOTE (TEAMS)

**Tuesday, 9th November, 2021 at 2.00
pm**

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

This meeting will be held remotely, and as a public meeting will be livestreamed on the Council's [Youtube Channel](#)

AGENDA

1) *Appointment of Chair*

To consider the appointment of Chair for the meeting

2) *Apologies for Absence*

To receive any apologies for absence

3) *Minutes of the last Meeting - 8th October 2021*

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To approve as a correct record the Minutes of the last Licensing Act 2003 Sub Committee meeting held on 8th October 2021.

4) *Additional Items of Business*

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency

5) *Declaration of Interest*

In accordance with the Regulations, Members are required to declare any personal or personal and prejudicial interests they may have and the nature of those interests in respect of items on this agenda and/or indicate if S106 of the Local Government Finance Act 1992 applies to them.

6) *Exclusion of the Public*

To determine during which items, if any, the public are to be excluded from the meeting

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

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To determine objections made to a Temporary Event Notice under the Licensing Act 2003 - relating to MODE, 77 Hammerton street, Burnley.

MEMBERSHIP OF COMMITTEE

Councillor Howard Baker (Reserve)
Councillor Ivor Emo (4th attending)
Councillor Karen Ingham

Councillor Anne Kelly
Councillor Lorraine Mehanna

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BURNLEY BOROUGH COUNCIL LICENSING ACT 2003 SUB COMMITTEE

REMOTE-TEAMS AND YOUTUBE

Friday, 8th October, 2021 at 10am

PRESENT

MEMBERS

Councillors F Cant, I Emo, K Ingham and S Lone

OFFICERS

Joanne Swift	– Head of Streetscene
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Eric Dickinson	– Democracy Officer
Alison McEwan	– Democracy Officer
John Clucas	– Licensing and Compliance Officer
Paul Barlow	– Graphic Designer
Thomas Bracewell	– Environmental Health Officer
Mollie Wiggin	– Legal Assistant
Jill Wolfendale	– Principal Environmental Health Officer
Chris Gay	– Governance Manager

35 Appointment of Chair

Councillor Frank Cant was appointed as Chair for this meeting.

36 Minutes of the last Meeting

The Minutes of the last Meeting held on the 13th August 2021 were agreed as a correct record.

37 Exclusion of the Public

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

38 Determination of Temporary Event Notices Application- Ships and Giggles, Hammerton Street, Burnley.

The Sub Committee considered a report to determine six Temporary Event Notice (TEN) applications from Sam Fairclough for Ships and Giggles at 10-14 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), Sam Fairclough and Jaimme O'Brien (Ship and Giggles) attended the hearing and presented their cases in turn regarding the applications for the six Temporary Event Notices, and Members and all parties present asked questions.

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

RESOLVED -PUBLIC DECISION AND REASONS FOR DECISION

Regarding the Ships and Giggles, 10-14 Hammerton Street, Burnley, The Temporary Event Notices have been determined with a view to promoting the four licensing objectives, but in particular, the licensing objectives relating to the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance.

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

The Sub Committee have had regard to the Temporary Event Notices and the relevant representations received.

The Sub Committee have had regard to the s182 Guidance issued by the Government.

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

Having taken all of the above into consideration, the Council have decided to grant the applications for the six Temporary Event Notices applied for on the 31/10/21, 7/11/21, 14/11/21, 21/11/21, 18/12/21 and 27/12/21, subject to the same conditions which are attached to the Premises Licence PLA0391 being attached to those Temporary Event Notices.

In addition the Sub Committee suggested a recommendation that there be a two tier system whereby one floor was closed off at 4am and that the ticketed event took place on the other floor.

REPORT TO LICENSING SUB COMMITTEE



DATE	9 th November 2021
PORTFOLIO	Community & Environment
REPORT AUTHOR	John Clucas
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EMAIL	jclucas@burnley.gov.uk

Licensing Act 2003 Hearing of an application for a Temporary Event Notice following receipt of a notice of objections

PURPOSE

1. To consider a notice of objection received by the Licensing Authority in response to a Temporary Event Notice given by Person A on 29th October 2021 in accordance with Part 5 of the Licensing Act 2003.
2. The premises are MODE Nightclub, 77 Hammerton Street, Burnley

RECOMMENDATION

3. Members are recommended to make a determination with a view to promoting the licensing objectives:
 - The prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm

The committee may:

- Allow the licensable activities to go ahead as stated in the notice, or
- Attach conditions to the TEN which must be drawn from the conditions attached to the existing premises licence, or
- Issue a Counter Notice, preventing the event taking place, to the premises user under Section 105(2b) if the Committee consider it appropriate for the promotion of the licensing objectives.

Committee must give a notice of the decision, with explanation, under Section 105(3a) to the premises user and the objecting relevant person.

REASONS FOR RECOMMENDATION

4. Unlike new or variation premises licence applications there is no provision within the TENs process for objections to be mediated out by the parties. Conditions can only be attached where a Premises Licence is in place at the premises, and only those conditions applied to the licence can be attached to the TEN. Furthermore, conditions can only be attached at a hearing. The Licensing Sub-Committee are responsible for determining such applications where objections are received.

SUMMARY OF KEY POINTS

5. MODE Nightclub has a Premises Licence issued by Burnley Council. A copy of this is at Appendix A
6. That Premises licence allows Licensable activities until 0600 hrs and the Premises Licence Holder and DPS is Rebecca McQuoid. She has held both of these positions since 2014.
7. On Friday 29th October 2021 the applicant Rebecca McQuoid sent to the Licensing Authority a Late TEN in respect of an event on the 7th November and a standard TEN in respect of an event to be held on the 14th November.

The Police Objected to both and as a result the Late TEN (for 7th November) was issued with a counter notice. That matter has now been resolved, as where an objection is made to a late Ten then the event cannot go ahead under any circumstances.

This hearing therefore is for the Standard TEN application for an event on the Saturday / Sunday 13th to the 14th November 2021, and a copy of that application is at Appendix B.

The application seeks to extend the Licensable activity at the premises from 0600 hrs to 0800 hrs on Sunday 14th November 2021. And the activities applied for are the supply of alcohol and also regulated entertainment.

Under the Licensing Act the Standard TEN must be provided to the Police & also Environmental Health who are the only parties who are permitted to object.

On Tuesday 2nd November 2021 the Licensing Authority received `objections` from the Lancashire Constabulary (copy at Appendix C) and also the Environmental Health department (copy at Appendix D)

The licensable activities applied for are:

- The sale by retail of alcohol from 0600hrs till 0800hrs and
- The provision of regulated entertainment from 0600hrs to 0800 on Sun 14th November 2021.

On the application under the question – Please describe the nature of the event below it said - ` to extend the opening hours of the premises for a special event`

Relevant factual background information

The Premises Licence for Mode was granted in 2014. (it was called Vogue at that time)

In December 2017 the premises was subject of a Review and came before a Licensing Sub Committee and representations were made by Lancashire Police, Lancashire Trading Standards and the Public Health Authority.

At that hearing it was agreed that the terminal hour for Licensable Activity would be revised from 0800 hrs to 0600 hrs, and the conditions on the Licence were replaced. A copy of the determination notice for that hearing is attached at Appendix E.

In May 2021 a further licensing hearing took place after a review of the Premises Licence was triggered by Lancashire police in respect of Mode. Further significant conditions were added to the Premises Licence and a copy of that Decision is attached at Appendix F.

Relevant extracts from the Guidance issued under Sec 182 of the Licensing Act 2005

7.28 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.

7.34 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the

premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENS

and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.

7.35 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance – even where the statutory limits on numbers are being observed. The premises user who signs the form is legally responsible for ensuring that the numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted persons limit will not be exceeded. For example, where notices are being given for TENs simultaneously on adjacent plots of land it may be appropriate for door staff to be employed with counters. In each case it is important that licensing authorities and relevant persons can consider whether they believe that the premises user intends to exceed the 499 person limit, or will be unable to control or know whether the limit will be exceeded. Where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.

Relevant extract from Burnley Borough Councils Licensing Policy

17.4 The police or Environmental Health may issue an objection notice because they believe the event would undermine the one or more of the four licensing objectives set out in the Act. The police or Environmental Health must issue an objection notice within three working days of being notified, but they can subsequently withdraw the notice. The issuing of such an objection notice requires the consideration of the objection by the council at a hearing in the case of a standard TEN. If an objection notice is issued in relation to a late TEN then the TEN is cancelled and licensable activities are not authorised.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

8. None

POLICY IMPLICATIONS

9. The Council's Licensing Policy deals with TENs at section 17. Statutory Guidance issued under s182 Licensing Act provides further information at section 7.

DETAILS OF CONSULTATION

10. The statutory consultation has taken place

BACKGROUND PAPERS

11. None

FURTHER INFORMATION

PLEASE CONTACT:

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ALSO:

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Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Mode

77 Hammerton Street, Burnley, Lancashire, BB11 1LE.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday to Sunday	9:00pm	6:00am
J. Supply of alcohol for consumption ON the premises only	Monday to Sunday	9:00pm	6:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	9:00pm	6:30am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Rebecca McQuoid

77 Hammerton Street, Burnley, Lancashire, BB11 1NA.

Telephone number and email address redacted

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Rebecca MCQUOID

77 Hammerton Street, Burnley, Lancashire, BB11 1NA.

Telephone number and email address redacted



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PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA1031

Issued by Chorley

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

No supply of alcohol may be made under the premises licence -

- (a) At a time when there is no designated premises supervisor in respect of the premises, or
- (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

When a film is exhibited, admission of children to that part of the premises must be restricted in accordance with any recommendation made by the British Board of Film Classification in relation to that film.

Use of door supervisors.

Each individual in the premises who carries out a security activity must be licensed by the Security Industry Authority unless the premises or part of the premises where they are present is being used wholly or mainly as a restaurant or guest house, for theatrical performances or plays, or a Gaming Licence is for the time being in force in respect of those premises.

The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

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- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

The responsible person shall ensure that-

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(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price

ANNEX 2 - Conditions Imposed in Accordance with the Operating Schedule & Under Paragraph 18(4) & 18(5) Schedule 8 Licensing Act 2003

Conditions removed following Review Hearing on 12th December 2017 - new conditions agreed at the hearing added in Annex 3.

ANNEX 3. Conditions attached after a hearing by the licensing authority

Agreed conditions which were added added following a Review Hearing on 12th December 2017 have been removed and replaced with conditions below agreed at Review Hearing on 21st May 2020:

CCTV

A colour CCTV system will be installed at the premises and will meet with the following criteria:

- The system will be recording during all times that members of the public are present at the premises.
- Any images will display on them the time and date of the image.
- Retained Images shall be of sufficient quality that there can be clear identification of persons.
- There shall be a sufficient number of cameras to ensure that all public areas of the premises (with the exception of the inside of the toilets) and the area immediately outside the public entrance to the premises are covered.

Signs will be displayed in the premises advising that CCTV is in use. When dealing with incidents or unruly behaviour, staff shall indicate to any persons involved that the CCTV is recording.

Checks of the CCTV will be made by the Designated Premises Supervisor or by his / her representative to ensure

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that the CCTV is in working order prior to every occasion that the premises carries on licensable activities. Said checks will be documented and will be made available to an authorised officer upon request.

On at least one occasion in every 3 month period, an external engineer will be retained to service the CCTV. Said services will be documented and will be made available to an authorised officer upon request.

Images recorded by the CCTV will be retained for a minimum of 28 days and will produced to an authorised officer upon request, so long as said request is made in accordance with the principles of the Data Protection Act or any subsequent or alternative legislation.

Following a request for images, the images will be provided as soon as practicable, but in any event no later than 48 hours after said request has been made (unless otherwise agreed with the party requesting the images).

Images provided to authorised officers will be provided in a commonly recognised format such as a USB stick or DVD. A supply of USB sticks, DVD's or alternatives shall be kept at the premises for this purpose.

Whenever licensable activities are taking place at the premises there shall be a member of staff on duty who has been trained in relation to the CCTV and who is subsequently able to access and operate the system and provide downloads.

Door Supervisors

Prior to each occasion that licensable activities take place at the premises a risk assessment will be carried out to determine how many door supervisors are necessary. As a guide there should be at least two SIA registered door supervisors for the first 100 customers and then a further one for every additional 100 customers after that. An appropriate number of SIA registered door supervisors will be utilised in accordance with said risk assessment, which will be documented and made available to an authorised officer upon request.

As a minimum, at least two SIA Registered door supervisors will be utilised at the premises whenever licensable activities are taking place from 22:00hrs until thirty minutes after the last customer has left the premises.

When licensable activities take place after 4am there will be a minimum of 4 SIA registered door supervisors working.

Only door supervisors provided by an ACS-accredited company will be utilised at the premises.

Door supervisors will use clear visible counting devices at all times when the premises are open. Counting equipment and current numbers to be open to inspection by police at any time when in operation.

Whenever there are door supervisors utilised at the premises, at least one door supervisor will be positioned to monitor the external smoking area to prevent persons bypassing checks at the main entrance by gaining access to the premises through the external area, and to prevent any illegal substances being passed over or through the fencing



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All door supervisors will be equipped with body cam type cameras whenever they are on active duty. Door supervisors will be trained to record any incidents with the body cameras and where images of incidents are recorded, they will be retained for a minimum of 28 days and provided to an authorised officer upon request, so long as said request is made in the principles of the Data Protection Act or any subsequent or alternative legislation. Following a request for images from body cams, the images will be provided as soon as practicable, but in any event no later than 48 hours after said request has been made (unless otherwise agreed with the party requesting the images).

All door supervisors will be provided with a radio which allows communication with other door supervisors and at least one member of the premises management.

At all times that licensable activities are being carried on at the premises, one member of staff will be specifically tasked with monitoring the CCTV. Said member of staff will also have access to a radio that allows communication with door supervisors and a member of the management team to allow a quick response to any incidents.

When on duty, door supervisors will ensure that no customers leave the premises with open containers.

Door supervisors to wear high visibility clothing at all times when on active duty.

A record shall be kept on the premises by the DPS of every person employed on the premises as a door supervisor. The record shall contain the following details: name, address, date of birth and SIA licence number and signing in and out for each door supervisor. The record shall be available for inspection, on demand, by an authorised officer of the council, a police officer or the SIA.

Drugs & Search Policy

The premises licence holder shall have a written policy in relation to drugs which will include search, seizure and disposal of drugs and weapons. The policy will be available for inspection on demand by an authorised officer of the Council, Police or SIA.

Posters will be displayed in prominent positions at the premises advising patrons that the premises operates a zero tolerance policy in respect of drugs.

It shall be a condition of entry that customers consent to being searched and signs to that effect will be prominently positioned at the entrance to the premises.

Every customer entering the premises will be searched on entry and on re-entry.

Closing times and facilitating the safe passage home of patrons

There will a clear customer dispersal policy in place. Such a policy should minimise noise disturbance and potential disorder from customers leaving the premises. A policy should clearly set out measures to control the exit at the end of the evening.

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The premises will cease the selling of alcohol and will close at 6am with all patrons leaving the premises as soon as practicable and in any case within 30 minutes.

The premises will link in with at least one local private hire / taxi service to provide a taxi Freephone to assist the booking of vehicles so that people can leave the premises quickly and safely.

Protection of Children

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.

A notice or notices shall be displayed in the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

Incident log to be kept on site and shall be maintained to record all challenges and refused sales.

An electronic ID scanner will be utilised at the premises and will be operational at all times that the premises is carrying on sales of alcohol. In the event of the scanner failing operationally, the Police and the Licensing Authority will be notified immediately upon discovery and a timescale for repair will be provided.

At least one member of staff who is conversant with the operation of the ID scanner will be on duty at the premises at all times when the premises is carrying on sales of alcohol. Said staff member will be able to demonstrate to the Police or to an authorised officer upon request that the ID scanner is working correctly.

The ID scanner will be utilised in respect of any customers entering the premises when sales of alcohol are taking place, with the exception of customers who are pre-existing members of the premises' membership scheme. It will be a condition of becoming a member of the scheme that proof of age is provided by the customer and verified using the electronic ID Scanner. Details of said proof of age will be retained for as long as the individual remains a member of the scheme.

The only forms of identification that shall be accepted by the premises for use with the electronic ID scanner are:

- UK Driving Licence
- Passport
- Citizen Card provided by the Home Office;
- Official ID card issued by HM Forces or EU Member State bearing a photograph and date of birth of the holder;

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- PASS ID Cards; and,
- Any other form of identification agreed in writing by a representative of Lancashire Constabulary Licensing Unit.

The Designated Premises Supervisor or his or her representative will provide data from the ID scanner to an authorised officer upon request, so long as said request is made in accordance with the principles of the Data Protection Act or any subsequent or alternative legislation.

Following a request for data, the data will be provided as soon as practicable, but in any event no later than 48 hours after said request has been made (unless otherwise agreed with the party requesting the images).

Staff training

All staff who are involved in the sale of alcohol will receive training upon commencement of their employment in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Staff will subsequently receive refresher training at intervals no greater than every six months and said training will be documented and will be made available to an authorised officer upon request.

All staff involved in the sale of alcohol will be trained upon commencement of their employment in how to identify drunk or drug-impaired customers. Staff will subsequently receive refresher training at intervals no greater than every six months and said training will be documented and will be made available to an authorised officer upon request.

Within one month of this condition coming into effect (for existing staff) or alternatively within one month of commencing their employment, any staff directly involved in the sale of alcohol shall receive accredited responsible alcohol retailing training. Thereafter, the member of staff shall receive refresher training every month. It is not a requirement that said refresher training is accredited.

General

People who are clearly under the influence of alcohol will not be sold any more and will only be allowed to consume free tap water as their next drink.

Adequate and appropriate supply of first aid equipment and materials is available on the premises.

At least one approved medic who has been trained to a minimum level of first responder will be on duty at the premises whenever the premises is carrying on licensable activities.

The premises will be completely glass free with all sales served only in plastic or polycarbonate containers. The exception to this will be in the VIP area only, when under the supervision of the staff.

Whenever licensable activities are being carried on at the premises, there shall be at least one member of staff on

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duty who holds a personal licence.

The Premises Licence Holder, Designated Premises Supervisor or a nominated representative shall actively participate in the local Pubwatch (or equivalent) scheme where such a scheme is in operation.

An incident register will be maintained at the premises which will detail any incidents that occur at the premises or in the immediate vicinity of the premises. The incident register will include details of:

- Incidents of refused sales or refused entry;
- Incidents of disorder;
- Incidents of the discovery or seizure of drugs or weapons;
- The discovery of any faults in the CCTV system; and,
- Incidents of ejections from the premises.

Unless otherwise agreed with a representative of Lancashire Constabulary Licensing Unit, on at least one occasion each week, the Designated Premises Supervisor or a nominated representative will contact Lancashire Constabulary Licensing Unit to inform of any relevant incidents or issues and to enquire whether Lancashire Constabulary have any current areas of concern in respect of the operation of the premises.

Health & Safety

At the close of business all waste which is not inside the building must be stored within refuse containers with lockable lids.

The premises will have a sufficient number of waste containers to contain all waste produced including liquid waste.

Commercial waste will not be placed on the ground outside the premises or placed in any other way which results in the waste not being controlled.

External areas which are used for the storage of waste must be swept at the close of business to ensure they are free from litter, including glass.

Welfare Officer

When the premises is engaged in any Licensable Activity there shall be on duty a person nominated as a Welfare Officer

The purpose of the Welfare Officer is to ensure that any persons who are deemed vulnerable, upset or in distress

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are dealt with efficiently and effectively.

The role will constantly liaise with the Duty Manager and Head Door Supervisor to ensure any situation that they are involved in is adequately communicated and reported.

The role will be diverse in as much as many situations arise where a person may need a welfare officer's assistance. The Officer should be constantly searching for such opportunities to help.

The Welfare Officers must be clearly identifiable and separated from the Door team so will be required to wear a different colour Hi Vis Bib as advised by the General Manager.

Areas of assistance

- Dealing with Drunk or Vulnerable Persons
- Offering First Aid Assistance
- Undertaking floor walks, toilet checks and hazard spotting
- Assisting people who have lost property or claim theft
- Assisting any person who claims they are a victim of inappropriate behaviour

If there are any incidents or visits made by Police Officers, Licensing Officers or Medical staff such as Ambulance personnel, the nominated welfare officer will make themselves known and liaise and co-operate with the official.

The designated Welfare Officer will not be involved in other activities like selling alcohol or being involved in other promotions.

Their role will predominantly be that of Welfare Officer when working.

ANNEX 4 - Plan of Premises

The official plan of the premises is attached and endorsed



Licensing Unit
Parker Lane
Burnley
Lancashire
BB11 2DT

Tel: 01282 425011
Web: www.burnley.gov.uk
licensing@burnley.gov.uk

Licensing Act 2003

Premises Licence Summary

PLA0345

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Mode

77 Hammerton Street, Burnley, Lancashire, BB11 1LE.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday to Sunday	9:00pm	6:00am
J. Supply of alcohol for consumption ON the premises only	Monday to Sunday	9:00pm	6:00am

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	9:00pm	6:30am

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Rebecca McQuoid

77 Hammerton Street, Burnley, Lancashire, BB11 1NA.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Rebecca MCQUOID

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED



Burnley Borough Council



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Licensing Act 2003

Premises Licence Summary

PLA0345

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	McQuoid
Forenames	Rebecca
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/>
4. Your place of birth	<input type="text"/>
5. National Insurance Number	<input type="text"/>
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
77 Hammerton Street	
Post town	Burnley
Postcode	BB111LE
7. Other contact details	
Telephone numbers Daytime	<input type="text"/>
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
Mode Nightclub 77 Hammerton Street Burnley, BB111LE	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	PLA0345
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Nightclub	

[REDACTED]	(Please read note 5)
to extend the opening hours of the premises for a special event	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	
14/11/21	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)	
06:00-08:00	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	499
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both	On the premises only <input checked="" type="checkbox"/>

(please tick as appropriate). (Please read note 12)	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

06:00-08:00

4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	Chorley	
Licence number		
Date of issue		
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	1	

Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No x
---	---------------------------------	---------

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No x
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No x
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No x
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No x

7. Checklist (Please read note 17)

I have: (Please tick the appropriate boxes, where applicable)

Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>

If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.

Signature	R.McQuoid
Date	28.11.21
Name of Person signing	Rebecca McQuoid

For completion by the licensing authority

10. Acknowledgement (Please read note 20)

I acknowledge receipt of this temporary event notice.

Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Notes for Guidance

General

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 8 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 16 below sets out the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or

- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (subject to an unlimited fine on conviction);
- allowing the sale of alcohol to children under 18 (subject to an unlimited fine on conviction);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (subject to an unlimited fine, on conviction);
- allowing disorderly behaviour on the premises (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- the sale of alcohol to a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- obtaining alcohol for a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (subject to a fine not exceeding level 1 on the standard scale, on conviction); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (subject to a fine not exceeding level 3 on the standard scale, on conviction).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”.

Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Note 6

The licensable activities are:

- the sale by retail of alcohol;

- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
□ the provision of regulated entertainment; and
- the provision of late night refreshment.

Note 7

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed

500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 9

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Note 10

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 12

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 13

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment — see note 6 above). A temporary event notice may be given for this purpose.

Note 14

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Note 15

As stated under Note 14, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (15 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for nonholders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 16 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user. Note 16 below sets out the definition of an “associate”.

Note 16

An “associate” of the proposed premises user is:

- a. the spouse or civil partner of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

Note 17

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

Note 18

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be

liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 19

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and an unlimited fine.

Note 20

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.

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**Lancashire
Constabulary**

police and communities together

2nd of November 2021

Licensing Unit
Burnley Borough Council

**Police objection to the application for 2 temporary notices for MODE, 77
Hammerton Street, Burnley for the 7th and 14th of November 2021.**

Please accept this as the police objection to the application to the above Temporary Event Notices, (TENs), one of which is a late application

Lancashire Constabulary has received 2 TENs for MODE to extend their hours from 06:00 until 08:00 on the above dates.

The constabulary is concerned that the Temporary Event Notices will not be subject to the same licensing conditions as per the premises licence in relation to door staff, noise assessments, CCTV and age-related checks.

Due to the venue remaining open until the early hours when customers will be at their most intoxicated and in some cases vulnerable, to allow the TENs without the additional conditions could undermine the Prevention of Crime and Disorder and Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm licensing objectives.

It is our view that to allow the events to take place without the protections which the premises licence conditions afford would potentially put the safety of customers at risk and cause nuisance to the small number of town centre residents and disorder in the town centre.

The conditions on the licence have been imposed to ensure that the licencing objectives are met, and it is proportionate to extend these conditions within the TEN.

Like other premises in the area, there have been incidents of disorder and public safety where door staff have intervened strengthening the necessity for the conditions.

The constabulary is also concerned in relation to how the number of customers and staff will be monitored and then reduced prior to 06:00 hours to 499 people allowed as per the TENs.

We are concerned that a large number customers will have to leave at 06:00 which may cause disorder and dissent within the premises by customers who do not want to leave having purchased tickets and expecting to stay until 8am and seeing other customers allowed to remain at the event.

In view of the above, Lancashire Constabulary object to the 2 applications

Regards

Pc 2623 Michael Jones

East Division licensing Officer

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From: Jill Wolfendale
Sent: 02 November 2021 14:44
To: licensing
Cc: [REDACTED]
Subject: FW: Temporary Event Notice Application

Dear Licensing

On behalf of Environmental Health I wish to object to both the TEN's attached for the following reasons;

The additional two hours requested in the TEN's will not be covered by the agreed conditions to protect the safety of customers. As such there is potential for public safety to be comprised during this period. In addition, I believe there is also a potential for public nuisance as customers leave the premises over this additional time period.

Regards

Jill

Jill Wolfendale
Principal Environmental Health Officer Safety & Environment
Streetscene
01282 425011

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Notice of determination of application for review of premises licence

Police Sergeant Jason Middleton
Pennine Division Licensing Unit
Burnley Police Station
Parker Lane
Burnley
BB11 2BT

The Burnley Borough Council,
being the licensing authority, on 23rd October 2017 received an application for review of a premises licence from the Chief Officer of Police in respect of premises known as Vogue Nightclub, 77 Hammerton Street, Burnley, BB11 1LE.

At a meeting of the Licensing Sub-Committee held on Tuesday, 12th December 2017, after considering the review and all representations the Committee decided to accept the conditions and hours proposed by the Police and Vogue Night Club on the 6th December 2017 (as per attached document), which replace the existing conditions set out in Annex 2 of the licence.

The Police's approach for them to be proactive and to review the licence again should that be relevant was agreed to.

The reason for the decision was having regard to the prevention of crime and disorder licensing objective.

Dated 13th December 2017

Signed

John Yardley

Designation

Licensing Officer
the officer appointed for this purpose

Please address any communications to:

John Yardley
Burnley Borough Council
Licensing Unit
Parker Lane,
Burnley
BB11 2DT

Note: An appeal against this decision may be made by the applicant/a person who made relevant representations/the Chief Officer of Police as applicable (see Schedule 5 of the Act) to the magistrates' court for the petty sessions area (or any such area) in which the premises concerned are situated within 21 days from the date of receipt of the notification of the decision.

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Decision

After considering the review and all the representations made by the relevant parties it was resolved to modify the licensing conditions for MODE nightclub and replace Annex 3 of the Premises Licence with the following conditions:

CCTV

A colour CCTV system will be installed at the premises and will meet with the following criteria:

- The system will be recording during all times that members of the public are present at the premises.
- Any images will display on them the time and date of the image.
- Retained Images shall be of sufficient quality that there can be clear identification of persons.
- There shall be a sufficient number of cameras to ensure that all public areas of the premises (with the exception of the inside of the toilets) and the area immediately outside the public entrance to the premises are covered.

Signs will be displayed in the premises advising that CCTV is in use. When dealing with incidents or unruly behaviour, staff shall indicate to any persons involved that the CCTV is recording.

Checks of the CCTV will be made by the Designated Premises Supervisor or by his / her representative to ensure that the CCTV is in working order prior to every occasion that the premises carries on licensable activities. Said checks will be documented and will be made available to an authorised officer upon request.

On at least one occasion in every three month period, an external engineer will be retained to service the CCTV. Said services will be documented and will be made available to an authorised officer upon request.

Images recorded by the CCTV will be retained for a minimum of 28 days and will be produced to an authorised officer upon request, so long as said request is made in accordance with the principles of the Data Protection Act or any subsequent or alternative legislation.

Following a request for images, the images will be provided as soon as practicable, but in any event no later than 48 hours after said request has been made (unless otherwise agreed with the party requesting the images).

Images provided to authorised officers will be provided in a commonly recognised format such as a USB stick or DVD. A supply of USB sticks, DVD's or alternatives shall be kept at the premises for this purpose.

Whenever licensable activities are taking place at the premises there shall be a member of staff on duty who has been trained in relation to the CCTV and who is subsequently able to access and operate the system and provide downloads.

Door Supervisors

Prior to each occasion that licensable activities take place at the premises a risk assessment will be carried out to determine how many door supervisors are necessary. As a guide there should be at least two SIA registered door supervisors for the first 100 customers and then a further one for every additional 100 customers after that. An appropriate number of SIA registered door supervisors will be utilised in accordance with said risk assessment, which will be documented and made available to an authorised officer upon request.

As a minimum, at least two SIA Registered door supervisors will be utilised at the premises whenever licensable activities are taking place from 22:00hrs until thirty minutes after the last customer has left the premises.

When licensable activities take place after 4am there will be a minimum of 4 SIA registered door supervisors working.

Only door supervisors provided by an ACS-accredited company will be utilised at the premises.

Door supervisors will use clear visible counting devices at all times when the premises are open. Counting equipment and current numbers to be open to inspection by police at any time when in operation.

Whenever there are door supervisors utilised at the premises, at least one door supervisor will be positioned to monitor the external smoking area to prevent persons bypassing checks at the main entrance by gaining access to the premises through the external area, and to prevent any illegal substances being passed over or through the fencing

All door supervisors will be equipped with body cam type cameras whenever they are on active duty. Door supervisors will be trained to record any incidents with the body cameras and where images of incidents are recorded, they will be retained for a minimum of 28 days and provided to an authorised officer upon request, so long as said request is made in the principles of the Data Protection Act or any subsequent or alternative legislation. Following a request for images from body cams, the images will be provided as soon as practicable, but in any event no later than 48 hours after said request has been made (unless otherwise agreed with the party requesting the images).

All door supervisors will be provided with a radio which allows communication with other door supervisors and at least one member of the premises management.

At all times that licensable activities are being carried on at the premises, one member of staff will be specifically tasked with monitoring the CCTV. Said member of staff will also have access to a radio that allows communication with door supervisors and a member of the management team to allow a quick response to any incidents.

When on duty, door supervisors will ensure that no customers leave the premises with open containers.

Door supervisors to wear high visibility clothing at all times when on active duty.

A record shall be kept on the premises by the DPS of every person employed on the premises as a door supervisor. The record shall contain the following details: name, address, date of birth and SIA licence number and signing in and out for each door supervisor. The record shall be available for inspection, on demand, by an authorised officer of the council, a police officer or the SIA.

Drugs & Search Policy

The premises licence holder shall have a written policy in relation to drugs which will include search, seizure and disposal of drugs and weapons. The policy will be available for inspection on demand by an authorised officer of the Council, Police or SIA.

Posters will be displayed in prominent positions at the premises advising patrons that the premises operates a zero tolerance policy in respect of drugs.

It shall be a condition of entry that customers consent to being searched and signs to that effect will be prominently positioned at the entrance to the premises.

Every customer entering the premises will be searched on entry and on re-entry.

Closing times and facilitating the safe passage home of patrons

There will be a clear customer dispersal policy in place. Such a policy should minimise noise disturbance and potential disorder from customers leaving the premises. A policy should clearly set out measures to control the exit at the end of the evening.

The premises will cease the selling of alcohol and will close at 6am with all patrons leaving the premises as soon as practicable and in any case within 30 minutes.

The premises will link in with at least one local private hire / taxi service to provide a taxi Freephone to assist the booking of vehicles so that people can leave the premises quickly and safely.

Protection of Children

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.

A notice or notices shall be displayed in the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

Incident log to be kept on site and shall be maintained to record all challenges and refused sales.

An electronic ID scanner will be utilised at the premises and will be operational at all times that the premises is carrying on sales of alcohol. In the event of the scanner failing operationally, the Police and the Licensing Authority will be notified immediately upon discovery and a timescale for repair will be provided.

At least one member of staff who is conversant with the operation of the ID scanner will be on duty at the premises at all times when the premises is carrying on sales of alcohol. Said staff member will be able to demonstrate to the Police or to an authorised officer upon request that the ID scanner is working correctly.

The ID scanner will be utilised in respect of any customers entering the premises when sales of alcohol are taking place, with the exception of customers who are pre-existing members of the premises' membership scheme. It will be a condition of becoming a member of the scheme that proof of age is provided by the customer and verified using the electronic ID Scanner. Details of said proof of age will be retained for as long as the individual remains a member of the scheme.

The only forms of identification that shall be accepted by the premises for use with the electronic ID scanner are:

- UK Driving Licence

- Passport
- Citizen Card provided by the Home Office;
- Official ID card issued by HM Forces or EU Member State bearing a photograph and date of birth of the holder;
- PASS ID Cards; and,
- Any other form of identification agreed in writing by a representative of Lancashire Constabulary Licensing Unit.

The Designated Premises Supervisor or his or her representative will provide data from the ID scanner to an authorised officer upon request, so long as said request is made in accordance with the principles of the Data Protection Act or any subsequent or alternative legislation.

Following a request for data, the data will be provided as soon as practicable, but in any event no later than 48 hours after said request has been made (unless otherwise agreed with the party requesting the images).

Staff training

All staff who are involved in the sale of alcohol will receive training upon commencement of their employment in relation to the licensing objectives so as to reduce crime and disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Staff will subsequently receive refresher training at intervals no greater than every six months and said training will be documented and will be made available to an authorised officer upon request.

All staff involved in the sale of alcohol will be trained upon commencement of their employment in how to identify drunk or drug-impaired customers. Staff will subsequently receive refresher training at intervals no greater than every six months and said training will be documented and will be made available to an authorised officer upon request.

Within one month of this condition coming into effect (for existing staff) or alternatively within one month of commencing their employment, any staff directly involved in the sale of alcohol shall receive accredited responsible alcohol retailing training. Thereafter, the member of staff shall receive refresher training every month. It is not a requirement that said refresher training is accredited.

General

People who are clearly under the influence of alcohol will not be sold any more and will only be allowed to consume free tap water as their next drink.

Adequate and appropriate supply of first aid equipment and materials is available on the premises.

At least one approved medic who has been trained to a minimum level of first responder will be on duty at the premises whenever the premises is carrying on licensable activities.

The premises will be completely glass free with all sales served only in plastic or polycarbonate containers. The exception to this will be in the VIP area only, when under the supervision of the staff.

Whenever licensable activities are being carried on at the premises, there shall be at least one member of staff on duty who holds a personal licence.

The Premises Licence Holder, Designated Premises Supervisor or a nominated representative shall actively participate in the local Pubwatch (or equivalent) scheme where such a scheme is in operation.

An incident register will be maintained at the premises which will detail any incidents that occur at the premises or in the immediate vicinity of the premises. The incident register will include details of:

- Incidents of refused sales or refused entry;
- Incidents of disorder;
- Incidents of the discovery or seizure of drugs or weapons;
- The discovery of any faults in the CCTV system; and,
- Incidents of ejections from the premises.

Unless otherwise agreed with a representative of Lancashire Constabulary Licensing Unit, on at least one occasion each week, the Designated Premises Supervisor or a nominated representative will contact Lancashire Constabulary Licensing Unit to inform of any relevant incidents or issues and to enquire whether Lancashire Constabulary have any current areas of concern in respect of the operation of the premises.

Health & Safety

At the close of business all waste which is not inside the building must be stored within refuse containers with lockable lids.

The premises will have a sufficient number of waste containers to contain all waste produced including liquid waste.

Commercial waste will not be placed on the ground outside the premises or placed in any other way which results in the waste not being controlled.

External areas which are used for the storage of waste must be swept at the close of business to ensure they are free from litter, including glass.

Welfare Officer

A dedicated Welfare Officer shall be at the premises at all times that licensable activities are taking place.

The purpose of the Welfare Officer is to ensure that any persons who are deemed vulnerable, upset or in distress are dealt with efficiently and effectively.

The Welfare Officer will constantly liaise with the Duty Manager and Head Door Supervisor to ensure any situation that they are involved in is adequately communicated and reported.

The role will be diverse in as much as many situations arise where a person may need a welfare officer's assistance. The Officer should be constantly searching for such opportunities to help.

The Welfare Officers must be clearly identifiable and separated from the Door team so will be required to wear a different colour Hi Vis Bib as advised by the General Manager.

The Welfare Officer will provide assistance in the following areas:

- Dealing with Drunk or Vulnerable Persons
- Offering First Aid Assistance
- Undertaking floor walks, toilet checks and hazard spotting
- Assisting people who have lost property or claim theft
- Assisting any person who claims they are a victim of inappropriate behaviour

The Welfare Officer will operate in accordance with guidance approved at all times by the Licensing Authority .

REASON FOR DECISION

Having regard to the application for review and relevant representations, the Committee considered the amended conditions were appropriate for the prevention of crime and disorder and the protection of children from harm



BURNLEY BOROUGH COUNCIL

LICENSING ACT 2003

THE CONDUCT OF HEARINGS

1. Application

- 1.1 All hearings subject to the Licensing Act 2003 (Hearings Regulations) 2005 will be held in accordance with this procedure. The Schedule to this procedure details the hearings which are subject to this procedure.

2. Time of Hearing

- 2.1 Hearings will commence within the times illustrated in Column 2 of the Schedule, and where the hearing is scheduled to take place on more than one day, it will take place on consecutive working days.
- 2.2 Hearings will normally take place from 2-5pm or 6-9pm on the day of the hearing, but hearings may take place at the discretion of the Committee or Sub-Committee appointed to hear the matter in exceptional circumstances.

3. Members of the Committee or Sub-Committee

- 3.1 Where the full Licensing Committee sit to hear an application, the full Committee will sit, excluding a member who:
- a) has sat on a Development Control hearing in respect of the premises subject to, or concerned in the Licensing Act 2003 application and/or
 - b) is affected by the application e.g. to be assessed on a case by case basis when a Member is a Member for the Ward or a nearby Ward in which the premises are situated

- c) has become an interested party by representing the applicant or any interested party prior to the hearing.

3.2 Where a Sub-Committee sit to hear an application, it will consist of 3 members of the full Committee and will exclude a member who:

- a) has sat on a Development Control hearing in respect of the premises subject to, or concerned in the Licensing Act 2003 application and/or
- b) is affected by the application e.g. to be assessed on a case by case basis when a Member is a Member for the Ward or a nearby Ward in which the premises are situated
- c) has become an interested party by representing the applicant or any interested party prior to the hearing.

Where hearings are conducted remotely a 4th substitute Member may also be present.

3.3 Members will act in accordance with the Licensing Act 2003, be aware of the Local Authority Co-ordinators of Regulatory Services Guidance on the Role of Elected Members in Relation to Licensing Committee Hearings under the Licensing Act 2003 and the requirements of the Standards Board for England and Wales.

4. Opening of a Hearing and Identifying Parties to the Hearing

4.1 The Chair of the Committee or Sub-Committee will introduce the members of the Committee or Sub-Committee.

4.2 The Licensing Manager or Legal Advisor will advise the Committee or Sub-Committee but will not make recommendations or be part of the determination process. They will not retire with the Committee or Sub-Committee members for the purposes of a determination but the Legal Advisor may be asked by the Committee or Sub-Committee to give advice.

4.3 At the commencement of proceedings the Legal Advisor will identify in turn, each party to the hearing who is present, and in relation to that party, whether they are represented, and if so, by whom.

4.4 The Legal Advisor will identify in turn each party to the hearing who is not present at the hearing and in relation to that party will clarify;

- a) whether there is evidence that they were given Notice of the Hearing

- b) whether that party has given notice that they intend to attend or be represented
 - c) whether that party has given notice that they consider a hearing to be unnecessary
 - d) whether that party has given notice that they wish to withdraw their representation
- 4.5 Where a party has given notice that they do not intend to attend or be represented, the Committee or Sub-Committee will state whether they intend to proceed in the absence of that party.
- 4.6 Where a party has not given such notice and has failed to attend or be represented, the Committee or Sub-Committee will then decide whether it is necessary in the public interest to adjourn the hearing to a specified date or hold the hearing in the party's absence. The Committee or Sub-Committee may invite representations from the other parties present on this issue before making their decision.
- 4.7 The Committee or Sub-Committee, should it decide to proceed must subsequently consider the application, representation or notice made by a party who does not attend, attaching the appropriate weight of evidence to it.

5. Hearings to be held in public

- 5.1 Unless the Committee determine otherwise following consideration of representations, if any, from the parties present, the hearing shall take place in public. A member of the public, unless a party to the hearing or a person granted permission to address the hearing by the Committee or Sub-Committee at the request of one of the parties, shall not be entitled to address the hearing.
- 5.2 Where representations are made under 5.1 above, such parts or the hearing as the Committee or Sub-Committee in their absolute discretion determine shall be held in private.
- 5.3 The decision at paragraph 5.2 and the reasons for it will be given in public, and the Committee or Sub-Committee will also state whether any party or any persons assisting or representing a party are to be treated as a member of the public for this purpose.

6. Commencement of the Hearing

- 6.1 The Legal Advisor will explain the procedures that the Committee or Sub-Committee will follow at the hearing. In particular the Legal Advisor will clarify that;:

- a) the hearing will take the form of a discussion led by the Committee or Sub-Committee and cross-examination will not be permitted unless the Committee or Sub-Committee considers that cross examination is required for it to consider the representations, application or notice as the case may require.
- b) Members of the Committee or Sub-Committee may ask a question of any party or other person appearing at the hearing.
- c) Members of the Committee or Sub-Committee may take into account documentary or other information produced to the authority before the hearing in support of their application, representation or notice. These will have been provided to the Committee or Sub-Committee members by the Licensing Manager prior to the meeting and the substantive content of the documents need not be repeated verbally at the hearing.
- d) Members of the Committee or Sub-Committee may take into account any new documentary or other information produced to the authority on the day of the hearing with the content of all other parties (if any) and the substantive content of any such documents need not be repeated verbally at the hearing.
- e) Parties will be allowed a maximum equal period to exercise their rights, such period to be determined by the Committee or Sub-Committee.
- f) Parties will be allowed to clarify points upon which they wish to support their application.
- g) Parties may seek permission to question any other party subject to Paragraph a) above.
- h) Parties may seek permission to address the Committee or Sub-Committee.

7. Procedure

- 7.1 The Licensing Manager or other appointed officer of the Licensing Authority are not a party to the hearing. The Manager will outline the facts of the application and relevant representations received from parties.
- 7.2 The Licensing Manager will then outline the legislation under which a determination is required.
- 7.3 The Licensing Manager will outline;

- a) Relevant parts of the Act
 - b) Relevant subordinate legislation
 - c) Relevant sections from the statutory guidance made under Section 182 of the Act
 - d) Relevant paragraphs of the Statement of Licensing Policy made under Section 5 of the Act.
 - e) The time limit which the Committee or Sub-Committee must make a determination under the law.
- 7.4 Each party to the hearing present will then in turn provide information supporting or clarifying of their representations – commencing with the Responsible Authorities, followed by any interested party and then the applicant.
- 7.5 The Committee or Sub-Committee may advise all the parties of details of representations they have received from parties not present.
- 7.6 Thereafter each party, commencing with the Responsible Authorities, followed by any interested party and finally the Applicant, will be given an opportunity to summarise their representations. No new evidence will be allowed to be introduced by any party during the course of any such summation.
- 7.7 The Committee or Sub-Committee will disregard any information given by a party or any other person to whom permission to appear at the hearing has been given which is no relevant to;
- a) Their application, representation or notice or in the case of another person, the application, representation or notice of the party requesting their appearance, and
 - b) the promotion of the Licensing Objectives or in the case of a hearing to consider a notice given by a chief officer of the police, the crime prevention objective only.
- 7.8 The Committee or Sub-Committee will satisfy themselves that they have heard all the relevant information and retire to make their decision in private.

8. Persons behaving in a disruptive manner

- 8.1 The Committee or Sub-Committee may require any person attending the, hearing who in their opinion are behaving in a disruptive manner to leave the hearing and may;
- a) refuse to permit that person to return, or
 - b) permit them to return only on such conditions as the Committee or Sub-Committee may specify

but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

9. Adjournment of Hearing

- 9.1 The Committee or Sub-Committee may adjourn a hearing to a specified date or arrange for the hearing to be held on specified additional dates where it considers this necessary to consider any representations or notice made by a party. (A s53C `summary review` to be determined within 28 days of receipt)
- 9.2 It will not adjourn a hearing in such a way to create an effect on the requirements of granting or rejecting an application under Schedule 8 of the Act or a review under Section 167 of the Act.

10. Determinations

- 10.1 The Committee or Sub-Committee will make its determination at the conclusion of the hearing but in certain circumstances may make a determination within a period of 5 working days of the last day of the hearing.

11. Notice of Determination

- 11.1 The Licensing Manager will issue a notice of determination forthwith to all parties. Such notice will include the reasons for the determination and details of the right of any party to appeal against the decision.

12. Record of Proceedings

- 12.1 The Democracy Team Officer will provide for a record of the hearing to be taken in a permanent and intelligible form and kept for 6 years from the date of determination.

SCHEDULE

Column 1		Column 2
Provision under which hearing is held.		Period of time which hearing must be commenced.
1.	Section 18(3)(a) (determination of application for premises licence)	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c)
2.	Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.
3.	Section 39(3)(a) (determination of application to vary premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5)
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6)
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2)
7.	Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).
8.	Section 53C (review of premises licence following review notice)	To be determined 28 days after the day of receipt of the review application as prescribed under section 53A(2)(b).
9.	Section 72(3)(a) (determination of application for club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c)
10.	Section 85(3) (determination of application to vary club premises certificate)	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4)

11.	Section 88(2) (determination of an application for review of club premises certificate)	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c)
12.	Section 105(2)(a) (counter notice following police objection to temporary event notice)	7 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2)
13.	Section 120(7)(a) (determination of application for grant of personal licence)	20 working days beginning with the day after the end of the period during within which the chief officer of police may give a notice under section 120(5)
14.	Section 121(6)(a) (determination of application for the renewal of personal licence)	20 working days beginning with the day after the end of the period during within which the chief officer of police may give a notice under section 121(3)
15.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence)	20 working days beginning with the day after the end of the period during within which the chief officer of police may give a notice under section 124(3)
16.	Section 167(5)(a) (review of premises licence following closure order)	10 working days beginning with the day after the day the relevant licensing authority received the notice given under section 165(4)
17.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8
18.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 15(2) or (3) of Schedule 8
19.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 25(2) of Schedule 8