

THE LICENSING ACT 2003- REPRESENTATION FROM RESPONSIBLE AUTHORITY

LANCASHIRE COUNTY COUNCIL TRADING STANDARDS SERVICE

In the matter of the Licensing Review against Vogue, 77 Hammerton Street, Burnley BB11 1LE

1.0 Statement of:

Lauren Manning (Principal Officer)
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- I am Lauren Manning, Principal Officer, employed by Lancashire County Council Trading Standards Service in the Intelligence Management team.
- I have delegated authority to exercise the County Council's powers and duties under relevant Trading Standards related Acts of Parliament and in this capacity to provide written and oral representations to the Licensing Appeal Hearing on behalf of the Lancashire County Council Head of Service for Trading Standards.
- Lancashire County Council Head of Service for Trading Standards supports the application made by Lancashire Constabulary to review the licence of Vogue, 77 Hammerton Street, Burnley BB11 1LE, and supports the recommendation from the Police that the Burnley Borough Council Licensing Committee considers the revocation of the premises licence.
- I make this statement using facts and matters within my own knowledge. Any facts and matters that are not within my own knowledge are true to the best of my knowledge and belief.

2.0 Licensing Objectives:

From a Trading Standards perspective, the licensing objective that is relevant to this statement is the prevention of crime and disorder.

2.1 The Prevention of Crime and Disorder

On 5th August 2015 Lancashire County Council Trading Standards Service received an anonymous complaint that cheap vodka was being poured into Smirnoff and Grey Goose bottles in Vogue, a nightclub at 77 Hammerton Street, Burnley BB11 1LE.

An inspection of the premises took place on Saturday 19th September 2015 by Trading Standards Officers and Police. Formal samples of alcohol exposed for sale were taken and submitted for analysis.

The results of analysis were as follows:

Product labelled as Jägermeister liqueur 35% - The sample was found to contain 14.4% alcohol and to be inconsistent with genuine Jägermeister.

Labelled as Smirnoff triple distilled vodka 37.5% - found to contain 27.9% alcohol and to be inconsistent with genuine Smirnoff.

Labelled as Viktor Vodka 37.5% - sample found to contain 28.2% alcohol.

Labelled as Smirnoff triple distilled vodka 37.5% - Found to contain 25.9% alcohol and to be inconsistent with genuine Smirnoff.

On 11th October 2016 the Designated Premises Supervisor, Rebecca McQuoid, was convicted of 6 offences contrary to the Food Safety Act 1990 and the Spirit Drinks Regulations 2008, for falsely describing spirits as Jägermeister and Smirnoff, falsely describing the alcoholic strength of the spirits, and describing products as 'vodka' when the alcoholic strength was too low.

Spirit substitution is an offence contrary to Sections 14 and 15 of the Food Safety Act 1990 and Regulation 4 of the Spirit Drinks Regulations 2008. These are relevant offences under Paragraph 15 of Schedule 4 of The Licensing Act 2003.

3.0 Summary

Evidence presented highlights that Vogue, 77 Hammerton Street, Burnley BB11 1LE has not complied with the licensing objective of the prevention of crime and disorder, due to it selling substituted spirits and watered down vodka on 19th September 2015.

I would support the police recommendation that the Burnley Borough Council Licensing Committee consider revocation of the premises licence.

Statement of Truth-

I believe the contents of this statement to be true.

Signed:  Date: 16/11/17

Print name: LAUREN MANNING