

**IN THE MATTER OF AN APPLICATION FOR THE REVIEW OF A PREMISES LICENCE
UNDER THE LICENSING ACT 2003
APPLICANT: LANCASHIRE CONSTABULARY**

LANCASHIRE COUNTY COUNCIL DIRECTOR OF PUBLIC HEALTH

IN ITS ROLE AS A RESPONSIBLE AUTHORITY

IN SUPPORT OF THE REVIEW APPLICATION

STATEMENT

OF

CLARE ELIZABETH PLATT

1. I am Clare Elizabeth Platt, Chartered Environmental Health Practitioner, with over twenty eight years professional experience. I am employed by Lancashire County Council as Head of Health Equity, Welfare and Partnerships. Responsibility for Public Health Licensing is within the remit of my team. I report directly to the Director of Public Health at Lancashire County Council.
2. On 31st January 2020 I received an emailed copy of the application for the review of a premises licence PLA0345 of Mode Night Club at the postal address of 77 Hammerton Street, Burnley, BB11 1LE hereinafter referred to as "Mode", completed by PC 2623 Michael Jones of Lancashire Constabulary hereinafter referred to as the "Police Application" [CP/1].
3. Lancashire County Council's Director of Public Health and Wellbeing, as a Responsible Authority, supports the Police Application to review the premises licence of Mode. Evidence submitted in the Police Application demonstrates that Mode is having a negative impact on the licensing objectives of crime and disorder, public safety and protection of children from harm [CP/2]. Additional evidence submitted in this statement also suggests that a number of conditions contained in the premises licence of Mode have been breached.

Licensing Objectives

4. The licensing objectives that are relevant to this statement are:
 - crime and disorder

- protection of children from harm
- public safety

Crime and Disorder

5. The Police Application [CP/1] highlights a disproportionately high number of incidents of reported crime and disorder associated with the premises and references reports of door staff being aggressive, abusive and causing physical injuries to patrons at the club. The Police Application [CP/1] also highlights concerns regarding premises license conditions that are not being met.

Protection of children from harm

6. The Police Application [CP/1] provides evidence of 6 individuals under the age of 18 years being in Mode. 4 of these individuals were aged 15 years old. In addition to the vulnerability of age, 5 of these individuals have additional vulnerabilities including mental health, risk of exploitation and links with the County lines drug trade.
7. I have significant concerns about the catalogue of evidence presented in the Police Application [CP/1] aligned to the Protection of Children from Harm Licensing objective. Evidence presented in the Police Application [CP/1] indicates either the absence of, or an inability to effectively implement, a robust policy that prevents access to the premises by individuals under the age of 18 years.
8. It is my view that evidence submitted in the Police Application [CP/1] demonstrates that the following conditions on the premises licence of Mode [CP/3] have not been adhered to and as a result children have been put at risk of harm:

01. 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 and door supervisors will verify the ages of every person seeking to gain admission to the premises unless they are clearly over 25 years of age.

02. All persons who appear to be under the age of 25 years shall be required to produce proof of age by way of the following:

- *A recognised proof of age card accredited under the British retail consortiums proof of age standards scheme (PASS)*
- *Photo driving licence*
- *Passport*
- *Citizen card supported by the Home Office*
- *Official ID card issued by HM Forces or European Union member state bearing a photograph and birth date of the holder.*

Public safety

9. The Police Application [CP/1] references evidence relating to customers leaving the premises, citing disorder, customers being unconscious through drink and drugs, violence from customers and door staff.
10. It is my view that this evidence brings in to doubt the effective implementation of the following conditions on the premises licence of Mode [CP/3] and as such the public have been put at risk of harm:

01. All staff who are involved in the sale of alcohol will receive training 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. Said training will be documented and will be made available to an authorised officer upon request.

02. 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.

Irresponsible Drinks Promotions

11. Facebook is an online social networking service used by Mode to promote the premises. In February 2020 Andrew Ascroft [CP/4] completed a review of messages sent by '@modeburnley' to examine how alcohol is promoted by the premises between 27th December 2019 and 5th February 2020.
12. This identified a drinks promotion promoted by Mode each Friday that allows individuals to purchase a wristband for £10 and then have free drinks in the premises until 4am [CP/6] [CP/7] [CP/12].
13. It also identified a drinks promotion promoted by Mode each Friday. 1 winner and 39 runners up receive a golden wristband that allows them entry and free drinks in the premises until 4am [CP/8] [CP/9] [CP/10] [CP/11] [CP/13].
14. No evidence is available to me to demonstrate that there are higher levels of reported crime and disorder on a Friday night compared to the 2 other nights of the week that the premises is open. However no evidence is available to me of drinks promotions at Mode the 2 other nights of the week that the premises is open.
15. When considered alongside evidence submitted in the Police Application [CP/1] regarding Crime and Disorder and Public Safety it is my view that the drinks promotion and competition promoted by Mode each Friday has a negative impact on Crime and Disorder and Public Safety and therefore demonstrates a breach of the following conditions on the premises licence of Mode [CP/3] regarding irresponsible drinks promotions:

01. 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.

02. 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-

- i. (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);*

Use of Glass in the Premises

16. The review of messages sent by '@modeburnley' in February 2020 by Andrew Ascroft [CP/4] to examine how alcohol is promoted by the premises between 27th December 2019 and 5th February 2020 also identified photographs of individuals in the premises drinking alcohol out of what appear to be glass bottles [CP/14] [CP/15] [CP/16] [CP/17] [CP/18] [CP/19] [CP/20] [CP/21] [CP/22] [CP/23].

17. In the 10 month period March 2019 to January 2020 there were 6 attendances at Burnley Accident and Emergency Department and Urgent Care Centre by individuals who had been assaulted and stated the assault took place at Mode. Information is not collected for every person presenting at Burnley Accident and Emergency Department and Urgent Care Centre following an assault, meaning that the data cannot be used to accurately examine trends in assaults over a period of time. However it does mean that the numbers of assaults referenced in this paragraph should be considered as the minimum number of assaults requiring Accident and Emergency Department or Urgent Care Centre attendance. When combined with intelligence shared with us by Lancashire Constabulary we are aware of 3 individuals who have been assaulted at Mode and the weapon was glass or bottle.

18. This evidence demonstrates a breach of the following condition on the premises licence of Mode [CP/3]:

01. 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 personal supervision of the premises staff.

Sale of Spirits

19. The review of messages sent by '@modeburnley' in February 2020 by Andrew Ascroft [CP/4] to examine how alcohol is promoted by the premises between 27th December 2019 and 5th February 2020 also identified that whole bottles of spirits are sold in Mode and are allowed to be carried around by customers in crowded areas of the premises [CP/14] and [CP/20].

20. It is my view that when considered alongside evidence submitted in the Police Application [CP/1] regarding Crime and Disorder and Public Safety the sale of alcohol in this way presents a higher risk of intoxication and injury.

Conclusion

21. In October 2017 Lancashire Constabulary submitted an application to review the premises licence of Vogue, 77 Hammerton Street, Burnley due to concerns about the impact the premises was having on crime and disorder and public safety. I submitted a statement in support of this application on behalf of the Lancashire County Council Director of Public Health and Wellbeing. The premises licence holder was Rebecca Louise Alice McQuoid. The outcome of this review was an amendment to the conditions and opening hours on the premises licence. This premises now operates as Mode and the licence holder remains as Rebecca Louise Alice McQuoid.

22. Based on the evidence presented in the Police Application [CP/1], and additional evidence provided in this statement, I request that Burnley Council Licensing Sub-Committee considers revocation of the premises licence of Mode. Because existing licensing conditions agreed following the previous review of the premises licence are not being met I am concerned that the further amendment of conditions on the premises licence of Mode would not be effective.

23. If Burnley Council Licensing Sub-Committee considers that revocation of the premises licence of Mode is not appropriate, I respectfully request consideration is made to the following amendments to the premises licence of Mode [CP/3]. This will aim to manage the risk of glass related injuries associated with a premises that have high levels of crime and disorder and aim to manage risks regarding public safety that have been highlighted in the Police Application [CP/1].

01. Replace condition *'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 personal supervision of the premises staff'* with *'The premises will be completely glass free with all sales served only in plastic or polycarbonate containers'*.

02. The addition of a condition similar to *'The supply of alcohol at the premises shall specifically preclude the sale of whole bottles of spirits'*

03. The addition of a condition similar to *'Every sale of spirits shall be made from a fixed bar position within the premises'*

04. The addition of a condition similar to *'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 with 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'.

24. I make this statement to the extent that facts and matters set out are true within my own knowledge. Insofar as such facts and matters that are not within my own knowledge, they are true to the best of my knowledge and belief. I also confirm that the review of alcohol promotions publicised via '@modeburnley', was completed by Mr. Andrew Ascroft [CP/4].

Statement of Truth:

I believe that the facts and exhibits CP/1 to CP/23 stated in the statement are true.

Name: Clare Elizabeth Platt

Signature:

Dated: 26 / 2 / 20

CP/1

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.

1 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

Postal address of premises or, if none, Ordnance Survey map reference or description	
Maze Night Club 77 Hammerton Street	
Post town Burnley	Post code (if known) BB11 1LE

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

Number of premises licence or club premises certificate (if known)
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) | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3) a member of the club to which this application relates (please complete (A) below) | <input type="checkbox"/> |

(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)

(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) 01282 472035
E-mail address (optional) Michael.jones3@lancashire.pnn.police.uk

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 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.

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	20	17
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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 12th 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.

yes

Please tick ✓

- 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 refused

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

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

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.

CP/2

IN THE MATTER OF AN APPLICATION FOR THE REVIEW OF MODE NIGHT CLUB
PREMISES LICENCE UNDER THE LICENSING ACT 2003
APPLICANT: LANCASHIRE CONSTABULARY

LANCASHIRE COUNTY COUNCIL

DIRECTOR OF PUBLIC HEALTH AND WELLBEING

I, Dr. SAKTHIDHARAN KARUNANITHI, the Director of Public Health and Wellbeing of Lancashire County Council, a Responsible Authority pursuant to the Licensing Act 2003, support the application for the review of premises licence PLA0345 of Mode Night Club at the postal address of 77 Hammerton Street, Burnley, BB11 1LE ("Mode"), completed by PC 2623 Michael Jones of Lancashire Constabulary.

I authorise Clare Elizabeth Platt, Head of Health Equity, Welfare and Partnerships who is responsible for public health licensing, and Andrew Walter Ascroft, Senior Public Health Practitioner, to provide written and oral representations in support of the Police Application.

Dr. SAKTHIDHARAN KARUNANITHI
Director of Public Health and Wellbeing

26/2/2020

Dated:

CP/3

Burnley Borough Council



Licensing Unit
Parker Lane
Burnley
Lancashire
BB11 2DT

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

Licensing Act 2003
Premises Licence

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDINANCE 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 AUTHORIZES 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 AUTHORIZES 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.

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 AUTHORIZES THE SUPPLY OF ALCOHOL

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



Burnley Borough Council



Licensing Unit
Parker Lane
Burnley
Lancashire
BB11 2DT

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

Licensing Act 2003 Premises Licence

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
 - (ii) drink as much alcohol as possible (whether within a time limit or



Burnley Borough Council



Licensing Unit
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Tel: 01282 425011
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Licensing Act 2003 Premises Licence

ANNEXES continued ...

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-

- (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



Burnley Borough Council



Licensing Unit
Parker Lane
Burnley
Lancashire
BB11 2DT

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

Licensing Act 2003 Premises Licence

ANNEXES continued ..

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 added following a Review Hearing on 12th December 2017.

CCTV

A colour CCTV system will be installed in the premises and will display on any recording the time and date of the recording and

- The system will be operated during all permitted hours
- The Camera's shall be sufficient in number to view all areas of licensable activity and any exit / entry and the area immediately outside the main entrance.
- Signs will be displayed in the premises to indicate that CCTV is in use and when dealing with incidents or unruly behaviour, staff shall indicate that CCTV is recording the incident.
- The system is kept in a working order, is checked regularly and any faults are rectified promptly.
- Images and Recordings are being kept for 28 days and will be available to the police or other authorised authority promptly upon request and there are staff trained that are able to access and operate the system and provide downloads.
- The recordings can be accessed and downloaded to another format (e.g. a USB stick or DVD or other recognised format)
- Requests for CCTV by the police will be made by either a personal request or an email request to the premises licence holder. This request will be acknowledged as soon as practicable and in any case



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Licensing Act 2003 **Premises Licence**

ANNEXES continued...

within 24 hours of it being made and suitable arrangements will be made for viewing / copying and delivery of the relevant images back to the police as soon as reasonably practicable and in any case within 7 days of the initial request being made.



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Licensing Act 2003 Premises Licence

ANNEXES continued ...

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 on 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.

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.

All door supervisors will be equipped with Body Cam type cameras and will record all ejections and issues with customer. Images from these cameras will be made available as soon as practicable on request from the Police.

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

Door supervisors to wear high visibility clothing with the premises being situated on a busy road. This also allows CCTV to spot the door staff for personal safety.

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 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.

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.

The premises will cease the selling of alcohol and will close at 6am with all patrons leaving the premises as soon



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Licensing Act 2003

Premises Licence

ANNEXES continued

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 and door supervisors will verify the ages of every person seeking to gain admission to the premises unless they are clearly over 25 years of age.

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.

All persons who appear to be under the age of 25 years shall be required to produce proof of age by way of the following.

- A recognised proof of age card accredited under the British retail consortiums proof of age standards scheme (PASS)
- Photo driving licence
- Passport
- Citizen card supported by the Home Office
- Official ID card issued by HM Forces or European Union member state bearing a photograph and birth date of the holder.

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.

Staff training

All staff who are involved in the sale of alcohol will receive training 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. Said training will be documented and will be made available to an authorised officer upon request.

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 suitably trained first-aider shall be on duty when the public are present.



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Licensing Act 2003 **Premises Licence**

ANNEX 5 continued ...

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 personal supervision of the premises staff.

ANNEX 4 - Plan of Premises

The official plan of the premises is attached and endorsed



Burnley Borough Council



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Licensing Act 2003 Premises Licence Summary

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 AUTHORIZES 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 AUTHORIZES 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 AUTHORIZES THE SUPPLY OF ALCOHOL			
Rebecca MCQUOID			
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED			



CP/4

IN THE MATTER OF AN APPLICATION FOR THE REVIEW OF A PREMISES LICENCE
UNDER THE LICENSING ACT 2003
APPLICANT: LANCASHIRE CONSTABULARY

LANCASHIRE COUNTY COUNCIL DIRECTOR OF PUBLIC HEALTH

IN ITS ROLE AS A RESPONSIBLE AUTHORITY

IN SUPPORT OF THE REVIEW APPLICATION

STATEMENT

OF

ANDREW WALTER ASCROFT

1. My full name is ANDREW WALTER ASCROFT. I am employed as Senior Public Health Co-coordinator at Lancashire County Council. I confirm that I have checked and verified the statistics and the statistics analysis as stated in the Statement of Clare Elizabeth Platt at paragraph 17 dated 26th February 2020 and that they are correct.
2. In February 2020 I completed a review of messages sent by '@modeburnley' via Facebook to examine how alcohol is promoted by the premises between 27th December 2019 and 5th February 2020. My review found exhibits CP/6 to CP/23 in the Statement of Clare Elizabeth Platt posted by '@modeburnley' via Facebook. I can confirm that the only amendments I have made to exhibits CP/6 to CP/23 is the insertion of shapes via Microsoft Word to block out names and images of members of the public.

Statement of Truth:

I believe that the facts stated in the Witness Statement are true.

Name: Andrew Walter Ascroft

Signature:

Dated: 26th February 2020

CP/5

IN THE MATTER OF AN APPLICATION FOR THE REVIEW OF A PREMISES LICENCE
UNDER THE LICENSING ACT 2003
APPLICANT: LANCASHIRE CONSTABULARY

LANCASHIRE COUNTY COUNCIL DIRECTOR OF PUBLIC HEALTH

IN ITS ROLE AS A RESPONSIBLE AUTHORITY

IN SUPPORT OF THE REVIEW APPLICATION

STATEMENT

OF

MELANIE SARA GREENSLADE

1. My full name is, MELANIE SARA GREENSLADE. I am employed as Principal Research and Intelligence Officer at Lancashire County Council. I confirm that I have checked and verified the statistics and the statistics analysis as stated in the Statement of Clare Elizabeth Platt at paragraph 17 dated 26th February 2020 and that they are correct

Statement of Truth:

I believe that the facts stated in the Witness Statement are true.

Name: MELANIE SARA GREENSLADE

Signature:

Dated: 25/02/2020



**Mode Nightclub
Burnley**

@ModeBurnley

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7 comments



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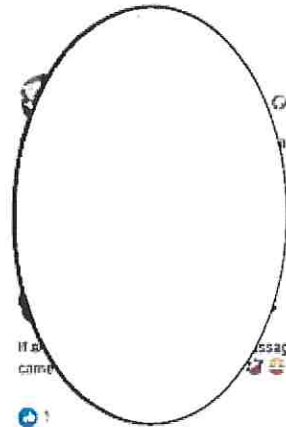
27 December 2019

TONIGHT - PREMIUM ALL INCLUSIVE
Wristbands £10 & FREE Drinks til 4am

Continue the festive season @ Mode with DJ Maxim Wilson

Head to Proj3kt Burnley for the official pre party with FREE ENTRY & DJ Lewis roper

#ModeFridays #PremiumAllInclusive



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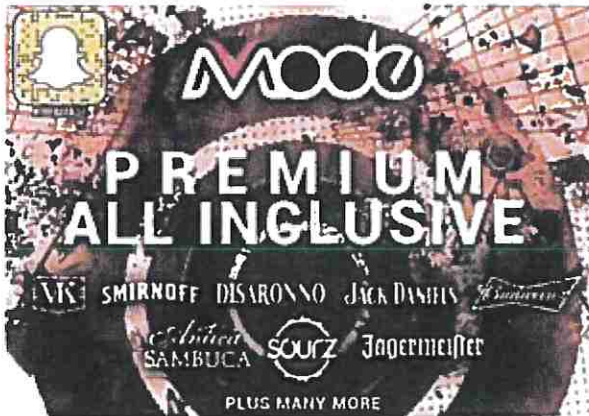
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Mode Nightclub Burnley 3 January

TONIGHT

THE FIRST PREMIUM ALL INCLUSIVE OF 2020
 Join us at Mode tonight from 1am as we kick start the new decade in style
 Grab a golden wristband from the street team and enjoy all your drinks included until 4am
 So beat the January Blues and come and party with us!
 Doors open at 1am
 See you at the bar
 #TeamMode



11 2 comments 17 shares

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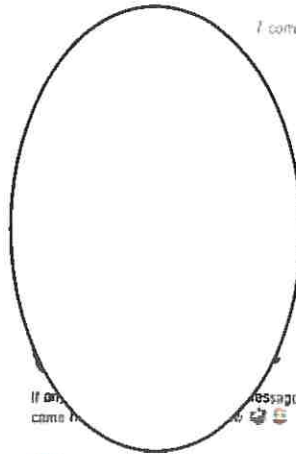
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Most relevant

Mode Nightclub Burnley
8 January

COMPETITION COMPETITION

It's the first Premium All Inclusive Competition of 2020

Our weekly competition is back! Giving 40 of you to win a night out on us at our Premium All Inclusive each and every Friday!!

The winner will win the ultimate night out on us! A VIP booth package and a Golden Wristband so you can enjoy all your drinks free till 4am

39 Runners up will each get a Golden Wristband allowing you to take advantage of our Premium All Inclusive offer

!! Don't forget all your wristbands are valid for entry at Proj3kt - 2 Venues 1 Price!!

For your chance to win LIKE & SHARE the post then TAG the friends you would party with in the comments - Tag each other as many times as you like - More Tags = More chances Good Luck

Winners Announced 6pm on Friday

The ultimate In All Inclusive nights we serve premium branded spirits all night long

#TeamMode #Competition #Smirnoff #JackDaniels #Maibu #Archers #VK #Budweiser #Disaronno #AnticaSambuca #Sourz #ireball #CaptainMorgan #Fosters #SouthernComfort #Corona #WinWinWin



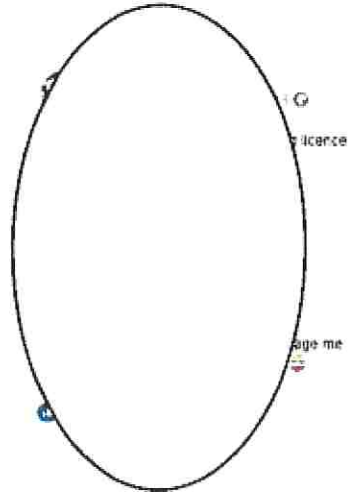
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Mode Nightclub Burnley 14 January at 10:00

COMPETITION COMPETITION

Premium All Inclusive Competition

Our weekly competition is here! Giving 40 of you to win a night out on us at our Premium All Inclusive each and every Friday!!

The winner will win the ultimate night out on us! A V.I.P booth package and a Golden Wristband so you can enjoy all your drinks free till 4am

39 Runners up will each get a Golden Wristband allowing you to take advantage of our Premium All Inclusive offer

Don't forget all your wristbands are valid for entry at Proj3kt - 2 Venues 1 Price !!

For your chance to win LIKE & SHARE the post then TAG the friends you would party with in the comments ~ Tag each other as many times as you like - More Tags = More chances Good Luck

Winners Announced 6pm on Friday

The ultimate In All Inclusive nights we serve premium branded spirits all night long

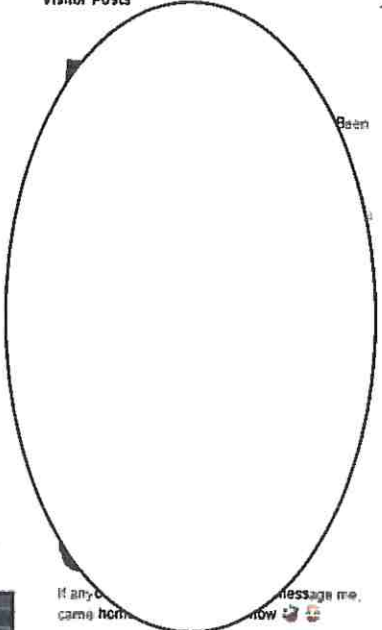
#TeamMode #Competition #Smirnoff #JackDaniels #Malibu #Archers #VVK #Budweiser #Disaronno #AnticaSambuca #Sourz #Fireball #CaptainMorgan #Fosters #SouthernComfort #Corona #WinWinWin



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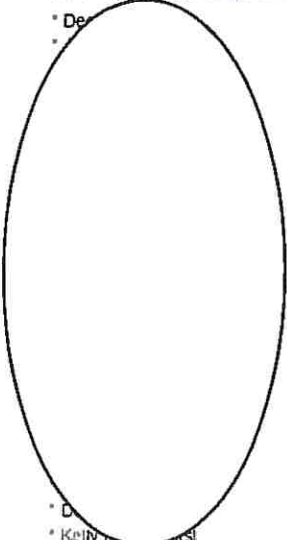


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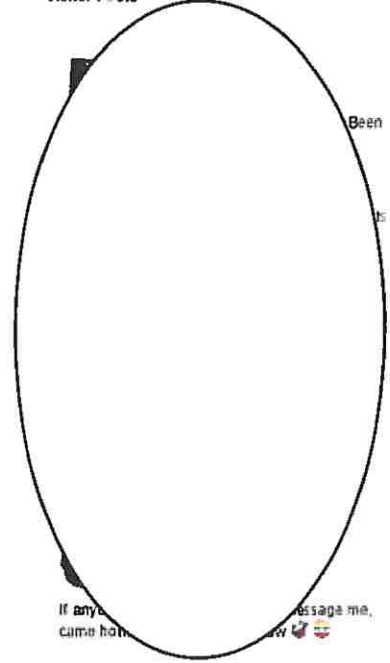
17 January at 10:00

Winners 🏆🏆

The Winners of our Golden Wristband and VIP package is
Our thirty-nine runner ups that each win a golden wristband



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Mode Nightclub Burnley
22 January at 09:41

COMPETITION COMPETITION

Premium All Inclusive Competition

Our weekly competition is here! Giving 40 of you to win a night out on us at our Premium All Inclusive each and every Friday!

The winner will win the ultimate night out on us! A VIP booth package and a Golden Wristband so you can enjoy all your drinks free till 4am

39 Runners up will each get a Golden Wristband allowing you to take advantage of our Premium All Inclusive offer

!! Don't forget all your wristbands are valid for entry at Proj3kt - 2 Venues 1 Price !!

For your chance to win LIKE & SHARE the post then TAG the friends you would party with in the comments - Tag each other as many times as you like - More Tags = More chances Good Luck

Winners Announced 6pm on Friday

The ultimate in All Inclusive nights we serve premium branded spirits all night long

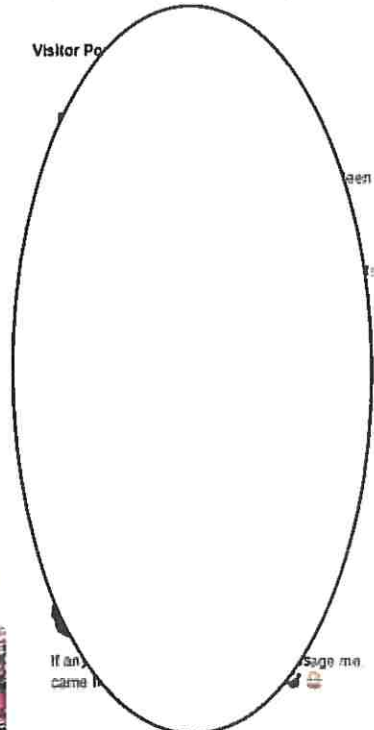
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Mode Nightclub Burnley

3 February at 11:00

FRIDAY FEELING IS BACK IN 2020 🎉
WITH BURNLEYS FAVOURITE TAG TEAM
🎧 DJ Cheeze & MC Lukey P
TAG A FRIEND WHO YOU'D BRING TO HAVE ALL INCLUSIVE DRINKS WITH IN THE COMMENTS BELOW 🍹
HOUSE — TRANCE — OLDSKOOL — BOUNCE
✔️ £10 Premium All-Inclusive Drinks
✔️ VIP Booths Available
✔️ Doors open from 11:00pm
#FridayFeeling2020 #ModeFridays #TeamMode

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Mode Nightclub Burnley
5 February at 10:31

COMPETITION TIME

It's that time of the week when we giveaway 40 prizes!!
You have the chance to win one of our epic prizes giving you a night out on us at our Premium All Inclusive Fridays ❤️

🏆 **TOP PRIZE** - The ultimate All Inclusive night out, win a VIP Package and a Golden wristband

🏆 **RUNNERS UP** - Each of our 39 runners up will win a Golden Wristband
All you have to do to win is...

- 👍 Like the post
- 👉 Share the post
- 👤 Tag your friends

Remember that every time you tag you get another entry into the draw so
More tags = More chances to win 🍀

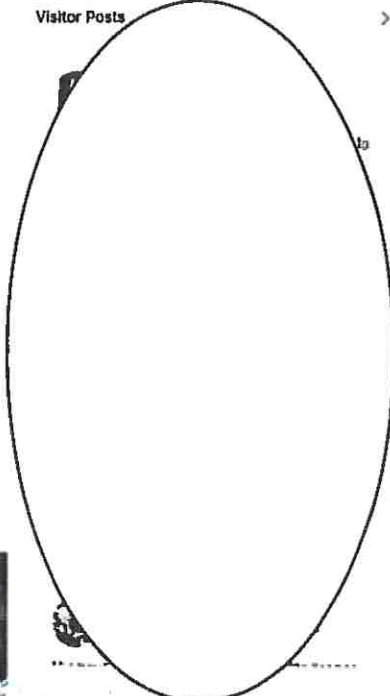
Winners are announced at 6pm on Friday 📅

Good Luck 🍀

#TeamMode #Competition #BurnleysBest #Fridaynightout #Winner #VIP



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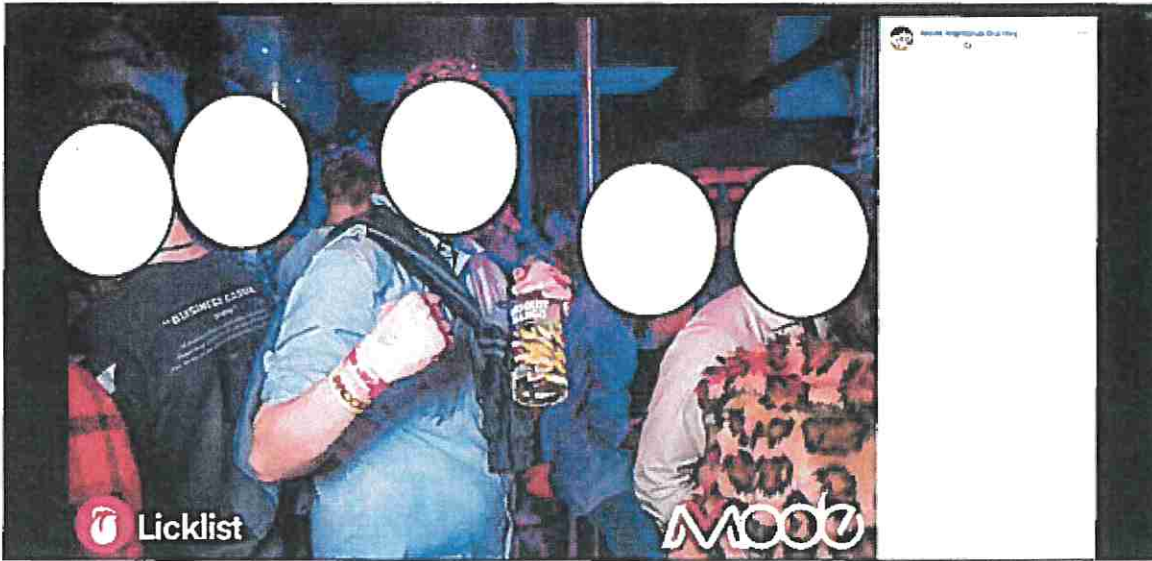
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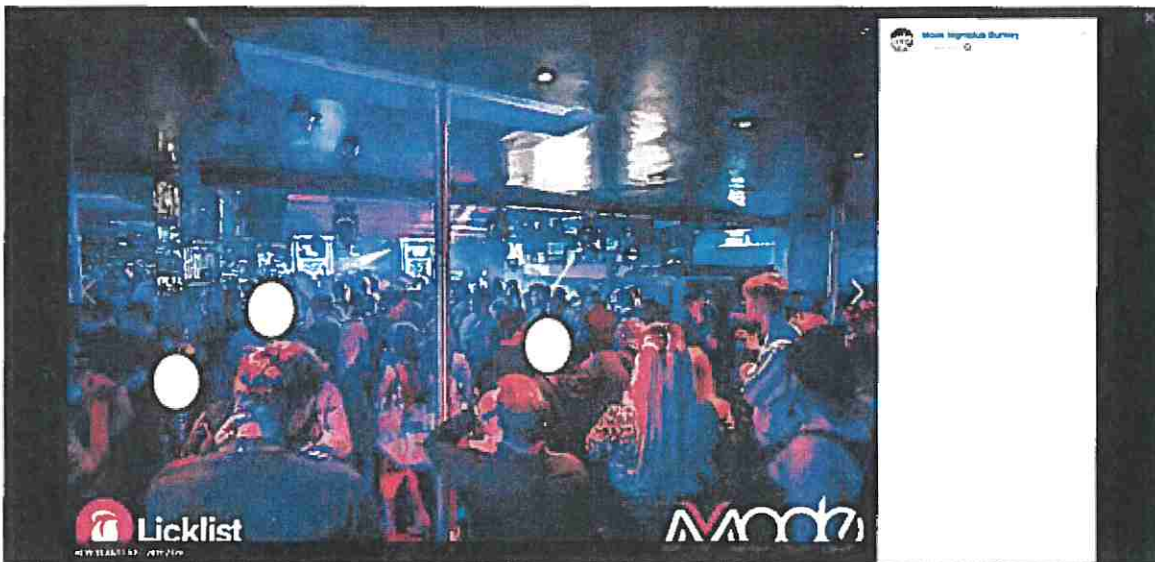
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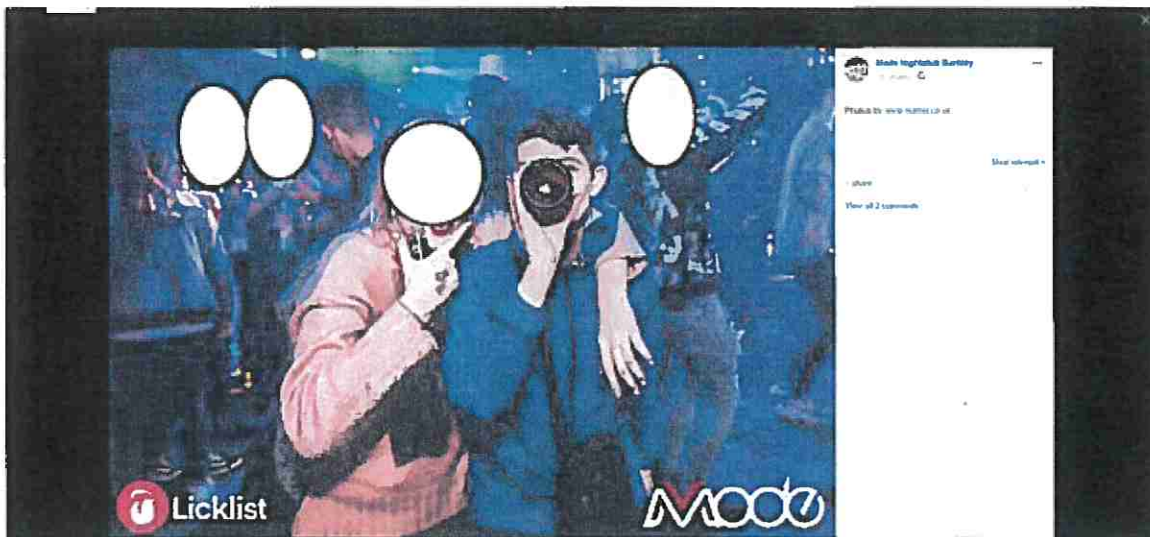
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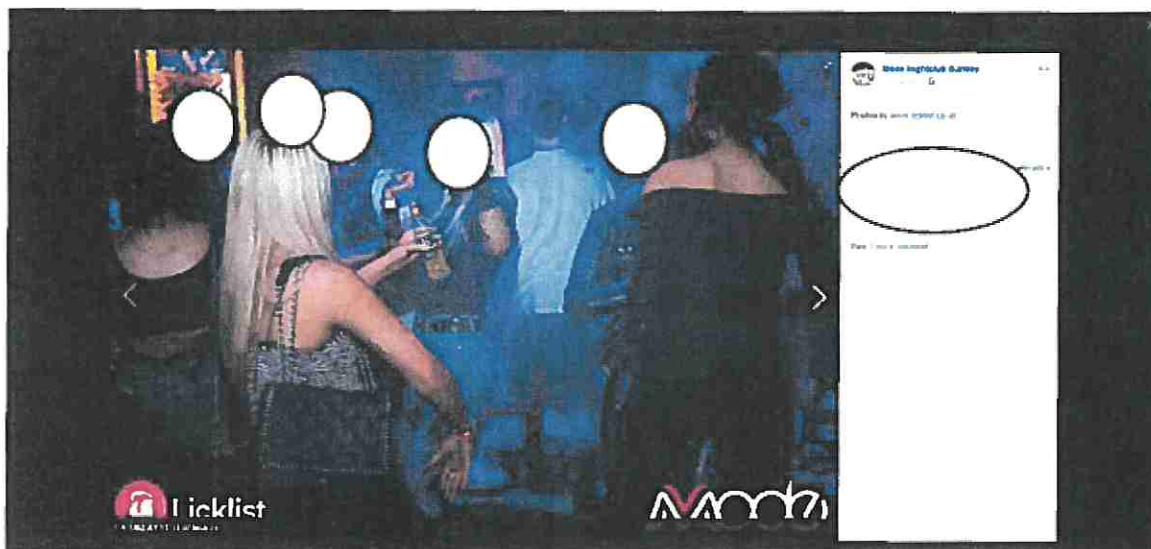
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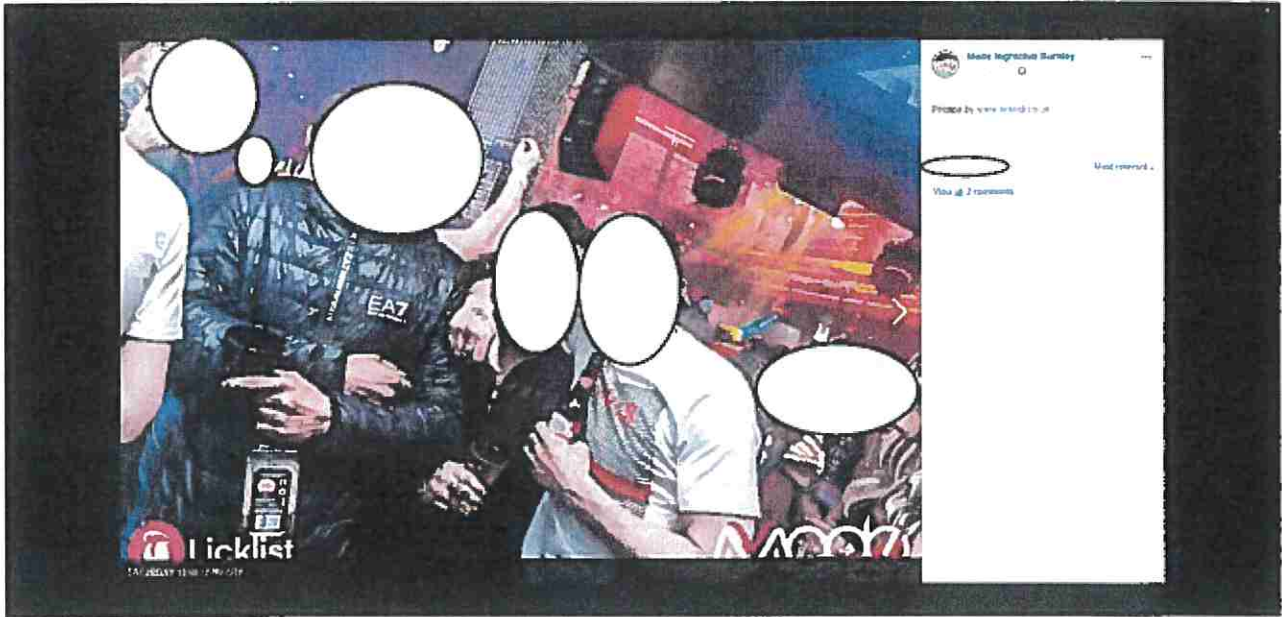
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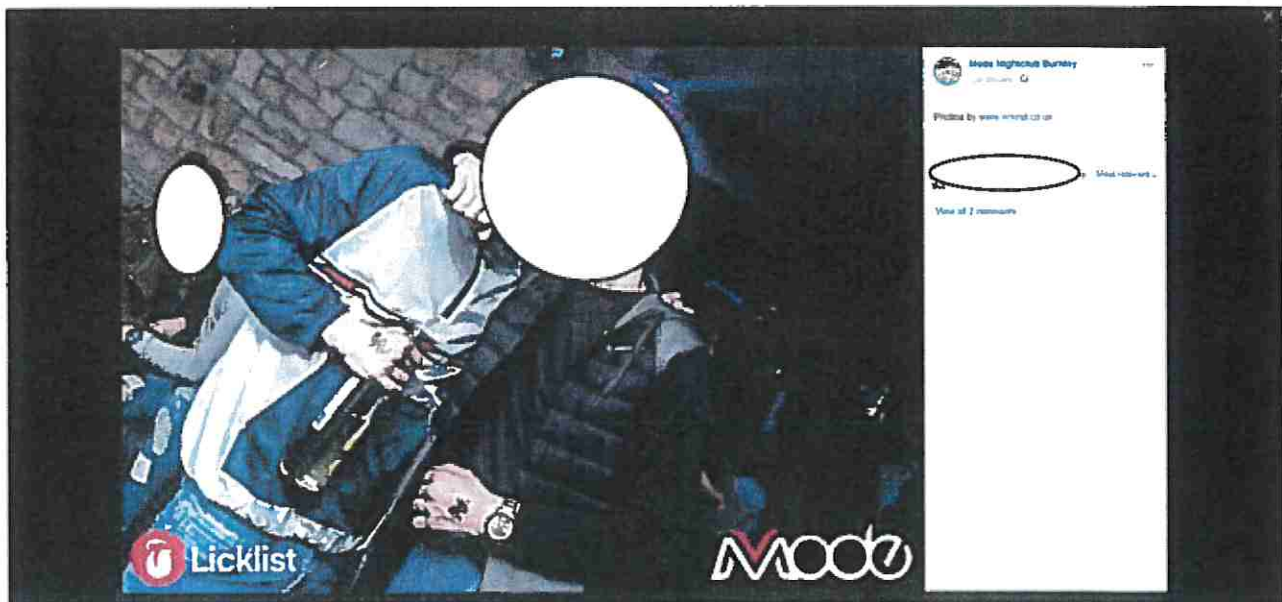
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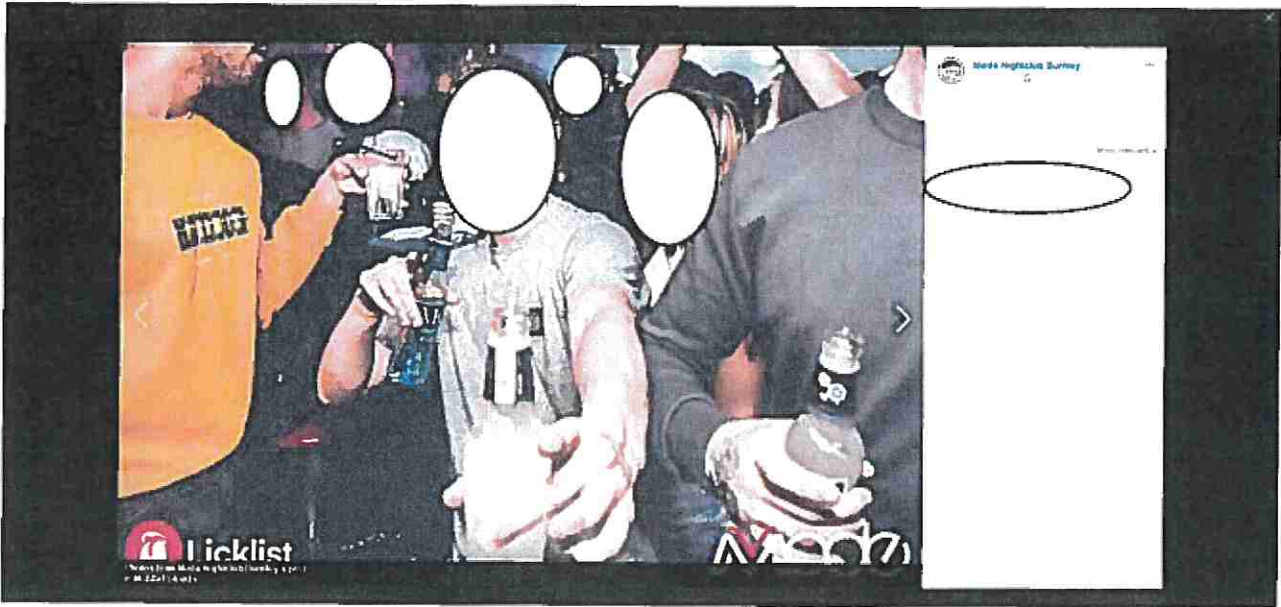
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CP/21



CP/22



CP/23

