

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