

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 Sergeant

(Insert name)

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	
MODE 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)
Mode Property Ltd

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)

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)

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

Name and address Sergeant 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)**

- |   |                                 |
|---|---------------------------------|
| 1) the prevention of crime and disorder | Please tick one or more boxes ✓ |
| 2) public safety                        | X                               |
| 3) the prevention of public nuisance    | X                               |
| 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**

Mode nightclub has been subject to two previous reviews as Lancashire Police believed there was a disproportionately high number of a reported incident of crime and disorder associated with these premises, and that the licensing objective of the prevention of crime and disorder was being seriously undermined at the premises.

We believe this to still be the case – having serious concerns that incidents of crime and disorder are still occurring at or near these premises and the licensing objectives are continuing to be undermined.

This is the no 1 venue in East Lancashire for incidents despite having a disproportionately low number of operating hours.

These incidents include serious assaults and drug dealing.

There are also numerous failures to provide CCTV to police investigating crime which has led to investigations being unable to be progressed expeditiously and subsequent failure to detect crime and failing victims of crime at the venue.

There is also evidence available that indicates a total disregard of the premises licence through consistent breaches of licence and this causes concerns in relation to how the premises can be trusted to uphold the licensing objectives when they can be seen to be regularly carrying out unlicensed activity.

**The public safety licensing objective**

Lancashire Police believe this objective is being undermined by certain breaches of licence conditions which impacts on public safety.

Regular breaches include failure to use the ID scanner (imposed at the last review) for every customer entering the venue, along with searching policy not being adhered to.

We believe the failure to try and create a safe environment for customers is impacting on public safety which includes lack of tangible action from doorstaff, allowing known violent offenders into the club and harbouring suspects of violent crime.

Designated medical officers have also been found to be working behind the bar instead of concentrating on their welfare role.

**The prevention of public nuisance licensing objective**

Lancashire Police believe this objective is being undermined. Dispersal from the club is chaotic with customers leaving the venue well after the 0630hrs cut-off time.

This has created public nuisance to members of the public through highway disruption, nuisance for residents living in nearby residential properties and visitors to the town have reported noise, alarm/distress from the activities of people leaving the club.

The venue is also a magnet for people to hang around outside causing nuisance – including blatant use of nitrous oxide balloons.

**The protection of children from harm licensing objective**

Lancashire Police believe this objective is being undermined. The lack of use of ID scanner is likely a contributing factor.

Children under 18 have been allowed entry and, in some cases, have been victims of crime.

This includes reports made to police by social services looking after children in care.

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

They are also licensed for any playing of recorded music from 2100 to 0600 Monday to Sunday.

The premises should be open to the public from 2100 to 0630 Monday to Sunday.

In addition to Mandatory conditions there are a number of additional conditions attached to the premises licence.

The Designated Premises Supervisor is \_\_\_\_\_ and Premises Licence Holder is Mode Property LTD – the director being \_\_\_\_\_

On the 23<sup>rd</sup> October 2017 a premises licence review application was received by Burnley Borough Council from Lancashire Police in respect of the premises known as Vogue. The application was heard at a Licensing Sub-Committee on Tuesday 12<sup>th</sup> December 2017 and after consideration the committee decided to accept some agreed conditions and reduced hours. There was a particular reference on the determination that police should be proactive and to review the licence again should that be relevant. The contents of this review application are still recent and relevant and need to be considered alongside this new application.

In 2020, another premises licence review application was received by Burnley Borough Council from Lancashire Police. The application was heard at a Licensing Sub-Committee on 21<sup>st</sup> May 2020 and, after consideration, the committee allowed the venue to continue to operate with a licence for the same hours, albeit with some extra stringent conditions. The contents of this review application are still recent, relevant and need to be considered alongside this new application.

It is now July 2023 and the operators of Mode are not taking their responsibility seriously and this is why we are still seeing Mode being the No 1 venue for incidents in East Lancashire.

During this time it is clear to the Police that \_\_\_\_\_ DPS and her partner \_\_\_\_\_ whose company is now the Premises Licence holder, do not take the licence seriously with numerous breaches on a regular basis. PS \_\_\_\_\_ tried to liaise with \_\_\_\_\_ attempt to work with the venue and improve matters. As per Home Office guidance, it is good practice for officers to give licence holders early warning of their concerns and the need for improvement. According to the "Mode visit summary", officers have raised concerns and provided advice to staff at the premises on multiple occasions, particularly in relation to compliance with existing licence conditions. In particular I have conducted a number of visits/discussions since the last review hearing that are documented on the Police Innkeeper system

These interventions will be disclosed in due course.

Lancashire Violence Reduction Network provided an analytical document that raises concerns about Mode. LVRN is a multi-agency partnership looking at tackling violent crime in communities. The key findings from their analysis are:

- 'Mode Nightclub' was the single highest repeat location for violent crime in Burnley between July 2021 and June 2023
- There was an average of 4 violent offences recorded in 'Mode Nightclub' per month during this time period (Jul 21 – Jun 23)

- Of all the single locations/ premises identified for violent crime in Burnley during this time period (excluding the police station), 'Mode Nightclub' ranked highest in terms of the harm committed
- By calculating the unit cost of violent crime against the volume committed in 'Mode Nightclub' the estimated cost to the public sector from this premise was £1.3 million

On 27th January 2023, PS \_\_\_\_\_ and \_\_\_\_\_ from Burnley Borough Council's Licensing department met \_\_\_\_\_ to discuss serious concerns and licence breaches. This culminated in an action plan being agreed with her. There was a timescale for completion – with the ultimate completion date of 31<sup>st</sup> March 2023.

I must make it clear that an action plan should not have been necessary – these were mainly licence conditions that should have been complied with without prompt.

PS \_\_\_\_\_ and \_\_\_\_\_ visited MODE on 28<sup>th</sup> April to go through the action plan and most of the actions were not completed. A copy of the agreed action plan will be shared but this was the result of the visit:

Premises: MODE / VOGUE - BURNLEY

Reference

Date and Time: 28/04/2023 00:05

Description: JOINT VISIT MADE WITH BURNLEY BOROUGH COUNCIL (M WALKER) AND FOUR TRADING STANDARDS OFFICERS. THIS WAS TO CHECK PROGRESS ON ACTION PLAN ISSUED IN JANUARY WITH AN OVERALL DEADLINE OF COMPLETION BY 31 MARCH. THIS WAS JUST TO ENSURE FAILINGS AROUND LICENSING COMPLIANCE. TRADING STANDARDS TESTED SPIRITS FOR COUNTERFEITING BUT THEY PASSED THE TEST. VISIT RECORDED ON BODYCAM.

TWO DOORSTAFF ON. A HANDFUL OF STAFF AND DPS \_\_\_\_\_ PRESENT, ALONG WITH MANAGER \_\_\_\_\_

CHECKED CCTV SYSTEM DUE TO FAILINGS AROUND PROVIDING CCTV AND IT RECORDS FOR 39 DAYS IN TOTAL.

NUMEROUS FAILINGS RECORDED FROM ACTION PLAN WHICH IS VERY DISAPPOINTING GIVEN THEY WEREN'T DIFFICULT TO COMPLY WITH IN THE TIMESCALE GIVEN. FAILURES AS FOLLOWS:

1. NO DOCUMENTATION SHOWING THAT CCTV IS WORKING PRIOR TO EVERY OCCASION THE VENUE CARRIES ON LICENSABLE ACTIVITY.
2. DESPITE \_\_\_\_\_ STATING IN JAN THAT SIGNS ARE AROUND STATING CCTV IN USE, I ONLY SAW ONE WHICH STATED THAT CCTV IS MONITORING THE PREMISES. ADVICE GIVEN WHY THIS WAS UNSUITABLE.
3. NO DOCUMENTATION STATING THAT CCTV IS SERVICED EVERY THREE MONTHS AVAILABLE AND NONE FORWARDED TO MW.
4. PREMISES WAS OPEN AND DOORSTAFF DID NOT HAVE COUNTING DEVICES AVAILABLE - HAD TO BE RETRIEVED FROM CAR.
5. NO DOOR SUPERVISOR IN EXTERNAL SMOKING AREA. TWO DOORSTAFF WERE IN MAIN BUILDING.
6. DOOR SUPERVISORS HAD BODYCAMs BUT WERE IN POCKET AT TIME OF VISIT AND NOT WORN.
7. SIA BOOK NOT COMPLETE - FAILURE TO RECORD FULL NUMBERS OF SOME DOORSTAFF.
8. DRUGS POLICY NOT AVAILABLE FOR INSPECTION NOR FORWARDED TO \_\_\_\_\_
9. NO SIGNS UP STATING ZERO TOLERANCE TO DRUGS.
10. UNCLEAR WHETHER INCIDENT BOOK BEING COMPLETED FULLY - PERCEIVED LACK OF INCIDENTS.
11. STAFF TRAINING RECORDS UNAVAILABLE FOR INSPECTION. THE DPS \_\_\_\_\_ PREVIOUSLY LIED BY STATING THEY HAD BEEN HANDED INTO BURNLEY POLICE STATION WHEN PUSHED THEY HAD NOT BEEN HANDED IN, NOR SUBMITTED TO POLICE AFTER THIS. TWO MEMBERS OF STAFF ASKED ABOUT TRAINING AND WERE VERY VAGUE ABOUT WHAT THEY HAD RECEIVED - WITH ONE STATING IT WAS CH21 INSTEAD OF THE EXPECTED CH25.
12. NO TRAINING ORGANISED FOR STAFF INVOLVED FROM ACCREDITED TRAINING.
13. \_\_\_\_\_, TILL HAS NOT OBTAINED PERSONAL LICENCE DESPITE BEING LEFT IN CONTROL OF VENUE AT TIMES.

14. WELFARE OFFICER ASKED TO PROVIDE TRAINING DETAILS FROM ST JOHN AMBULANCE AS HE SEEMED SKETCHY AROUND HIS ROLE AND RESPONSIBILITIES.
15. REP FROM CLUB STILL NOT CONTACTING POLICE WEEKLY. VERY DISAPPOINTING VISIT WHICH UNDERMINES THEIR OBLIGATIONS TO LICENSING CONDITIONS.

There are a number of repeated breached of licence conditions that undermines the promotion of the licensing objectives which I will document as follows:

- Repeated failure to provide CCTV to police within 48 hours of request.
- Repeated failure to provide CCTV at all and crucial evidence lost.
- Staff training records not presented to police/council on request. This includes a blatant lie that they were handed in at the police station when in fact they hadn't been. This makes it impossible to check refresher training every six months.
- No accredited alcohol retail training provided.
- Inconsistency around every customer being searched on entry/re-entry.
- Despite a condition that all patrons leaving the premises as soon as practicable and, in any case, 30minutes, customers leaving en masse between 0630 and 0700
- Inconsistency around ID scanner being used.
- Doubts whether there is at least one member of staff with personal licence when open.
- No documentation made available to authorised officers showing the CCTV has been serviced in a three-month period.
- No Risk Assessment to determine how many door supervisors are necessary to authorised officers.
- Inconsistency around counting devices being used.
- Failure to have at least one door supervisor in the external smoking area
- Inconsistency around door supervisors wearing body cams.
- Staff member not specifically tasked with monitoring CCTV.
- Inconsistency around door supervisors wearing hi-vis at all times on active duty.
- Written policies around drugs available for inspection on request.
- Lack of posters declaring a zero-tolerance policy in respect of drugs.
- Insufficient signage that CCTV is in use
- DPS or representative never attends local Pubwatch scheme.
- Failure for a representative to contact Lancashire Constabulary Licensing Unit on a weekly basis.
- Inconsistency around designated welfare officer being used.

Although the club has a substantial number of conditions, these are realistic given years of issues at the club. In my opinion, they are practical and not difficult to enforce. On my last visit, some improvements had been made e.g. CCTV posters, drugs posters but it has taken months to even get these small aspects done but some of the more important conditions are still being breached. It is concerning that action plans and enforcement have had to be implemented to try and get them to adhere to their conditions.

One of the biggest concerns for Lancashire Police is failure to provide CCTV for investigations, despite help and advice offered to try and rectify the situation. This has led to officers' time being wasted, crime going undetected and victims being let down. This is the only venue in East Lancs where we experience frequent CCTV issues. This is worrying behaviour. Given the amount of incidents at the club I would expect full compliance with their obligations.

We also see a poor dispersal from doorstaff from the area. In Summer 2022, specific patrols on Operation Grip were tasked intermittently with policing Mode between 0500 and closing time. When police were present, doorstaff encouraged people away from the area in a reasonable manner. Since then, CCTV shows no effort to disperse which has knock-on effect to regular traffic in the area passing the venue.

Around September 2022, a council CCTV was installed on Hammerton Street which captures the front of the club. As such, this has captured people leaving well after the agreed closing time of 06:30am.

The venue is also a magnet for general anti-social behaviour outside and drug use. CCTV shows cars parked in the vicinity, occupants from vehicle handing out balloons or inhaling balloons (suspected Nitrous Oxide abuse).

There are reports to police which are more minor in nature, however many of the incidents reported involve more serious allegations of criminality and disorder – including regular reports of violence and assault both inside and in the immediate vicinity of the premises. A considerable number of these are reported to have resulted in hospital attendance and, in some cases, serious injury – including broken jaws, broken eye socket and blindness, fractured eye socket, plastic surgery needed for deep cuts.

In addition to violence, the incidents reported include allegations of other forms of criminality occurring on the premises – including reports of sexual assault and concerns of spiking. There are multiple reports relating to drug use and/or drug dealing on the premises, several of which allege the activity is occurring with staff knowledge or even involvement. Also, recently, ten people were found guilty at crown court (awaiting sentencing) for drug dealing in Burnley – including at Mode.

Several of the incidents of alleged criminality involve children under 18 being victims of crime or simply being allowed entry to the club.

There are also concerns over welfare of people at the club who have become extremely intoxicated whilst there.

There is reference to wider complaints of antisocial behaviour – including threats to town centre staff and employees at Evidence of crime and disorder away from the immediate vicinity of the premises can be taken into account (as per *Luminar Leisure Ltd. v Wakefield Magistrates Court* [2008] EWHC 10025 (Admin)).

The ground(s) of any application to review a premises licence must be relevant to one or more of the licensing objectives in section 4(2) of the Act, namely:

- (a) Prevention of crime and disorder
- (b) Public safety
- (c) Prevention of public nuisance
- (d) Protection of children from harm

The complaints of violence and assault raise significant concerns regarding the first of these objectives. The reports – including those implicating staff employed at the premises – do not appear to be isolated incidents. There are multiple different incidents being reported each month from July 2021. Many of the incidents reported are serious in nature and have resulted in injuries requiring ambulance staff to attend and hospital treatment – engaging the public safety objective.

Alongside the allegations of recurring violence, the police have responded to reports of other forms of criminality at the premises – including reports of drug use and supply. Taken together, the reports made prima facie provide sufficient grounds to apply for review of the Premise Licence pursuant to section 51(1) of the Act. This would primarily be on the basis that activity at the premises undermines the prevention of crime and disorder licensing objective, though other objectives are also engaged. In particular, the reports involving children under 18 frustrate the licensing objective to protect children from harm.

An application for review of the premises licence is a proportionate response at this stage considering the frequency and severity of reports of violence and other criminality. Mode has been subject to two previous reviews in recent years and the Licence Holder/DPS will therefore be fully aware that application for review is likely to follow repeated reports of activities undermining the licensing objectives, as well as noncompliance with conditions imposed to promote those objectives.

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 – This option was used recently and it's the view of the



Police that this has had no positive impact on promoting the Licensing Objectives and this option is therefore not a viable option.

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 licensable activity can take place.

In the opinion of Lancashire Police the information presented here indicates the total undermining of the four licensing objectives and, despite Police and council interventions, there are a repeated high number of often serious incidents reported to the Police which can be linked to these premises.

Revocation is the only suitable option. Management has not changed over the course of the period which includes two previous review hearings.

I would draw attention to the High Court decision in the matter of R v Crown Court at Knightsbridge ex parte International Sporting Club (London) Ltd and another, in which past misconduct was held to be relevant in any decision to cancel or revoke a licence.

The venue has conditions which are practical and enforceable. The addition of further conditions would not be of benefit.

Lancashire Police respectfully requests that the committee considers whether revocation of the premises licence would be an appropriate finding in the circumstances.

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

Please tick ✓ yes



If yes please state the date of that application

Day	Month	Year
3	1	01 2020

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

In January 2020, another premises licence review application was received by Burnley Borough Council from Lancashire Police. The application was heard at a Licensing Sub-Committee on 21st May 2020 and, after consideration, the committee allowed the venue to continue to operate with a licence for the same hours, albeit with some extra stringent conditions. The contents of this review application are still recent, relevant and need to be considered alongside this new application.

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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 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

.....

Date 12<sup>th</sup> July 2025

Capacity Police Licensing Sergeant

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.