

Burnley Council

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Pc 2623 Michael Jones

(Insert name of applicant)

apply for the review of a premise licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 - Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Mode Night Club 77 Hammerton Street	
<b>Post town</b> Burnley	<b>Post code (if known)</b> BB11 1LE

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Rebecca Louise Alice McQuoid

<b>Number of premises licence or club premises certificate (if known)</b>
PLA0345

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

Please state the ground(s) for review (please read guidance note 2)

#### **The prevention of crime & disorder licensing objective**

It's the view of Lancashire Police that there is a disproportionately high number of reported incidents of crime and disorder associated with these premises and that the licensing objective of the prevention of crime and disorder is being seriously undermined at the premises.

There have been numerous reports that door staff are being aggressive, abusive and causing physical injuries to patrons at the club.

There are also concerns regarding a number of the premises licence conditions not being adhered to and can also evidence difficulty in accessing evidential CCTV footage from the premises which has had implications on the effective investigation of a significant number of crimes & incidents at the premises.

#### **The protection of children from harm.**

There have been reports from Blackburn Royal Hospital that a 17 year old girl was brought in from the club in an unconscious state, possibly having had her drink spiked and possibly sexually assaulted. On the same night there was a report of an 18 year old being brought into A and E in the same condition. There was an issue with CCTV which frustrated the investigation.

The local PCSO has identified 3 children photographed for the official MODE Facebook page, 1 aged 17 and the other 2 15 years old. One of the 15 year old suffers from mental health problems, issues with alcohol and illegal substances and is at risk of CSE. The other 15 year old is again at risk of CSE and involved in County lines drug trade.

A further report from the mother of a 15 year old male who saw her son in MODE on the official MODE photographs in the company of 2 older males who are known part of an organised Crime Group. The 15 year old male is linked to the county lines drug dealing and at risk of exploitation.

#### **Public safety**

There are concerns surrounding the lack of care afforded to customers who have been ejected or left the premises and who are need of medical assistance. There are reported incidents where members of the public have assisted people and summoned the emergency services directly outside the premises when it appeared that door staff were not offering any assistance. There is Police evidence of disorder, customers becoming unconscious through drink and drugs, violence from customers and door staff and general nuisance from Taxi cabs blocking the road outside and little evidence of door staff monitoring or assisting with dispersal at closing times.

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Pc 2623 Michael Jones Lancashire Constabulary EAST Division Licensing Burnley Police Station Parker Lane Burnley BB11 2BT
Telephone number (if any)
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

- |   |                                 |
|---|---------------------------------|
|   | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | X                               |
| 2) public safety                        | X                               |
| 3) the prevention of public nuisance    | <input type="checkbox"/>        |
| 4) the protection of children from harm | X                               |

**Please provide as much information as possible to support the application (please read guidance note 3)**

The licensed premise known as MODE is located on Hammerton Street in Burnley.

The premises are licensed for sale by retail of alcohol between the following hours:

Monday	2100-0600
Tuesday	2100-0600
Wednesday	2100-0600
Thursday	2100-0600
Friday	2100-0600
Saturday	2100-0600
Sunday	2100-0600

The premises don't use all these hours and normally are only open for business from midnight on a Thursday, Friday and Saturday evening when they usually trade till 6am the following morning.

They are licensed for a number of other licensable activities including live music and recorded music.

The Designated Premises Supervisor and Premises Licence Holder is Rebecca Louise Alice MCQUOID.

Bearing in mind these premises are only normally open three days a week for a maximum of 6 hours on each occasion it's our view the number and seriousness of the incidents is disproportionate and very concerning and indicate that the Prevention of Crime and Disorder licensing objective is being undermined at the premises.

It should be noted that regular meetings have been held with those responsible at the premises and police concerns are regularly mentioned and discussed and recommendations made.

On the Police databases there are 62 incidents reported to Police in the last 12 months which can be shown to be linked to MODE. These 62 incidents created 91 generated Police logs and whilst it is accepted that these are duplicated reports of incidents they still take time to process on an individual basis. Using the same search criteria for other late licensed premises in Burnley Town Centre the next 'busiest' premises had 45 incidents in the same period.

Using the same data 58% of those incidents occur between 04:00hrs until 08:00 hrs and approximately half of those occur between the hours of 05:00 and 06:00. 19% of incidents occur between 03:00 and 04:00 hours

MODE is one of the later opening venues and as such they deal with patrons who are very intoxicated and potentially more vulnerable which requires a higher standard of management. The current company providing the door staff do not appear professional enough to deal with difficult customers and it would appear that all too often the Red mist descends and a heavy handed and violent approach often results.

Rebecca McQuoid is also the DPS at Projekt which is another late night venue in Burnley Town Centre and it raises concerns that she cannot supervise both venues, which are open at the same time to a safe and satisfactory level. She received a Police Caution in 2018 for a breach of licensing activity and received a warning from Burnley Borough Council in October 2019 for failing to comply with licensing conditions in regard to issues surrounding CCTV.

**The following options are available to the committee:-**

**1) Do nothing – However the sheer number and seriousness of the offences causes grave concern for no action.**

**2) Modify the conditions of the licence – The Police feel that modifying the conditions may have some impact in promoting the Licensing Objectives but these modifications will have to be robust and proportionate.**

- 3) Remove the Designated Premises Supervisor
- 4) Suspend the licence for a period not exceeding three months
- 5) Revoke the premises licence so that no alcohol can be sold at all.

In the opinion of Lancashire Police the information presented here indicates the total undermining of the Prevention of Crime and disorder, public safety and the protection of children from harm Licensing Objectives and despite constant Police interventions there is a repeated high number of often serious incidents reported to the Police which can be linked to these premises. 23 of these incidents appear to take place after 5am and often involve the victims or offenders clearly being drunk indicating a total disregard to licensing legislation in relation to serving to persons who are drunk.

Lancashire Police respectfully requests that the committee considers whether revocation of the premises licence, removal of DPS and a significant reduction in its licensing hours would be an appropriate finding in the circumstances as well as the following conditions. If the committee decides that a full revocation of the licence is not appropriate, we ask that the licence is revoked for the maximum period of 3 months to allow sufficient time to implement the new conditions :

An electronic ID scanner shall be operational and working at all times. If the electronic ID scanner is not operational the police and the licensing authority will be informed of this fact and a repair timescale provided.

A staff member from the premises that is conversant with the operation of the electronic ID scanner shall be on the premises at all times that the premises are open to the public. This staff member will be able to show police or authorised officers of the Licensing Authority that the electronic ID scanner is working correctly.

The premises shall scan all patrons entering the premises through the electronic ID scanner at all times when the venue is open.

The Licence Holder / DPS / Manager shall provide police or authorised officers of the Licensing Authority data from the electronic ID scanner with the minimum of delay when requested. This data reproduction shall be almost instantaneous.

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 birth date of the holder and PASS ID Card are the only forms of photographic identification that shall be accepted at the premises for use with the electronic ID scanner.

At least one approved, professional medic shall be employed and at the premises at all times when it is open to the public.

Only a SIA ACS-accredited approved company will be able to supply door supervisors at the premises.

Where SIA registered door supervisors are used at the premises, a record shall



be kept of their SIA registration number and the dates and times when they are on duty.

Searches shall be undertaken of customers entering the premises at all times when the venue is open and prominent signage provided to this effect. All customers who leave the venue and re-enter will be subject to a repeat search without exception.

SIA door staff will be positioned in the outside smoking area at all times whilst the premises is open to prevent/monitor any illegal substances being passed over/through the fencing.

All door supervisors shall be provided with a radio which allows communication between all members of the door supervisor team and the premises manager. CCTV will be monitored by a member of staff with access to a radio to allow for a quick response to any incidents

At least one member of staff on duty, while the venue is open to the public, shall hold a personal licence.

All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

All staff shall be trained in how to identify drunk or drug impaired customers. This training shall be repeated at least biannually and written records of the training kept and made available to police and authorised officers of the Licensing Authority on request.

The Licence Holder / Designated Premises Supervisor/ Manager shall actively participate in any local Pub Watch or similar scheme.

An incident record shall be maintained by the Licence Holder / Designated Premises Supervisor/ Manager that details incidents that occur in or in the immediate vicinity of the premises. This shall include refused sales, any incidents of disorder, seizures of drugs or offensive weapons, any faults in the CCTV system, and ejections from the premises as a minimum. CCTV system to be checked prior to the premises being open to customers and check to be documented and available for inspection by the Police or an authorised officer of the Licensing Authority at all times the premises is open.

The incident record shall be kept on the premises and be available for inspection by the police or an authorised officer of the Licensing Authority at all times the premises is open.

The premises shall operate a zero-tolerance policy to drug use and posters be

displayed to this effect.



Please tick ✓ yes

Have you made an application for review relating to the premises before

X

If yes please state the date of that application

Day	Month	Year
12	12	2017

**If you have made representations before relating to the premises please state what they were and when you made them**

A review of the premises was heard on the 12<sup>th</sup> of December 2017 following an application made by Sgt Jason Middleton who was the licensing Sgt at that time.

The review was made under the prevention of Crime and Disorder Licensing Objective.

Concerns were raised regarding the running of the premises at all times but particularly after 5am when there was a noticeable increase in reports of disorder.

There were also concerns regarding licence conditions being adhered to especially around the difficulty in accessing CCTV and its implications on the effective investigation of crime.

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures (please read guidance note 4)**

**Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.**

Signature

Pc 2623

Capacity Licensing officer

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)</b>	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.