

Report to Licensing Committee

Agenda
Item:

A.1

Meeting Date: 16th December 2015
Portfolio: Finance, Governance and Resources
Key Decision: No
Within Policy and Budget Framework YES
Public / Private Public

Title: UPPERBY MEN'S INSTITUTE, 41 LAMB STREET, CARLISLE, CUMBRIA, CA2 4NF

LICENSING ACT 2003 - WITHDRAWAL OF CLUB PREMISES CERTIFICATE DUE TO CLUB CEASING TO BE A QUALIFYING CLUB

Report of: Director of Governance
Report Number: GD.88/15

Purpose / Summary:

The purpose of the report is to ask Members to consider whether Upperby Men's Institute, which currently holds a club premises certificate, continues to satisfy the conditions for being a qualifying club in relation to a qualifying club activity to which the certificate relates.

Recommendations:

Members are to consider whether Upperby Men's Institute fulfils the requirements of a qualifying club and if not, withdraw the club certificate.

Tracking

Executive:	N/A
Overview and Scrutiny:	N/A
Council:	N/A

1. BACKGROUND

1.1 Club Premises such as Upperby Men's Institute are issued with a Club Premises Certificate under the Licensing Act 2003 and are afforded certain key benefits as opposed to other licensed premises. These benefits include:

- Under the authority of a Club Premises Certificate, to supply alcohol to members and sell it to guests on the premises to which the certificate relates without the need for any member or employee to hold a Premises Licence.
- The absence of a requirement to specify a Designated Premises Supervisor required under normal premises licences and who is the person responsible for all sales of alcohol with those premises.
- More limited access rights of entry for the police and authorised persons because the premises are considered private and not generally open to the public.
- Exemption from police powers of instant closure on grounds of disorder and noise nuisance because they operate under their codes of discipline and rules which should be rigorously enforced by the club's management committee.
- Exemption from orders of the Magistrates Court for the closure of all licensed premises in an area when disorder is happening or expected.

1.2 The Licensing Act 2003 prescribes the conditions and determinations which need to be considered in order for a club to qualify as a club premises. The relevant sections (62-64) are attached in full at Appendix . In summary:

1.2.1 **Section 62** of the Licensing Act 2003 sets out the general conditions which a club must satisfy if it is to qualify as a club premises. In summary, to qualify as a members club:

- the club must have rules regarding admission to membership
- the club must be established and conducted in good faith
- there must be at least 25 members
- alcohol is supplied to members on the premises by or on behalf of the club

1.2.2 **Section 63** of the Act (Appendix 1) gives guidance as to the matters to be taken into account by the Licensing Authority when determining whether a club is established and conducted in good faith. These include:

- arrangements restricting the club's freedom to purchase alcohol
- provision in the rules for distribution of monies or property otherwise than for the benefit of the club

- the arrangements for giving members information about club finances, books of account and other records
- the nature of the premises occupied by the club.

1.2.3 **Section 64** sets out additional qualifying conditions for those clubs which supply alcohol. These include:

- the purchase and supply of alcohol being managed by committee
- no person is to receive at the expense of the club commission or similar for the purchase of alcohol
- any pecuniary benefits from the supply of alcohol accrue to the club as a whole.

1.3 The Licensing Authority must give notice to a club if it appears to it that the club does not satisfy the qualifying conditions, (**Section 90** of the 2003 Act - Appendix 2). The Government's explanatory notes to S90 state "A club which ceases to meet the criteria set out at sections 61, 62, 63 and 64 will have its certificate withdrawn by the Licensing Authority".

2 HISTORY

2.1 Under the Licensing Act 2003 most non profit-making clubs could apply for a Club Premises Certificate. Upperby Men's Institute was issued a Club Premises Certificate (CP023) on 24/11/2005 (Appendix 3).

2.2 A Licensing Sub-Committee was held on 2nd November 2007 to consider a variation to the Club Premises Certificate to extend the licence to the boundaries of the Club property including the car park area. Representations were made by many local residents and the application was rejected.

2.3 A further application was made in May 2009 to extend the area for Licensable activities to the outside smoking area. Due to representations from local residents a Licensing Sub-Committee was held on 30th June 2009 and the application was granted with the imposition of additional conditions.

2.4 Between June 2009 and December 2014 there have been no other issues brought to the attention of the Licensing Authority with regard to the Club.

3 CURRENT POSITION

3.1 From December 2014 the Licensing Authority has received, and continues to receive, correspondence from local residents, club members and ex club members detailing various concerns about the running of Upperby Men's Institute.

- 3.2 Details of all correspondence (which has been redacted to protect identities), including letters to the Club Committee from the Licensing Office, are attached at Appendix 4. These include letters of complaints from Members to the Licensing Office as well as Cumbria & District branch of the Workmen's Club & Institute Union Ltd (CIU). Some complainants wish to remain anonymous as it is alleged that the current Chairman Mr Ruddick is very volatile (see 'D' dated 07/01/15 and letter 'T' undated).
- 3.3 Following liaison between Cumbria Police and the Licensing Authority it was agreed to enter the premises on Friday 11th September 2015 under Section 97 Of the Licensing Act 2003 which allows a constable to enter and search a club premise if it is suspected that an offence under the Misuse of Drugs Act 1971 has been, is being or is about to be committed there.
- 3.4 On entering the premises, Licensing Officers approached a young barman, Anthony Crangle, who is listed as a member of the club. He did not know who the club steward was and commented that he was just there to serve people. He was not aware of the entry procedures. It was noted that no entries had been recorded in the visitors book for the previous two days. The main doors to the premises were open allowing anyone access to the premises and there appeared to be no control as to who entered the premises. All these being breaches of club rules and conditions.
- 3.5 With the permission of the Chairman of the Club, Licensing Officers were allowed to remove the Club's Committee Minutes file from the premises in order to examine them at the Licensing Office. An examination of the minutes revealed that no entries could be found regarding acceptance of new members to the club or minutes of a committee meeting in relation to the changing of the club rules. If the club breaches the club rules or chose to disregard the rules they are then at risk of losing the Club Premises Certificate.
- 3.6 Officers from Cumbria Police and the Licensing Authority held a prearranged compliance visit to the Club on Wednesday 16th October 2015 to meet with the Chair, Paul Ruddick, and Secretary, Linda Baker. One other Committee Member was also present. This was held to establish how the premises was run by the committee and to establish their understanding of the Club Premises Certificate and conditions attached which must be adhered to. The police make comment in that it was evident from the outset of the visit that no one on the committee had any understanding of club rules or the Club Premises Certificate (Appendix 5). During the visit it was openly admitted that they allow the Concert Room to be hired and used by non-members. This is a clear breach of the Club Premises Certificate.
- 3.7 Cumbria Police have provided a detailed overview of the meeting and this is included at Appendix 5 and sets out their concerns in relation to the conditions of the CPC. This includes:

- Insecure entrance doors
- The lack of understanding of the club rules by Committee Members present
- The club being opening used for functions where members of the public were freely allowed admission
- Lack of understanding of the four licensing objectives or any statutory requirements to comply with the relevant provision of the Licensing Act 2003.
- Concerns that there appeared to be no one able to operate the CCTV system
- No challenge 21 or 25 posters and no written age verification policy

3.8 In relation to **the five general conditions** which a relevant club must meet to be a qualifying club (para 1.2.1) and determining if the club is established in good faith (para 1.2.2) 4 out of the 5 conditions are not being met:

Admission of Members

- 3.8.1 **Condition 1** – Under the rules of the club persons may not be admitted to membership, or be admitted as candidates for membership to any privileges of membership, without an interval of at least 2 days between their nomination or application for members and their admission.
- 3.8.2 **Condition 2** – Under the rules of the club, persons becoming Members without prior nomination or application may not be admitted to the privileges of membership without an internal of at least 2 days between becoming members and their admission.
- 3.8.3 Upperby Men's Institute have in fact adopted more stringent rules for the admission of Members found under section 7 (p.3) of the Club Rules booklet (Appendix 6). In summary a nomination can be received by two members who have been members for a least six months. The nomination is required to be prominently displayed in the club premises for at least seven days prior to the name being submitted to the Committee for election.
- 3.8.4 As noted above in para 3.5 an examination of the Club's Committee minutes revealed that no entries could be found regarding acceptance of new members to the club or minutes of a committee meeting in relation to the changing of the club rules. On inspection of the premises both on 11th September and 16th October 2015 no evidence could be found regarding the prominent display of nominations.
- 3.8.5 It was evident that new Members were being accepted at this time as on the visit on 11th September the Club's Chairman presented Licensing Officers nomination forms for new Members that he was currently processing.

- 3.8.6 An email was received by Licensing Authority on 5/1/15 (Appendix 1 'H') regarding how applications from Membership are dealt with which confirms the above and is a clear breach of Club Rule 7.

ESTABLISHING AND CONDUCTING IN GOOD FAITH

- 3.8.7 **Condition 3** – The club is established and conducted in good faith as a club.
- 3.8.8 As noted in para 1.4 above, Section 63 of the Licensing Act 2003 gives guidance of the matters to be taken into account when determining whether a club is established and conducted in good faith.
- 3.8.9 The first consideration 63(2)(a) states that the licensing authority will have to consider and take into account is whether there are any arrangements restricting the clubs freedom to purchase alcohol.
- 3.8.10 During the joint visit to Upperby Men's Institute on 16th October 2015, Licensing Officers asked the Chair whether the Club had the freedom to purchase alcohol.
- 3.8.11 Officers were informed that the club currently owed money to two alcohol suppliers and were currently acquiring their alcohol through an independent wholesaler who the club hope will take over the debt owed to the suppliers.
- 3.8.12 Officers are aware that one main supplier will charge £250 loading fee to pay back current trade debt if the club choses to purchase direct from them.
- 3.8.13 It is argued that the due to current debts and the conditions attached to the purchase of alcohol from suppliers that the Club do not have the freedom to purchase alcohol.
- 3.8.14 The CIU state that "The club are in breach of condition 3 if they have failed to honour the trading agreements and load repayments with both suppliers of alcohol." (Appendix 7)
- 3.8.15 Evidence supporting the concern about the clubs financial situation and whether the club is run in good faith and has the freedom to purchase alcohol is further supported through inspection of the clubs accounts and committee minutes.
- 3.8.16 Inspection of the audited financial statements for the club for the year ending 31st December 2014 by Saint & Co Chartered Accountants show a financial loss of £23,683 and a further £18,559 owed to HMRC with regard to the VAT on gaming machines which was reclaimed and then clawed back following appeal. This takes the loss for 2014 to £42,242. The accountant states that "...the club requires the continued support of its creditors in order to continue to trade" and with regard to ongoing litigation "indicate the existence of a

material uncertainty which may cast significant doubt about the club's ability to continue as a going concern."

- 3.8.17 The financial statement also refers to ongoing litigation against the club and a recent letter from the CIU (Appendix 7) notes that "Both the previous club Secretary & Stewardess have both reached settlements with the club following their dismissals and are awaiting their compensation payments."
- 3.8.18 The clubs Committee minutes of 7th July 2015 report the stocktake deficit of:
- 186 pints Strongbow
 - 167 pints Fosters
 - 33 bottles alcopops
 - 60 pints Tetleys Mild
 - 12 bottles of Carlsberg.
 - Float down £2500
- 3.8.19 The Committee also agreed at this meeting to make enquires to obtain at £50,000 loan.
- 3.8.20 The second consideration 63(2)(b) relates to finance and states that any gain from the carrying out of the club is to be applied for the benefit of the club.
- 3.8.21 It could be argued that the members of the committee, ie the current Chairman, Paul Ruddick, are making a gain from the carrying on of the club by receiving a salary. At the joint visit on 15th October 2015, Licensing Officers and Police were informed by the Club Secretary that the Chair receives an honorarium of between £30-£100 per week dependent on the amount of time he has given.
- 3.8.22 Remuneration to committee members and officers of the club (ie the Chairman, Treasurer and Secretary) is covered explicitly by the clubs rules 19 and 20.
- 3.8.23 Club Rule 19 (Appendix 6) states "No goods or labour shall be supplied, nor any contract entered into for work to be done for the club, nor any office of salary, profit or remuneration, to be held by any member of the committee nor shall any honoraria be paid to committee members, unless authorised by a general meeting or on the authority of two officers in an emergency for the benefit of the club."
- 3.8.24 Club Rule 20 (Appendix 6) goes on to say "The Officers of the club shall receive such honorarium, if any, or in the case of the secretary such salary, as the committee or a general meeting may from time to time determine."

- 3.8.25 Officers question whether the weekly payment to the Chair constitutes an “honorarium”. Committee members should not receive a salary and the steward of the club should not be a member (Carly Ruddick appears to be a member according to club records). There is no reference in any of the Committee minutes examined of reference to payment to the Chair and as noted above, Club Rule 20 states that this is the decision of the Committee. These are breaches of the club rules and appear to be of benefit to them and not the club considering the financial difficulties the club is in.
- 3.8.26 The only reference to payment to Committee Members could be found in the clubs committee minutes for the meeting of 18th November 2014.
- 3.8.27 Under matters arising the minutes state “the Chairman mention to the committee about the hours the secretary undertakes, as we are in financial trouble, it was agreed that the secretary’s hours would be dropped to the minimum necessary” Later in the same meeting under Any Other Business it is minuted “A proposal was made from P Ruddick to be paid for carrying out work whilst the secretary is away”
- 3.8.28 Concern has been raised by members regarding the emptying of the club lottery machines by the Chairman (see Appendix 4 letter ‘G’). Licensing Officers inspected these machines on their visit on 16th October 2015 and questioned Mr Ruddick on the procedure for emptying. He confirmed that only he emptied the cash from the machines every Tuesday.
- 3.8.29 Mr Ruddick was informed that although more research was required, these machines may need to be licenced under a Small Society Lottery Licence. This would require 20% of the income to be donated to a charity or good cause. His response to this was that he if was required to donate 20% of the income then he would take them down.
- 3.8.30 The club passes **Condition 4** as they have well over 25 members.

SUPPLY OF ALCOHOL TO MEMBERS

- 3.8.31 **Condition 5** – Alcohol is not supplied, or intended to be supplied, to members on the premises other than by or on behalf of the club.
- 3.8.32 During the joint Police/Licensing visit on 11th September 2015 a non-member was observed playing pool and drinking alcohol.
- 3.8.33 The Chair and the Secretary of the club confirmed to Police and Licensing Officers on their visit on 15th October 2015 that the club function room is hired out for parties and events when non-members attend and are allowed the facilities of regulated entertainment and the supply of alcohol. Indeed it was freely admitted that the following day (16th October) a pool competition

had been arranged and would be attended by people from “all over”, the majority of which would not be members.

- 3.8.34 On discussion of the above, advice was given to the Chair and Secretary regarding their option of submitting Temporary Events Notices (TEN) to cover non-member functions. The Chair’s response to this was that he “would have to turn business away” and did not seem to appreciate that the privileges afforded to a club restricted in some part the ability to trade freely. Indeed the club’s public facebook page invites bookings for the function room (Appendix 9).
- 3.8.35 It is noted from recent entries on social media sites that the club appears to continue to hold functions without Temporary Events Notices (Appendix 9).
- 3.8.36 Revised guidance issued under Section 182 of the Licensing Act 2003 states that *“although there is no mandatory requirement for guests to be signed in by a member of the club a point may be reach where a club is providing commercial services to the general public in a way that is contrary to its qualifying club status. It is at this point that the club would no longer be conducted in “good faith” and would no longer meet “general condition 3” for qualifying clubs in section 62 of the 2003 Act.”*
- 3.8.37 Cumbria Police have also commented on this, “The Club would appear to be openly used for functions that were taking place at the weekend (pool competition on Saturday) where members of the public were going to be freely allowed admission. We also established they were hosting three functions planned towards the end of the month where it would appear members of the public would be freely allowed entry.” (Email Appendix 5)
- 3.8.38 The CIU states that “it would appear from the complaints I have received from members of this club that the current regime are running this club more like a public house than an club”. (Letter Appendix 7)
- 3.8.39 A statement from the Council’s District Environmental Health Officer detailing her visit in March 2015 supports the argument that the club fails to control or monitor admission to the premises. (Appendix 8)

4 CONCLUSION

- 4.1 The Licensing Office has serious concerns regarding the management of these premises and whether Upperby Men’s Institute satisfies the five general conditions which a relevant club must meet under the Licensing Act 2003.
- 4.2 Neither the Committee, or staff employed, appear to have any knowledge or understanding of a Club Premises Certificate or indeed the conditions attached to them. The committee are not abiding by the rules of the club such as Rule 17 in

relation to monetary grants to members, Rule 19 in relation to no office or salary, profit or remuneration, be held by any member of the committee unless authorised by a general meeting, Rule 20 regarding any change of Secretary must be notified by the Chairman or Secretary within 42 days to Magistrates and Rule 34 in relation to guests attending the premises.

- 4.3 There are a number of breaches of conditions attached to the club premises certificate which carry considerable maximum penalties such as the club not having an age verification policy (this is a Mandatory condition with maximum penalty £20000 fine and or 6 months imprisonment). They are also in breach of conditions attached to the certificate in relation to carrying out alterations carried on the first floor of the premises without the approval of the council. Again they are in breach of a condition attached to their licence in relation to children only being allowed to attend occasional members private functions as children have attended other events such as weddings, birthdays and anniversaries etc in the function room which is hired out by the committee.
- 4.4 The club openly hires out the function room for events such as weddings, anniversaries, birthday parties when non- members have attended. The Licensing Office previously warned the club by letter, however this does not seem to have been taken seriously by the committee. This is a clear breach of a Mandatory condition attached to the Club Premises Certificate. The maximum penalty for such a breach is £20.000 fine and or 6 months imprisonment. This was openly admitted by the chairman during a meeting held at the club when police and Licensing Officers were present. A Licensing authority can request the Club Premises Certificate be withdrawn for this alone.
- 4.5 Premises such as Upperby Men's Institute are afforded certain key benefits because the local authority has issued them with a Club Premises Certificate under The Licensing Act 2003. It is believed that Upperby Men's Institute no longer meets the five general conditions they must meet to be a qualifying club and therefore the Club Premises Certificate should be withdrawn.
- 4.6 The findings outlined above from officers from the local licensing authority, Cumbria Police and CIU indicates that Upperby Men's Institute does not satisfy the conditions of the Licensing Act 2003 Sections 62.
- 4.7 If the Licensing Authority decides for any reason that the club does not satisfy any of the conditions in Section 62 of the Licensing Act 2003 then it must give the club notice of its decision and its reason for the decision.

5 OPTIONS

Members should decide whether the Upperby Men's Institute satisfied the conditions set out in S62 and either:

- 5.1 Give notice to the club withdrawing the certificate in relation to the supply of alcohol, if it is agreed that the club no longer qualifies for a Club Premises Certificate; or
- 5.2 Take no action and allow the Club Premises certificate to continue, if Members consider that the conditions are satisfied.

Contact Officer:	Fred Watson	Ext: 7028
	Nicola Edwards	7025

**Appendices
attached to report:**

1. Section 62-64 Licensing Act 2003
2. Section 90 Licensing Act 2003
3. Copy of Club Premises Certificate CP023
4. Miscellaneous Correspondence (listed A-W)
5. Email dated 20/10/15 from PC John Brooks
6. Extract from Club Rules booklet (Rule 7 & Rule 20)
7. Letter from Secretary, Cumbria & District Branch of the Working Men's Club & Institute Union Limited (CIU)
8. Statement from District Environment Health Officer
9. Extracts from Facebook relating to functions held

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- Licensing Act 2003

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's - none

Economic Development – none

Governance – Contained within the report

Local Environment – none

Resources - none

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Licensing Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)



Licensing Act 2003

2003 CHAPTER 17

PART 4

CLUBS

Qualifying clubs

61 Qualifying clubs

- (1) This section applies for determining for the purposes of this Part whether a club is a qualifying club in relation to a qualifying club activity.
- (2) A club is a qualifying club in relation to the supply of alcohol to members or guests if it satisfies both—
 - (a) the general conditions in section 62, and
 - (b) the additional conditions in section 64.
- (3) A club is a qualifying club in relation to the provision of regulated entertainment if it satisfies the general conditions in section 62.

62 The general conditions

- (1) The general conditions which a club must satisfy if it is to be a qualifying club in relation to a qualifying club activity are the following.
- (2) Condition 1 is that under the rules of the club persons may not—
 - (a) be admitted to membership, or
 - (b) be admitted, as candidates for membership, to any of the privileges of membership,without an interval of at least two days between their nomination or application for membership and their admission.
- (3) Condition 2 is that under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership

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without an interval of at least two days between their becoming members and their admission.

- (4) Condition 3 is that the club is established and conducted in good faith as a club (see section 63).
- (5) Condition 4 is that the club has at least 25 members.
- (6) Condition 5 is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

63 Determining whether a club is established and conducted in good faith

- (1) In determining for the purposes of condition 3 in subsection (4) of section 62 whether a club is established and conducted in good faith as a club, the matters to be taken into account are those specified in subsection (2).
- (2) Those matters are—
 - (a) any arrangements restricting the club's freedom of purchase of alcohol;
 - (b) any provision in the rules, or arrangements, under which—
 - (i) money or property of the club, or
 - (ii) any gain arising from the carrying on of the club,
 is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;
 - (c) the arrangements for giving members information about the finances of the club;
 - (d) the books of account and other records kept to ensure the accuracy of that information;
 - (e) the nature of the premises occupied by the club.
- (3) If a licensing authority decides for any purpose of this Act that a club does not satisfy condition 3 in subsection (4) of section 62, the authority must give the club notice of the decision and of the reasons for it.

64 The additional conditions for the supply of alcohol

- (1) The additional conditions which a club must satisfy if it is to be a qualifying club in relation to the supply of alcohol to members or guests are the following.
- (2) Additional condition 1 is that (so far as not managed by the club in general meeting or otherwise by the general body of members) the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee whose members—
 - (a) are members of the club;
 - (b) have attained the age of 18 years; and
 - (c) are elected by the members of the club.

This subsection is subject to section 65 (which makes special provision for industrial and provident societies, friendly societies etc.).

- (3) Additional condition 2 is that no arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club.

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- (4) Additional condition 3 is that no arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from—
- (a) any benefit accruing to the club as a whole, or
 - (b) any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.

65 Industrial and provident societies, friendly societies etc.

- (1) Subsection (2) applies in relation to any club which is—
- (a) a registered society, within the meaning of the Industrial and Provident Societies Act 1965 (c. 12) (see section 74(1) of that Act),
 - (b) a registered society, within the meaning of the Friendly Societies Act 1974 (c. 46) (see section 111(1) of that Act), or
 - (c) a registered friendly society, within the meaning of the Friendly Societies Act 1992 (c. 40) (see section 116 of that Act).
- (2) Any such club is to be taken for the purposes of this Act to satisfy additional condition 1 in subsection (2) of section 64 if and to the extent that—
- (a) the purchase of alcohol for the club, and
 - (b) the supply of alcohol by the club,
- are under the control of the members or of a committee appointed by the members.
- (3) References in this Act, other than this section, to—
- (a) subsection (2) of section 64, or
 - (b) additional condition 1 in that subsection,
- are references to it as read with subsection (1) of this section.
- (4) Subject to subsection (5), this Act applies in relation to an incorporated friendly society as it applies in relation to a club, and accordingly—
- (a) the premises of the society are to be treated as the premises of a club,
 - (b) the members of the society are to be treated as the members of the club, and
 - (c) anything done by or on behalf of the society is to be treated as done by or on behalf of the club.
- (5) In determining for the purposes of section 61 whether an incorporated friendly society is a qualifying club in relation to a qualifying club activity, the society is to be taken to satisfy the following conditions—
- (a) condition 3 in subsection (4) of section 62,
 - (b) condition 5 in subsection (6) of that section,
 - (c) the additional conditions in section 64.
- (6) In this section “incorporated friendly society” has the same meaning as in the Friendly Societies Act 1992 (see section 116 of that Act).

66 Miners' welfare institutes

- (1) Subject to subsection (2), this Act applies to a relevant miners' welfare institute as it applies to a club, and accordingly—
- (a) the premises of the institute are to be treated as the premises of a club,

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Licensing Act 2003

2003 CHAPTER 17

PART 4

CLUBS

Withdrawal of certificates

90 Club ceasing to be a qualifying club

(1) Where—

- (a) a club holds a club premises certificate, and
- (b) it appears to the relevant licensing authority that the club does not satisfy the conditions for being a qualifying club in relation to a qualifying club activity to which the certificate relates (see section 61),

the authority must give a notice to the club withdrawing the certificate, so far as relating to that activity.

(2) Where the only reason that the club does not satisfy the conditions for being a qualifying club in relation to the activity in question is that the club has fewer than the required number of members, the notice withdrawing the certificate must state that the withdrawal—

- (a) does not take effect until immediately after the end of the period of three months following the date of the notice, and
- (b) will not take effect if, at the end of that period, the club again has at least the required number of members.

(3) The references in subsection (2) to the required number of members are references to the minimum number of members required by condition 4 in section 62(5) (25 at the passing of this Act).

(4) Nothing in subsection (2) prevents the giving of a further notice of withdrawal under this section at any time.

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- (5) Where a justice of the peace is satisfied, on information on oath, that there are reasonable grounds for believing—
- (a) that a club which holds a club premises certificate does not satisfy the conditions for being a qualifying club in relation to a qualifying club activity to which the certificate relates, and
 - (b) that evidence of that fact is to be obtained at the premises to which the certificate relates,
- he may issue a warrant authorising a constable to enter the premises, if necessary by force, at any time within one month from the time of the issue of the warrant, and search them.
- (6) A person who enters premises under the authority of a warrant under subsection (5) may seize and remove any documents relating to the business of the club in question.

City of



Carlisle

Licensing Act 2003

Club Premises Certificate

CP023

Club Details

NAME OF CLUB IN WHOSE NAME THIS CERTIFICATE IS GRANTED AND RELEVANT POSTAL ADDRESS OF CLUB

Upperby Men's Institute

41 Lamb Street, Carlisle, Cumbria, CA2 4NF.

Telephone 01228 543104

IF DIFFERENT FROM ABOVE THE POSTAL ADDRESS OF CLUB PREMISES TO WHICH THE CERTIFICATE RELATES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Not applicable

WHERE THE CLUB PREMISES CERTIFICATE IS TIME LIMITED THE DATES

Not applicable

QUALIFYING CLUB ACTIVITIES AUTHORISED BY THE CERTIFICATE

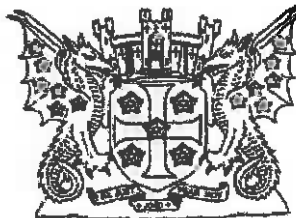
- a performance of live music
- any playing of recorded music
- the supply of alcohol
- the sale by retail of alcohol

THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)			
	Sunday	Noon	11:30pm
	Monday to Saturday	11:00am	11:30pm
	All Public and Bank Holidays	11:00am	1:00am
	Christmas Eve	11:00am	1:00am
	New Years Eve	11:00am	1:00am
F. Playing of recorded music (Indoors)			
	Sunday to Saturday	11:00am	11:30pm
I. The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption ON and OFF the premises			
	Sunday to Thursday	11:00am	Midnight
	Friday and Saturday	11:00am	1:00am
	All Public and Bank Holidays	11:00am	1:00am
	Christmas Eve	11:00am	1:00am
	New Years Eve	11:00am	1:00am
	Sunday to Saturday	11:00am	10:00pm
			Outside smoking/seated area only No waiter service
J. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption ON the premises where the sale takes place			
	Sunday to Thursday	11:00am	Midnight
	Friday and Saturday	11:00am	1:00am
	All Public and Bank Holidays	11:00am	1:00am
	Christmas Eve	11:00am	1:00am



City of



Carlisle

Licensing Act 2003

Club Premises Certificate

CP023

THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
J. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption ON the premises where the sale takes place continued ...			
	New Years Eve	11:00am	1:00am
	Sunday to Saturday	11:00am	10:00pm
			Outside smoking/seated area only.No waiter service

THE OPENING HOURS OF THE CLUB

Description	Time From	Time To
Sunday to Saturday	Midnight	Midnight

WHERE THE CERTIFICATE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- I. The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption ON and OFF the premises
- J. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption ON the premises where the sale takes place

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

Conditions for club premises with off sales

- 1) The supply of alcohol for consumption off the club premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- 2) Any alcohol supplied for consumption off the premises must be in a sealed container.
- 3) That any supply of alcohol for consumption off the premises must be made to a member of the club in person.

Embedded Condition

Recorded Music

Provision may be made for the public entertainment in the premises by the reproduction of wireless (including television) broadcasts (or of programmes included in any programme service [within the meaning of the Broadcasting Act 1990] other than a sound or television broadcasting service), or of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE





Licensing Act 2003

Club Premises Certificate**CP023****ANNEXES continued ...****General**

The Club Management, Stewardess and Bar Staff are informed of the Licensing Act 2003 objectives and statutory requirement to comply with the relevant provisions of the Act. We believe that our Club Rules and the conditions relating to our existing Certificate, have already proved to be quite adequate, in respect of all four objectives, thus while we have no specific proposals for further improvement, we are always prepared to accept further advice.

The prevention of crime and disorder

All past Certificates have been issued subject to inspection/approval by the police, whom have never objected to any application, during my 29 years as Club Secretary. Warning notices are posted against Drugs, Contraband goods, misbehaviour etc, and we have rarely ever, needed to call in the police. Admission to the premises is confined to Members and bona fide guests, and is continuously monitored/controlled, via a computerised/CCTV door entry system.

CD12

A tamper proof CCTV system shall be installed at the premises in liaison with and to the satisfaction of the Cumbria Police Licensing and Community Safety Officers and shall be used to record during all hours that a licensable activity takes place on the premises.

CD14

Where CCTV equipment is fitted, it shall be maintained in good working order in accordance with the manufacturer's instructions.

CD16

The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days.

Public safety

Similarly, certificates have been subject to inspection/approval by the Fire Prevention Officer and all necessary improvements have been updated, as required over the years, the latest being September 2003. Additionally, we employ specialist advice on Health & Safety matters, applying to Staff and Members alike, and three full time staff members possess Certificates in first aid.

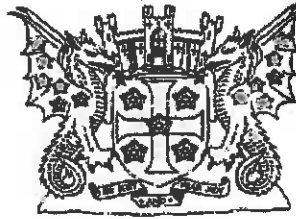
PS3

All parts of the premises shall at all times be kept free from defect and no changes, alterations of any kind to the surface finish or coverings including furniture and flooring on any part of the premises shall be made without the prior approval of the Council.

PS6

All exits and escape routes to those exits (including external escape routes) from the premises shall be provided with slip resistant even surfaces and shall be maintained in good repair, correct working order





ANNEXES continued ...

and kept free from all obstructions when the public are on the premises. External escape routes shall also be kept free from ice and snow.

PS7

The nosings on all steps and landings shall be maintained so that they are clearly visible by painting them in contrasting colours or other similar means.

PS8

All doors or gates both inside and outside the premises which are on an escape route shall be fitted only with approved fasteners and shall at all times be properly maintained, free from obstruction and be capable of being opened easily and fully so that they do not restrict the public leaving the premises and shall open in the direction of the escape route.

PS10

All exit doors and gates from premises or enclosure(s) surrounding it shall be capable of being opened by any person without the use of a key, card, code or other similar means and be kept free from all fastening devices when the premises are open to the public.

PS12

The method of opening any exit door or gate from the premises or enclosure(s) surrounding it shall be clearly displayed immediately above or below the fastening in white block lettering on a green background in letters not less than 50 mm high.

PS14

Where a fire-resisting door is fitted within the premises and that door is required to be kept closed at all times then the door shall be clearly marked on both sides with a sign bearing the words "FIRE DOOR KEEP CLOSED" in block letters not less than 50mm high and clearly visible when the premises are open to the public.

PS18

The furniture or seating in premises shall be arranged so that it does not obstruct any exit, route to any exit or to any facility within the premises.

PS20

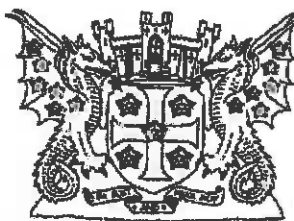
Before the premises are opened for the purposes authorised by the licence an inspection shall be carried out to ensure that the premises are safe for use. Details of the inspection, defects discovered and remedial action taken shall be recorded in writing in a logbook kept for that purpose. That logbook shall be made available for inspection on demand to an Authorised Officer of the Council, a Fire Officer or a Police Constable.

PS21

The premises shall be maintained so that the following fire retardancy standards are complied with:

- (i) All upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990.





Licensing Act 2003

Club Premises Certificate

CP023

ANNEXES continued ...

- (ii) All repairs or refurbishment of existing seating or upholstery shall include the removal of untreated polyurethane foam and its replacement by fillings which conform to the Furniture and Furnishings (Safety) Regulations 1988 (as amended).

PS22

Where any furnishing or fitting in the premises including wall, floor and ceiling linings, requires further periodic treatment to maintain the surface spread of flame qualities, they shall be treated in accordance with the manufacturers specifications. When such treatment is carried out, a written record shall be made in the logbook kept for that purpose and a certificate showing the treatment has been carried out shall be obtained and retained for inspection by the Fire Authority.

PS23

No curtain, hanging or any other decoration shall be positioned so as to obstruct any exit, sign or fire fighting equipment. Curtains covering doorways should be divided down the middle and so hung that the lower edge of the curtain does not touch the floor. They should not obstruct notices, exit signs, fire fighting equipment etc.

PS26

A person who is nominated for the purpose of taking control in the event of a fire, fire alarm, emergency or event which may effect the safety of persons attending the premises shall be on and in charge of the premises at all times when any licensable activity is being provided.

That person shall be responsible for calling the Fire Service in the event of any fire and that person shall also be responsible for meeting the Fire Service and advising them of the location of the fire.

PS27

Any outbreak of fire of any kind shall be reported to the Fire Service immediately and a written record shall be made in a logbook kept for that purpose.

PS71

Emergency Lighting will be tested in accordance with BS 5266 Part 1, 1999 Emergency Lighting. The results of the tests will be recorded in a logbook. A satisfactory NICEIC (or equivalent) inspection report will be provided annually to the Licensing Authority.

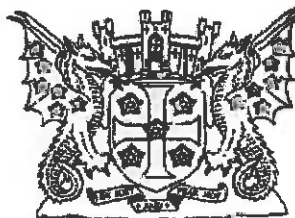
PS72

The fire alarm detection system will be tested in accordance with BS 5839 Part 1 2002 Fire Detection and Fire Alarm Systems for buildings. The results of the tests will be recorded in a log book. A satisfactory inspection report will be provided annually to the Licensing Authority.

PS76

Fire fighting equipment shall be provided throughout the premises at suitable locations and be appropriate to the risk to comply with BS 5306 Part 8, Selection and Installation of Portable Fire Extinguishers.

The prevention of public nuisance



Licensing Act 2003

Club Premises Certificate**CP023****ANNEXES continued ...**

No specific conditions have applied to past Certificates, but we are obviously aware that we must live harmoniously with our neighbours, many of whom are Members of the Club, and our Concert Room, for example, was built to be soundproof, for this reason. Members are warned, and disciplined if necessary, against making a noise, or causing a disturbance, when leaving the premises, at any hour, day or night.

The protection of children from harm

Club rules prohibit Members under the age of 18 years. Children are permitted to attend the occasional Member's private function - Christenings/Birthdays/ Weddings etc, as long as they are accompanied by adults, and restricted to the first floor Concert Room. Warning notices are posted in the Concert Room, against the supply of alcohol to minors. In other respects, the Club does not promote any entertainment with a sexual, or immoral content.

ANNEX 3 - CONDITIONS AS A RESULT OF A HEARING**Decision of Licensing Sub Committee 30th June 2009:**

The additional conditions to be imposed on the Premises Licence are:

1. The outside area may be used for the consumption of beverages only between the hours of 11.00am and 10.00pm and no drinks in open canisters shall be taken out of the Premises at any other time.
2. There shall be no waitress service to the outside seating area.
3. No drinks shall be taken to the outside seating area other than in polycarbonate glasses. For the avoidance of doubt, no glass bottles or glasses shall be taken outside at any time.
4. There shall be no regulated entertainment in the outside seating area.
5. No children shall be permitted in the outside seating area at any time.
6. The CCTV system currently installed at the Premises in compliance with the condition attached to the Premises Licence shall be extended to cover the outside seating area.
7. Employees of the Club must make regular checks of the outside seating area to ensure that patrons are not causing a nuisance to residents by way of noise or disorder and, if they are, action must be taken to desist this. A written record must be kept showing the dates and times of the checks and any action taken. It is the opinion of the Sub-Committee that these checks should be carried out frequently and at least every hour.



City of



Carlisle

Licensing Act 2003

Club Premises Certificate Summary

CP023

Club Details

NAME OF CLUB IN WHOSE NAME THE CERTIFICATE IS GRANTED AND RELEVANT REGISTERED POSTAL ADDRESS OF CLUB

Upperby Men's Institute

41 Lamb Street, Carlisle, Cumbria, CA2 4NF.

Telephone 01228 543104

IF DIFFERENT FROM ABOVE THE POSTAL ADDRESS OF CLUB PREMISES TO WHICH THE CERTIFICATE RELATES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Not applicable

WHERE THE CLUB PREMISES CERTIFICATE IS TIME LIMITED THE DATES

Not applicable

QUALIFYING CLUB ACTIVITIES AUTHORISED BY THE CERTIFICATE

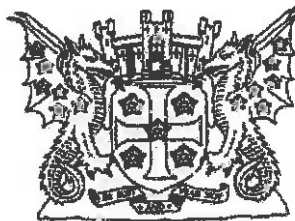
- a performance of live music
- any playing of recorded music
- the supply of alcohol
- the sale by retail of alcohol

THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)			
	Sunday	Noon	11:30pm
	Monday to Saturday	11:00am	11:30pm
	All Public and Bank Holidays	11:00am	1:00am
	Christmas Eve	11:00am	1:00am
	New Years Eve	11:00am	1:00am
F. Playing of recorded music (Indoors)			
	Sunday to Saturday	11:00am	11:30pm
I. The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption ON and OFF the premises			
	Sunday to Thursday	11:00am	Midnight
	Friday and Saturday	11:00am	1:00am
	All Public and Bank Holidays	11:00am	1:00am
	Christmas Eve	11:00am	1:00am
	New Years Eve	11:00am	1:00am
	Sunday to Saturday	11:00am	10:00pm
			Outside smoking/seated area only No waiter service
J. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption ON the premises where the sale takes place			
	Sunday to Thursday	11:00am	Midnight
	Friday and Saturday	11:00am	1:00am
	All Public and Bank Holidays	11:00am	1:00am
	Christmas Eve	11:00am	1:00am



City of



Carlisle

Licensing Act 2003

Club Premises Certificate Summary

CP023

THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES continued ..

Activity (and Area if applicable)	Description	Time From	Time To
J. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption ON the premises where the sale takes place continued ...			
	New Years Eve	11:00am	1:00am
	Sunday to Saturday	11:00am	10:00pm
			Outside smoking/seated area only.No waiter service

THE OPENING HOURS OF THE CLUB

Description	Time From	Time To
Sunday to Saturday	Midnight	Midnight

WHERE THE CERTIFICATE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- I. The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption ON and OFF the premises
- J. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption ON the premises where the sale takes place

STATE WHETHER ACCESS TO THE CLUB PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Children are only permitted to enter the premises in the company of an adult, to attend a private members function in the first floor concert room.



Upperby Mens Institute

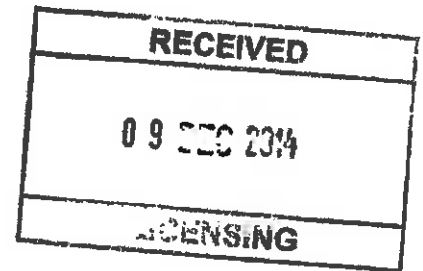
- 09/12/14 Licensing Office receive letter from concerned member ref children playing within the club. (Anon) (A)
- 09/12/14 Letter sent from Licensing Office to club warning them of breach of Conditions/Club rules in relation to children allowed in premises. (B)
- 07/01/15 E mail from PC Keir to Licensing Office regarding running of club. It is alleged it is run more like a pub. (Anon) (C)
- 07/01/15 Letter received at Licensing Office (Anon) from concerned member ref Chairman of the club. (D)
- 08/01/15 Chairman and members of club committee attend Civic Centre when Licensing Manager expressed concerns about running of the club and Requested minutes of meetings, details of committee.
- 20/01/15 Letter from Licensing Manager to Club Committee following meeting held at Civic Centre requesting minutes, accounts and date of AGM. (E)
- 04/02/15 Letter from concerned member (anon) regarding chairman and members of Club committee. (F)
- 04/02/15 Letter sent to CIU from concerned member (anon) ref chairman of club and the way he is running the club. (G)
- 05/02/15 E mail from member of club to CIU regarding how applications for membership are dealt with. (H)
- 12/02/15 Letter from concerned resident to Licensing Office (anon) relating to Children being allowed into the club and persons leaving club during Early hours of the morning. (I)
- 24/03/15 Letter from Licensing Manager to committee questioning whether the club meets criteria of a qualifying club. Had not forwarded minutes accounts etc which had previously been requested in January 15. (J)
- 27/03/15 Financial accounts, minutes and agenda for AGM received at Licensing

Office. **(K)**

- 27/04/15 Licensing Office receive minutes from club AGM. **(L)**
- 29/04/15 Letter to club from Licensing Manager acknowledging receipt of minutes **(M)**
- 06/05/15 Letter to Licensing Office from concerned member (anon) ref pool room. **(N)**
- 08/05/15 Letter from anon person regarding the running of the club. **(O)**
- 27/05/15 Letter from Club Sec. to Licensing Manager **(P)**
- 27/05/15 Letter from Licensing Manager to club committee clarifying above. **(Q).**
- 02/06/15 Letter from anon person to licensing regarding chairman's involvement in running of club **(R)**
- 13/06/15 Letter to CIU from member regarding treatment of club steward. **(S)**
- 14/06/15 Letter to CIU from concerned member regarding running of club. **(T)**
- 14/06/15 Letter to CIU from member ref running of club. **(U)**
- 11/09/15 POLICE & LICENSING VISIT TO UPPERBY CLUB. Breaches of club Rules, conditions and unlawful sales of alcohol took place.
- 16/10/15 RE-VISIT BY POLICE & LICENSING INSPECTING PREMISES
ACCOMPANIED BY COMMITTEE MEMBERS. List of members requested.
- 20/10/15 Club Secretary attended Civic Centre handing in list of members and spoke To Licensing Manager.
- 03/11/15 Letter from Club Secretary requesting meeting. **(V)**
- 03/11/15 Letter from resident (anon) Lamb Street complaining of noise & drinking out of hours. **(W)**

A

Carlisle City Council
Licensing dept
Civic centre
Carlisle
8 December 2014



To whom it may concern,

As a member of the Upperby Men's Institute in Lamb Street Carlisle and I am very concerned regarding the health an safety and welfare of children in there.

My concerns are that on numerous occasions recently a member of staff has been bringing her children in to work with her and they have been running wild in the club.

They are going behind the bar, in the cellar and in the cleaners cupboard where some chemicals are stored.

Added to this the chairman has now allowed a child in to the bar area on Saturday night to watch his father play pool.

According to our club rules no children are allowed in anywhere downstairs unless they are attending a private family function and definitely nowhere in the bar area.

There is actually a notice on the second doors into the club saying this.

A lot of members are very unhappy with this as the chairman just seems to do what he wants in there with no regard for any rules, regulations or safety.

Could someone please look in to this.

*Yours sincerely
Concerned member*

6

CARLISLE CITY COUNCIL



www.carlisle.gov.uk

Governance Directorate

Director of Governance: M D Lambert LLB (Hons)

Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817023

Document Exchange Quote DX 63037 Carlisle Type talk 18001 01228 817000

Council Website www.carlisle.gov.uk

Upperby Mens Inst Committee
41 Lamb Street
Carlisle
Cumbria
CA2 4NF

Enquiries to:
Direct Dial:

Fred Watson
01228 817523

9 December 2014

Dear Sirs

Attention of: Upperby Mens Institute Committee

I am writing to you as the holder of the Club Premises Certificate of the above licensed premises.

I have been informed that you have been allowing children into the bar area as well as the ground floor of your premises. If this is the case, then I must warn you that you will be in breach of the conditions attached to your Club Premises Certificate which clearly state:

'Club rules prohibit Members under the age of 18 years. Children are permitted to attend the occasional Member's private function - Christenings/Birthdays/ Weddings etc, as long as they are accompanied by adults, and restricted to the first floor Concert Room'.

I need not remind you of the possible consequences of breaching a condition attached to your Club Premises Certificate.

I am forwarding you this information in order that you have the opportunity to take appropriate action to prevent this happening.

Yours faithfully

Licensing Manager

61
Fred Watson

From: Fred Watson
Sent: 07 January 2015 15:29
To: 'Keir, Ian'
Subject: Upperby Mens Institute

Ian, Have received another anonymous letter regarding the running of the above club. The letter states that Paul Ruddick is running the premises and his wife who works behind the bar is bringing her children into the premises which isn't allowed. He is allowing non members access into the premises and the premises is more like a pub than a club.

As a result I telephoned the club this afternoon and asked the barmaid (Claire) who the current club chairman is and she replied Paul Ruddick. I asked about Les Armstrong (the person who we are aware was the chairman) and she stated he had left months ago.

I have requested that the Chairman or members of the Committee contact the Licensing Office as soon as possible in order that we arrange for them to visit the Civic Centre. When they contact us we will inform them that we wish to view the Minutes of the last three Annual General Meetings.
Fred Watson

D

Mon 5th January 2015

RECEIVED
07 JAN 2015
LICENSING

Dear sirs

We as members of the Upperby institute of 41 lamb street Carlisle would like to complain about the way the chairman mr paul Ruddick is running the club

The club is a disgrace with him in charge with himself making up the rules as he likes. If it isn't him bringing in his 3 young children to the club its his wife mrs carly Ruddick who works behind the bar. She is always bringing them in to work with her. No children are allowed downstairs in the club.

We as members are not allowed our children in and do not bring our children in as it is in our club rules. Mr Ruddick alone is running the club like a public house at the moment and it seems anyone is allowed in with no question about membership, mr Ruddick is a very volatile man and is not to be approached about this because his track record of violence and temper is well known around the club,

This man has been barred from our club

many times for violence and has been in jail
many times also for the same offences so
please can you help us by trying to
understand how he can be in sole charge of
the running of the club.

Has our license been changed so children are
allowed in? I don't think so?

Thank you

Worried members

E
**CARLISLE
CITY COUNCIL**



www.carlisle.gov.uk

Governance Directorate

Director of Governance: M D Lambert LLB (Hons)

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Council Website www.carlisle.gov.uk

Mr P Ruddick
Upperby Mens Institute
41 Lamb Street
Carlisle
Cumbria
CA2 4NF

copy

Enquiries to:
Direct Dial:

Jim Messenger
01228 817523

20 January 2015

Dear Mr Ruddick

Upperby Mens Institute, Lamb Street, Carlisle

I refer to the meeting with you and two committee members at the Civic Centre on 8th January 2015, when we discussed the constitution and running of Upperby Mens Institute.

The club holds a Club Premises Certificate under the Licensing Act 2003 and as such, the licensing authority must be satisfied that it is a bona fide club and complies with the legislation. We discussed a number of issues including the formation of the current committee, paid staff, financial matters, stocktaking and the forthcoming annual general meeting. You showed us copies of minutes from recent committee meetings.

We discussed Club Rules which state that the annual meeting must be held not later than the last Tuesday in March. I reminded you of the notices that must be displayed and the time scale in accordance with Rule 15. You also agreed to send us a copy of the last annual meeting minutes from March 2014 which I await. I also pointed out that under Rule 20, the position of secretary must be elected by ballot. You have unofficially held this position since the departure of the previous secretary, but the position must be balloted amongst members.

To further establish the bona fide nature of the club can you provide me with the following:

- Minutes of the annual meeting from March 2014 (as soon as possible)
- Financial accounts for the current year when published
- Date and agenda for the next annual meeting in March 2015

Should you have any queries please contact me at the licensing office.

Yours sincerely

Licensing Manager

F

Wed 4th feb 2015

Dear sir

This letter is a serious letter of concern about the goings on in the Upperby mens institue lamb street Carlisle, the chairman Paul Ruddick and some of his committee are running the place in to the ground.

This letter is coming via a few members concerns, but am afraid because of pauls very violent nature none of us are willing to put our membership number on incase he finds out.

1, there are a lot of people complaining about the club lotto ticket machine, he is always seen with the keys opening the machine up filling the machine up and has been seen paying himself out of the office when he wins, paul has won nearly all the big jackpots in the past months, surley if he has access to all the tickets ect he shouldn't be allowed to play it, a lot of people don't play it now because there is no point if he has all the winners

2, paul runs a football pontoon draw where again he picks all the teams for people and the last 4 times he has won 100s of pounds on it, one of the times the name that won it was his 6 year old son, how can a child win a draw in an adults club where you have to be 18 to become a member??

3, paul and some of his committee are bragging about how many new members there is this month, they are making any one a member if they come in fill a form in and pay 7 pounds they will get a membership the next or same day, with no interview ect ect plus he isn't charging his mates any back subs either if they have let there membership lapse

4, can the chairman who has a criminal record be a key holder to the club, he has been seen many times locking the club up and opening up on a morning, he is always behind the bar and in the office where all of the cash is kept, a lot of members belive that he should not be allowed bedind the bar let alone be seen going in to

the tills.

5, the club does a draw on a Sunday afternoon called open the box where the other week paul and some of his committee won over 700 pounds, how is this fair when paul puts the jackpots in the box his fellow committee member will Dixon numbers them and they win it, this has sickend many members as it has fix wrote all over it, paul went in to the lounge when the number was drawn picked the winner right away when ot wasn't even his ticket a lot of members are convinced that an envelope was marked and he knew which one had the jackpot in as he put them in there, as far as we know a few members have reported it to the police for them to come in to investigate, but sadley we don't think anything has happened yet

6, he has a member on the committee that was a bar manager there years ago that was sacked for stealing but as he is one of his mates he has now got him on the committee with him but we all know that carl little has not been a paid up member for 6 month and should not and cannot be on the committee with him, all of the committee that he has there has been handpicked by himself, he hasn't put any notices up tp make it fair to the members he has just approached who he can boss around to get things his own way
7, paul has been barred from the club many times for violence ect so how can he be now chairman, and running the club

8, he has made his friend club secretary without a vote off the members, he has just decided and gave her the job, when asked one day about how she was getting paid for the job he said she was getting paid cash in hand for it and she wont go on the books as she is doing under 10 hours a week it wont be worth it, this surley is not fair as rumour has it she is getting 50 pounds a week cash in hand and has been there for months now so she will of made herself a nice tidy sum out of the club funds

We have heard that you can come in and maybe help our failing

club, we fear that in a few months time we wont have a club at all
if he carries on in the same way

Thanks

Worried members

9

Ciu Cumbria branch
1 Pennygill
Flimby
Maryport
Cumbria

Dear branch secretary

I am a member of the Upperby Mens Institute in Carlisle and has been for many years now, unfortunately I am writing this letter as I am very concerned about the running of the club.

The chairman Mr Paul Ruddick has completely taken over of all the club and I feel is using this to his advantage.

He has given his wife a bar managers job and I don't think this is fair as the job was not advertised and I know she has not even had an interview.

a lot of members are also concerned as he is also locking up and opening up the club on his own using his wifes keys.

Mr Ruddick also seems to be winning a lot of monies on the club lottery machine and has been seen many times with the keys for the machine opening the machine up and also paying out his winnings himself, he also has access to all of the tickets for the machine, he also runs a pontoon draw which he has won I think 3 times on the run now, he is going in to the office downstairs a lot aswell and there is a lot of members that are saying he should not even be behind the bar.

There is also widespread rumours that he is paying a mrs Lynda baker wages direct from the office and not going through the books, surley he cannot be doing this and should be reported to the HRMC.

Mr Ruddick is upsetting a lot of people in there and is loosing the club a lot of trade because a lot of people will not go in the club whilst he is chairman simply because when he is drunk he can be a very aggressive man and is very intimidating.

How can he hold the job as chairman when he has been barred out of the club 4 times and has been in prison many times on assault ect

He has been going round telling people about monies going missing from the office ect and did try and call a meeting about it but failed because basically he does not know what he is doin I am afraid that if he stays in power of the club that he will end up closing it because he is making up his own rules letting anyone in and now even letting children in the bar where we all know they should not be but when approached on these matters he gets very aggressive.

You are all supposed to be a member in there and its not fair that he is letting anyone in and is running it more like a pub than a club, we all pay a membership every year but I know for a fact that in January when the subs are due that hardly anyone is going to pay because you can get in anyways as the door is always open for you to walk in and they have never done a membership check in years

Please can the ciu come in to the club and do an investigation before its too late and the club which I love an cherish closes.

Thanking you

A concerned member

H.
kenneth brown

From: [REDACTED]
Sent: 05 February 2015 10:08
To: kenbrown11@btinternet.com
Subject: UMI Upperby Carlisle

Good morning,

I feel that I need to write to you as I am very concerned regarding the club. Having worked at the club as bar staff I was not a member, I therefore completed a membership application I placed my husbands membership down on the form and left the application behind the bar.

I have since received my membership. However I was of the understanding firstly that I would require two members details on the application, secondly that my name would be placed on a board for a couple of weeks to enable any current members to object to my application for membership and thirdly that I would receive an interview prior to obtaining membership to the club.

None of the above has happened and it is currently common knowledge that anyone who currently applies for membership can get it on the same day providing they pay the £7 fee. It is also common knowledge that members are not having to pay their back subs when renewing their membership.

I felt I had no option to inform you that this is happening as I assume the whole idea of the membership application procedure is exactly that a procedure and the same should be followed and it currently is most definitely not being followed.

My membership details should you require them to raise my issues are :

[REDACTED]
Member no [REDACTED]

I look forward to your response.

[REDACTED]
Sent from my iPhone

1
Tues 10th feb 2015

Dear sirs

I am writing this letter to advise you of some strange goings on in the Upperby institute on Lamb Street Carlisle, as a very close by resident I have noticed that small children are there whilst the club is being opened on a morning and are in there for many hours at a time, also that a close friend of mine is a member of the club and she says that the kids are running around downstairs and even behind the bar area.

Also I have checked in the paper for a change in the drinking times in there to see if they had changed because for the last few months the lights have been on till very late on a Fri night and I have on many occasions been woken up from my sleep with people making noise either leaving or outside in there smoke shelter well in to the early hours of the morning, and a few times its been well after 5am when I hear the shutter coming down and them all leaving, surely this cannot be right and I have been speaking to other residents and they can also hear it all as well.

As for the small children being in there this cannot be safe for them at all, I was a member of the club many years ago and children were only allowed upstairs and certainly not downstairs, but I do apologise if the law has changed on this, if not well check for yourself as I have been keeping a note the children are there most Wed Thur Fri and Sat mornings just after 9am.

I am aware that the club has CCTV and if this was to be viewed then you will see for yourselves what is going on on a Fri night, I will also be writing to Cumbria Police on this matter to bring it to their attention.

Yours sincerely
Angy Upperby resident



12/

**CARLISLE
CITY COUNCIL**



www.carlisle.gov.uk

Governance Directorate

Director of Governance: M D Lambert LLB (Hons)

Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817023

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Council Website www.carlisle.gov.uk

Mr P Ruddick
Upperby Mens Institute
41 Lamb Street
Carlisle
Cumbria
CA2 4NF

Enquiries to:
Direct Dial:

Licensing
01228 817523



COPY

24 March 2015

Dear Mr Ruddick

Licensing Act 2003 - Upperby Mens Institute

I refer to our meeting earlier this year and my letter of 20 January 2015.

May I remind you that as a licensing authority we license Upperby Mens Institute under a Club Premises Certificate as a qualifying club. In order to establish that the club is established and conducted in good faith we requested certain things from the meeting that were listed in the letter, namely:

Minutes of the Annual Meeting from March 2014

Financial accounts for the current year

Date and agenda for the next Annual Meeting in March 2015

To date I have not received any of these and I note from Rule 15(1) of your rules, that the Annual Meeting shall be held not later than the last Tuesday in March

Due to the lack of information I am questioning whether the club meets the criteria of a qualifying club. I request that you deal with this request as a matter of urgency before I decide what further action to take.

Yours sincerely

Licensing Manager

K
/

UPPERBY MENS INSTITUTE LTD
41 LAMB STREET
CARLISLE
CA2 4NF

Tel: 01228 528574

James Messenger Esq
Licensing Manager
Carlisle City Council
Civic Centre
CARLISLE
CA3 8QG

27th March 2015

Dear Sir,

I refer to your letter dated 24th March 2015 and respond as follows:

1. Minutes of Annual meeting March 2014 - Your letter dated 29th January 2015 stated you Had received said Minutes. Please return a copy to me.
2. Financial Accounts for the current year - Our Accountants Saint & Co. have just completed These on Tuesday 24th March 2015 and I enclose a copy for your records.
3. Date and agenda for the next Annual Meeting. Having only just received the accounts for the Year ended 31st December 2014 we have set the next Annual Meeting for Tuesday 31st March 2015 and I enclose a copy of the Agenda for your records.

I apologise for not responding earlier but there has been some changes in the Club mainly the termination of the Club Secretary Mr. L. Armstrong and as a new Club Secretary Mrs. L. Baker has been appointed it has taken some time to retrieve and update all information. This is now on schedule.

Yours faithfully,

J P Ruddick

J.P. RUDDICK
CHAIRMAN

L

UPPERBY MENS INSTITUTE LTD
41 LAMB STREET
CARLISLE
CA2 4NF

Tel: 01228 528574

James Messenger Esq
Licensing Manager
Carlisle City Council
Civic Centre
CARLISLE
CA3 8QG

18th April 2015

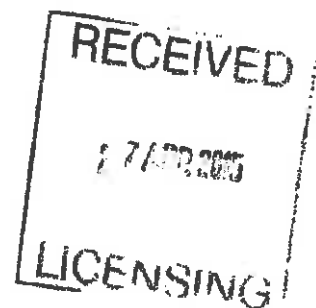
Dear Sir,

I have pleasure in enclosing a copy of the minutes of the Upperby Mens Institute 46th Annual General Meeting held Tuesday 31st March 2015 for your records.

I also enclose a copy of the Clubs Extraordinary Annual General Meeting held Tuesday 7th April 2015.

Yours faithfully,

J P Ruddick
J.P. RUDDICK
CHAIRMAN.



M
**CARLISLE
CITY COUNCIL**



www.carlisle.gov.uk

Governance Directorate

Director of Governance: M D Lambert LLB (Hons)

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Mr P Ruddick
Upperby Mens Institute
41 Lamb Street
Carlisle
Cumbria
CA2 4NF

Enquiries to:
Direct Dial:

Licensing
01228 817523
Jim Messenger

29 April 2015

Dear Mr Ruddick

Upperby Mens Institute

I acknowledge receipt of the minutes of your two meetings dated 31 March and 7 April 2015, these have been lodged with the premises file.

In order to ensure that the licensing authority is satisfied that the club continues to be established and conducted in good faith, I request that where there be any changes that would affect our thoughts on this, you should notify us at the earliest opportunity.

For your information Susan Stashkiw replaces me as Licensing Manager on 11th May 2015 and any further issues should be addressed to her or our colleague Fred Watson.

Yours sincerely

Licensing Manager

2

8468601

Fri 1st may
To whom it may concern

I am writing to yourselves to complain about the Upperby mens institute on lamb street Upperby Carlisle

As a member of the club now for many of years I feel that I have to take my complaint to you as my complaints to the chairman and his so called committee in there are falling on deaf ears. My self and many members are disgusted at the chairman spending all of the clubs money on his so called pool room which I can say is and will be a health hazzard to all that uses it, there is no health and safety in that room no fire alarm no fire extinguisher and not even a fire door or fire escape so god forbid what would happen if there was a fire in there?? He is spending or spent far too much on that room rather than spend it on up keep on the state of the clubs tiolets..... There is only 2 working ladies toilleets downstairs as one has been out of order now since at least last October... there is only 1 working mens cubicle downstairs and the urinals arnt working right as they always stink of urine, which I might add you can smell well in to the bar area on busy days... upstairs there is only 1 working mens urinal as the others ones havnt worked since well before xmas.. One of them is leaking and has had for some time now a smelly dirty carrier bag wrapped round it. The 1 mens cubicle upstairs is always getting blocked up aswell.. Also I have to add the clubs pie warmer is a health hazzard, a mate of mine bought a sausage roll the other sun and when he bit in to it it was like sawdust.. When he complained to a committee man he had said that it had been in there for 2 days??? And he added that they can be in there for that long. Surley they cant sell food that had been on display and heated up for that long?? When I asked a member of staff how long they had been in there she didn't know as they were in there when she started her shift, you would think they would keep some kind of log incase some one gets ill.... Please can you help us get those disgusting toilleets sorted and some kind of control on the pies, if you ask the chairman anything you either get a mouth full of abuse or will be looking at a punch in the mouth off him

Thank you
Rather mad member

10

8th may 2015

To whom it may concern

I am writing this letter to you to express my serious concerns about the goings on in the Upperby Mens Institute 41 Lamb street ca24nf...

The chairman in there Mr John Paul Ruddick better known as SCUD is running the entire place to suit himself

He is running the place in to the ground with his bullying and threatening goings on, not only has he totally handpicked all of the committee in there where he always gets his own way he is now forcing out all the staff in there that have worked there for years simply because they know far to much of there goings on

UPPERBY MENS INSTITUTE LTD
41 LAMB STREET
CARLISLE
CA2 4NF

Tel: 01228 528574



Susan Stashkiw,
Licensing Manager
Carlisle City Council,
Civic Centre
CARLISLE
CA3 8QG

18th May 2015

Dear Susan,

I congratulate you on your new appointment as Licensing Manager. I refer to a letter from Jim Messenger dated 29th April 2015 (copy enclosed).

I shall be obliged if you will clarify the second paragraph to me regarding changes "that would affect your thoughts that the licensing authority is satisfied that the club continues to be established and conducted in good faith".

We always maintain to ensure the Club is conducted to the highest standards and are concerned that there is any doubt on this point. Can you please advise what changes you refer to and that you are satisfied that the Club is being established and conducted in good faith.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "L. Baker".

LINDA BAKER
CLUB SECRETARY

**CARLISLE
CITY COUNCIL**



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Governance Directorate

Director of Governance: M D Lambert LLB (Hons)
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Upperby Mens Inst Committee
41 Lamb Street
Carlisle
Cumbria
CA2 4NF

Enquiries to:
Direct Dial:

Licensing
01228 817029
Susan Stashkiw

27 May 2015

Dear Sirs

Club Premises Licence Conditions

Further to your letter of 18th May 2015, I enclose a copy of your clubs mandatory conditions and conditions consistent with your operating schedule.

I am sure in Mr Messengers' letter of 29th April 2015; he was referring to the fact that the Licensing Section must be satisfied that all these conditions are being adhered to at all times. Failure to do so could cause concern and may warrant action on our part if brought to our attention.

I also hold a copy of your 'club rules' booklet of which I am sure you will also follow at all times.

I trust this clarifies the situation.
Assuring you of our best attention at all times.

Yours faithfully

Licensing Manager

R
1

Wed 27th may 2015

RECEIVED
- 2 JUN 2015
LICENSING

To whom it may concern

I am writing to you and I hope you can intervene and sort out the bar management at the Upperby mens inst in Carlisle.

They are currently running the club without the stewardess as the chairman has suspended her weeks ago basically because he doesn't like her and wants her out just because she stands up to him, I feel sorry for allison as she has worked there for over 20 years and is loved by all the members, she wont stand for all his dodgy goings on in there and the way his wife is acting?

There is hardly any staff in there and the chairman has now got the committee working behind the bar, not only are none of trained none of them have a clue what they are doing, I dread to think what would happen in there if health and safety were to go in as none of them are trained to pull a pint let alone change a barrell ect ect, but the main reason why I am writing in is because on many occasions now the bar manager mrs carly Ruddick who is the chairmans wife has been working behind the bar whilst she is very very drunk. She is drinking a lot whilst she is on duty, the other fri when somebody went out side whilst she was having a smoke as they wanted served because she always leaves the bar un attended he was told to f**K OFF al serve you when I am ready, then the other wed night when again she was the only person behind the bar she was so drunk that she fell asleep and her own father who was in playing bingo had to serve for her behind the bar, this is disgusting behaviour abd she only gets away with it as she is the cahirmans wife and none of the committee will say anything to her,

The chairman mr paul Ruddick is also behind the bar a lot aswell and he also drinks a lot whilst serving,, he is now running the club like a pub and the members are disgusted at the way the club is going down hill fast

Surley you are not allowed to work behind the bar while you are drinkin or drunk but this seems to be the way of the club at the minute with staff and committee always drinking whilst they are behind the bar

Also the bar never seems to close on time either as many a time when myself and friends are leaving they are still serving, I live local and on a fri night its 3 or 4 am when I can hear people leaving

I really do hope you can go in and sort this place out as at the minute the club is a joke

thanks

S/
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

CLUB MEMBERSHIP NO [REDACTED]
SAT 13TH JUNE 2015

DEAR KEN

I AM WRITING THIS LETTER TO COMPLAIN ABOUT THE WAY THE STEWARDESS OF THE UPPERBY INST 41 LAMB STREET CARLISLE CA24NF IS BEING TREATED BY THE COMMITTEE SHE HAS BEEN SUSPENDED NOW FOR OVER 6 WEEKS WHILE THE COMMITTEE ARE DOING AN INVESTIGATION ABOUT HER.

IT IS AN ABSOLOUTE DISGRACE THE WAY THEY ARE TREATING HER AND I ASWELL AS MANY OTHER MEMBERS IN THERE FEEL THAT THE INVESTIGATION IS WELL OUT OF THERE LEAUGE AND THEY HAVE NO IDEA OF WHAT TO DO AND FEEL THE INVESTIGATION IS NOW MORE OF A WITCH HUNT AND IT IS NOT BEING DONE FAIR AT ALL, YOU WOULD THINK THAT OVER 20 YEARS OF HER EMPLOYMENT THEY WOULD GIVE HER SOME RESPECT AND INSURE EMPLOYMENT LAW IS FOLLOWED. PLEASE CAN YOU CONTACT THE CLUB AND ADVISE OF WHAT THEY SHOULD BE DOING IN A SITUATION LIKE THIS

THANK YOU AND KIND REGARDS

[REDACTED]
[REDACTED]

T.
1.
Hi Kenneth,

You will recall I contacted you a while ago to voice some concerns I had regarding the chair of the club and the running of the same, unfortunately I again feel it necessary to bring to your attention a few ongoing concerns, In particular with reference to the totally unfair treatment of Alison Wilson.

As you are aware I worked behind the bar for around two years and as a result got to know both staff and regulars quite well, I continued to visit the club as a customer mostly on a Wednesday evening to help call bingo and also play bingo.

NOT 30 minutes
I am aware that Alison is currently not working at the club due to what I can only describe as a personal vendetta I believe Paul (chair) has against her. I genuinely believe she has been unfairly treated since Paul became the chair and has had to endure what I can only describe as numerous verbal attacks from him. He is dam right rude and walks around like he owns the place, he breaks the rules constantly, drinking behind the bar, using foul language, closing early on occasion, allowing his children in the bar to name only but a few.

Alison was the manager whilst I worked their and I always found her approach to be fair whereas as soon as he became chair he was the complete opposite and was totally unapproachable and acted like he was the manager as it was his club, I therefore made the decision to leave working there.

I currently no longer attend the club like many others as he is just rude and obnoxious.

I'm finding it very difficult to comprehend that he can and is getting away with everything that he is just because he is the chairman. He has gathered all his friends to become committee members and when I attended the AGM he behaved absolutely disgustingly towards myself and refused to allow me to join the committee on the basis that I had not been a member for six months yet then told me that I should have always been a member even when I was employed their. It is absolutely clear to me that since he became the chairman his goal was to get rid of both Les and Alison and not only get his wife a job behind the bar (which might I add would be absolutely fine if she didn't get drunk and play the bandits whilst supposedly working) and then pay himself 16 hours a week for being the chairman.

I would rather my complaint remain confidential as he can be very intimidating and although I felt it necessary to raise the issues as above I'd rather their were no repercussions for myself which I believe there would be if he was made aware of my details.

Added this on the end

I am worried that the club will end up closing as a result of his behaviour / actions / abysmal running of the club and hope that the CIU can assist Alison in returning to the club, he should not be allowed to use his role to intimidate people the way that he does and he seems to have no regard for employment law whatsoever and just breaks every rule going and does as he pleases.

Membership no [REDACTED]

u.
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
14TH JUNE 2015

DEAR SIR,

AFTER DISCUSSING MATTERS WITH A FEW MEMBERS I FEEL THE NEED TO WRITE TO YOU ON OUR BELHALF TO MAKE A COMPLAINT ABOUT THE RUNNING OF THE UPPERBY MENS INSTITUTE ON LAMB STREET IN CARLISLE.

I HAVE BEEN A MEMBER OF THE CLUB FOR YEARS BUT SADLY DUE TO RECENT VERY BAD MANAGEMENT BY THE COMMITTEE THE CLUB IS STRUGGLING TO SURVIVE. THE CHAIRMAN, VICE CHAIRMAN AND SECRETARY SEEM TO BE UNAPPROACHABLE AND DO NOT SEEM TO KNOW HOW TO MANAGE THE CLUB. THE RECENT TREATMENT OF OUR CLUB STEWARDESS HAS BEEN NO LESS THAN DISGRACEFUL. SHE HAS WORKED THERE FOR 20 YEARS, KNOWS THE JOB INSIDE OUT AND IS VERY TRUSTED AND LIKED BY MANY MEMBERS. SADLY DUE TO HER STICKING UP FOR HERSELF AND HAVING A VOICE AGAINST THE SAID THREE MEMBERS OF THE MANAGEMENT COMMITTEE ABOVE, THEY SEEM TO BE WAGING A PERSONAL VENDETTA AGAINST HER AND ARE TRYING ALL SORTS OF THINGS TO GET RID OF HER. AS I MENTIONED EARLIER, I FEEL THAT THIS IS COMPLETELY DISGRACEFUL. SHE HAS BEEN SUSPENDED NOW FOR WEEKS BUT IT SEEMS OK FOR A BAR MANAGER MRS CARLIE RUDDICK WHO IS BY THE WAY THE CHAIRMANS WIFE TO GET REALLY DRUNK WHILST INCHARGE OF THE BAR AND THEN FALL ASLEEP IN THE LOUNGE AREA IN FRONT OF ABOUT 20 MEMBERS. HER DAD WHO WAS IN WITH HIS GIRLFRIEND THEN HAD TO TAKE CHARGE OF THE BAR!!! SHE DRINKS ALL THE TIME AND IS ALWAYS PLAYING THE BANDITS WHICH, I UNDERSTAND THE STAFF ARE NOT ALLOWED TO

DO WHEN THEY ARE ON DUTY. SINCE ALISON HAS BEEN
SUSPENDED THERE ARE NO RULES FOR THE STAFF IN
THERE AND SOME OF THEM SEEM TO BE JUST DOING AS
THEY PLEASE. THERE ARE ALSO CHILDREN IN THE BAR
AND LOUNGE AREAS RUNNING AMOK WHERE THEY ARE
NOT ALLOWED. MAY I ADD THAT MEMBERS AREN'T
ALLOWED TO TAKE THEIR CHILDREN IN UNLESS IT'S A
PRIVATE FUNCTION IN THE CLUBS CONCERT ROOM.
MEMBERS WERE COMPLAINING THE OTHER DAY AS A
BABIES DIRTY NAPPY WAS LEFT STINKING IN A BIN UNDER A
TABLE IN THE LOUNGE. PLEASE CAN YOU COME IN AND
HELP GET OUR STEWARDESS BACK WHERE SHE BELONGS
BEHIND THE BAR AND SORT OUT OUR PATHETIC
COMMITTEE.

THANKS



UMI CLUB MEMBERSHIP NO 

V.
UPPERBY MENS INSTITUTE LTD
41 LAMB STREET
CARLISLE
CA2 4NF

Tel: 01228 528574

Sue Stashkiw
Licensing Manager
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

31st October 2015

Dear Sue,

I refer to our recent meeting at the Council Offices regarding the Clubs Premises Licence with F. Watson. I reported my meeting to the committee at a full meeting on Wednesday 21st October 2015.

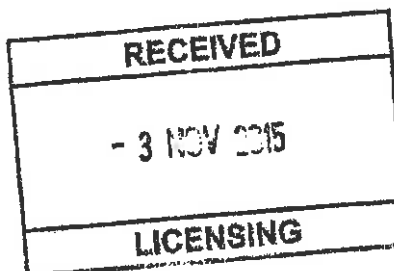
The Committee voiced their serious concerns and have asked if you could possibly attend a meeting at the club with F. Watson. As most of the Committee have day jobs they wondered if this could be arranged for 6.30 pm at an evening of your choice.

Your earliest response would be appreciated.

Yours sincerely,



LINDA BAKER
CLUB SECRETARY



W.

Lamb street
Carlisle
Cumbria
28/10/2015

Dear sir/madam

I am a resident of lamb street Upperby Carlisle, I am writing this letter today after talking to some of my neighbours about the Upperby mens club that is situated right in front of my house....

I would say for at least the past 6-7 months the coming and goings from the club are really shocking and to be honest a damn right pain for us living on the street.

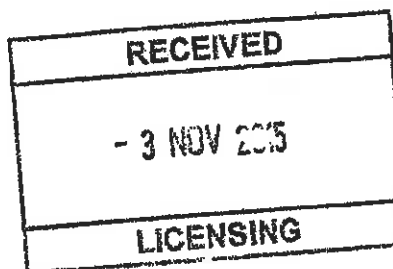
The times that people are locking the place up are a bit disturbing and they have no manners at all as the noise from them is disgusting, in to the early hours of the morning you can hear loud foul and abusive language coming from either the clubs smoking shelter or from people leaving the club.

I my self am not a member of the club and I never have been as I am not a drinker but there seems to be a pattern over the last few months, mainly Friday and Sunday nights are the worst.. Some Friday nights its inbetween 3-5 am when its getting locked up and loud drunk people leaving. Friday just gone you could clearly hear at least 3 loud women in the smoking shelter when they were out having a cigarette and it was nearly 5am when it was getting locked up, the other Sunday night it was after 530 am when you could hear people leaving and it getting locked up. And nearly once a month on a Sunday starting around 930 am a lot of people are seen with pool cues going in to the club and they have been seen outside at 10am drinking in the smoking shelter.. I have looked on line at the club opening times and its nothing untill 11am and the latest on a weekend is 1am so right away you can see that they are selling alcohol after the right time...

I have lived here for many years and have never really had a problem with noise from the club but with having small children I am very concerned about this ongoing problem, please could you have a word with about there relaxed opening times and about the noise in the smoking shelter . If this matter isn't addressed soon I will be seeing some more of the residents near by and we will contact our local mp.

Thank you for your time

Resident of lamb street



Nicola Edwards

Subject: FW: Upperby Men's Institute.

From: Brooks, John [<mailto:john.brooks@cumbria.police.uk>]
Sent: 20 October 2015 11:57
To: Susan Stashkiw
Cc: Andy Hanson; Campbell, Stuart; Sherlock, Jon; Howard, David
Subject: Upperby Men's Institute.

Good Morning Sue,

As requested please find below an overview of the meeting that Sgt Stuart Campbell & myself attended with Fred & Nicola at the above premises on Friday 16th October 2015.

We met with the following persons;

Mr John Paul Ruddick, Chairman

Mrs Linda Baker, Club Secretary

Mr Malcolm Gardner, Committee Member.

We were able to enter the premises through the main entrance doors that were insecure at the time despite secure access facilities provided that were deactivated.

Initially Mr Ruddick outlined that the front door was broken and not capable of being electronically secured and then he activated the system (via a green box on the side entrance) enabling access to be controlled.

Mr Ruddick provided a working demonstration of the controlled entry utilising his key fob that worked.

However, the main entrance door when opened remains wedged open and does not close thereby permitting entry to anyone.

The Club Premises Certificate (CPC) and club rules were available for examination and we established from the outset that no one had any understanding of their club rules or the CPC.

The Club would appear to be openly used for functions that were taking place at the weekend (pool completion on Saturday) where members of the public were going to be freely allowed admission.

We also established they were hosting three functions planned towards the end of the month where it would appear members of the public would be freely allowed entry.

Advice was given in respect of the rules of the club that permit a member to introduce 3 guests (Rule 34) and further advice was provided in respect of the TEN procedure to facilitate members of the public.

The CPC was discussed that contains conditions that are in some instances are some - what woolly, outdated and duplicated with separate legislation in particular fire safety.

The CPC Summary comprising of 2 pages were correctly displayed in a display cabinet located on the ground floor.

Also displayed were pages 1 & 2 of the CPC that I suggested should be removed.

Annex 1

As the CPC has not been updated since the introduction of the updated mandatory conditions all members of staff were totally oblivious of the updated mandatory conditions in particular age verification.

The mandatory conditions attached include the following;

Conditions for club premises with off sales

1) The supply of alcohol for consumption off the club premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.

2) Any alcohol supplied for consumption off the premises must be in a sealed container.

3) That any supply of alcohol for consumption off the premises must be made to a member of the club in person.

The mandatory conditions also contain an embedded condition in relation to recorded music that will have been transferred across from the '64 Act that is some -what unclear;

Provision may be made for the public entertainment in the premises by the reproduction of wireless (including television) broadcasts (or of programmes included in any programme service [within the meaning of the Broadcasting Act 1990] other than a sound or television broadcasting service), or of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

General

The Club Management, Stewardess and Bar Staff are aware of the Licensing Act 2003 objectives and statutory requirement to comply with the relevant provisions of the Act. We believe that our Club Rules and the conditions relating to our existing Certificate, have already proved to be quite adequate, in respect of all four objectives, thus while we have no specific proposals for further improvement, we are always prepared to accept further advice.

- On speaking with staff they have no idea of the four licensing objectives or any statutory requirements to comply with the relevant provisions of the Act.

The prevention of crime and disorder

All past Certificates have been issued subject to inspection/approval by the police, whom have never objected to any application, during my 29 years as Club Secretary. Warning notices are posted against Drugs, Contraband goods, misbehaviour etc., and we have rarely ever, needed to call in the police. Admission to the premises is confined to Members and bona fide guests, and is continuously monitored/controlled, via a computerised/CCTV door entry system.

- This condition is somewhat outdated now bearing in mind there is a new Club Secretary who has been in post since October 2014.
- Warning notices regarding drugs are on display but I would suggest that staff are playing 'lip service' to these notices that have no real value or meaning in support of the licensing objectives.
- Admission as highlighted above is not confined to members & bona fide guests and I would suggest is neither continuously monitored or controlled.

CD12

A tamper proof CCTV system shall be installed at the premises in liaison with and to the satisfaction of the Cumbria Police Licensing and Community Safety Officers and shall be used to record during all hours that a licensable activity takes place on the premises.

- I have spoken with the Constabularies Crime Prevention Officer & the system would appear to have not been checked that comprises of some 8 cameras.
- It has not been established if the system covers all public areas including all entrances and exits.
- The system is contained within a secure cabinet & office.
- We were unable to establish if the system records as no one could operate the system.
- A CCTV monitor has been installed in the downstairs bar to assist bar staff manage the door control system. The monitor provides a live image of members (and guests) entering the premises that is available to view by anyone stood at the public side of the bar.
- Advice was given to the repositioning of this monitor to ensure that only staff can monitor the images.
- The system is registered with the ICO registration certificate Z6595611 refers.
- However; the data controller identified as Mr Leslie Armstrong is no longer employed at the premises.
- I have recommended that the ICO be updated with a new data controller.
- There was no CCTV signage on the exterior of the premises to allow members & their guests know they are in an area where a surveillance system is in operation. A sign was found inside the premises but there were no details of the organisation operating the system, the purpose for using the surveillance system and who to contact about the scheme.
- I have recommended that signage be enhanced.

CD14

Where CCTV equipment is fitted, it shall be maintained in good working order in accordance with the manufacturer's instructions.

- As above, unable to check as no one could operate the system.
- I have recommended that there are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998.

CD16

The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days.

- As above, unable to verify.

Public Safety

- I did not go through the 18 or so conditions attached that largely relate to fire safety. I am aware from the last responsible authority meeting that the fire officer is satisfied with fire safety.

The prevention of public nuisance

- Not discussed.

The protection of children from harm.

- There was no evidence of any challenge 21 or 25 posters in place at any of the bars.
- There was no evidence of a written age verification policy.

ANNEX 3 - CONDITIONS AS A RESULT OF A HEARING

The outside area may be used for the consumption of beverages only between the hours of 11.00am and 10.00pm and no drinks in open canisters shall be taken out of the Premises at any other time.

- Unable to establish if this condition is being adhered with in the absence of incident book.

There shall be no waitress service to the outside seating area.

- Unable to establish if this condition is being adhered with.

No drinks shall be taken to the outside seating area other than in polycarbonate glasses. For the avoidance of doubt, no glass bottles or glasses shall be taken outside at any time.

- We were informed that polycarbonate glasses were provided at the premises but it is unclear if this condition is being adhered with in its entirety.

There shall be no regulated entertainment in the outside seating area.

- Unable to establish if this condition is being adhered with.

No children shall be permitted in the outside seating area at any time.

- Unable to establish if this condition is being adhered with.

The CCTV system currently installed at the Premises in compliance with the condition attached to the Premises Licence shall be extended to cover the outside seating area.

- A single CCTV camera covers the exterior drinking area located at the front of the premises.

Employees of the Club must make regular checks of the outside seating area to ensure that patrons are not causing a nuisance to residents by way of noise or disorder and, if they are, action must be taken to desist this. A written record must be kept showing the dates and times of the checks and any action taken. It is the opinion of the Sub-Committee that these checks should be carried out frequently and at least every hour.

- Checks are conducted but the written records comprise of a simple 'tick list' which did not contain dates of when these checks are conducted and we are unable to establish if this condition is being adhered with.

- Advice & guidance was given to the introduction of an incident preferably an A4 view to day diary to record activities performed by staff in support of the licensing objectives and conditions attached to CPC.

As discussed with you briefly yesterday , I would suggest that the Club Secretary Linda Baker is oblivious to the concerns that we all have in relation to the management of the premises.

I recommended that she attended a meeting with yourself away from the Club and away from Mr Ruddick that may prove beneficial.

Both Stuart & myself reiterated our concerns regarding the management of the premises in particular surrounding drug misuse associated with the premises that resulted in the drug search conducted at the premises last month in line with our powers contained within S97 LA 2003.

Whilst I acknowledge that many Clubs across the County are struggling and do flout their CPC status by providing commercial services to the public, this type of alleged criminal activity is to my knowledge unheard of.

I would respectfully suggest that whilst you seek legal advice in respect of the action to be taken;

- A written account is provided to the Club Secretary outlining the meeting that took place on Friday and the steps required in support of the licensing objectives, compliance with their club rules and conditions attached on their CPC.
- Further audited meetings at the Club are conducted to ensure that the Club Management are now complying with their club rules and conditions attached within the CPC.
- A joint licensing visit / inspection is conducted after 10pm to establish if the premises are being managed correctly.
- Consideration of a further drug search operation at the premises utilising our specialist teams.
- Consideration of a test purchase operation at the premises that I am aware is currently being planned by Trading Standards later this month / early November.

Invariably, this structured approach will provide further evidence to assist you with your application to withdraw their CPC in line with S90 LA 2003 or support ;

1. a review application in line with S 87 LA 2003 and / or
2. instigate prosecution proceedings for offences contrary to S136 LA 2003 where conditions attached to the CPC are not being adhered with.

Kind regards

john

PC John Brooks
Force Alcohol & Licensing Co ordinator

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of the
UPPERBY MEN'S
INSTITUTE LIMITED

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1965 to 1968

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6. Shares

Shares shall not be withdrawable or transferable and shall be of the value of 25p.

No member shall hold more than one share, and no interest or dividend shall be paid upon it. A member shall forfeit his share on ceasing from whatever cause to be a member.

7. Admission of Members

Any two members of not less than six months standing may propose and second a candidate for membership provided they are able from personal knowledge to vouch for his respectability and fitness to be a member and both shall sign a nomination form to this effect. The candidate shall deposit the full amount payable for one share. Such sum deposited shall be returned in the event of non-acceptance as a member. The candidate shall sign such (if any) declaration of his concurrence with, and adherence to, the purposes of the club as shall be required by the committee. The election shall be by the committee, and the candidate and his proposer and/or seconder shall be required to appear in person before the committee. No candidate shall be elected who is under 18 years of age or an employee of the club. The name and address of the candidate, with the names of his proposer and seconder, shall be prominently displayed in the principal club premises in a part frequented by the members, for at least seven days before the day on which his name is submitted for election. Every member on election shall be supplied

with a copy of the rules, at such charge, not exceeding 10p as the committee may determine from time to time.

8. Membership of the Union

The club must hold a fully paid share in the Working Men's Club and Institute Union Limited, (hereinafter referred to as "the Union") in order that each member of the club may be entitled to all the privileges of the Union, subject to its rules. A person on becoming a member of the club shall be supplied with Associate and Pass Cards at the prevailing rates charged by the Union for any period for which he has paid his subscription or been granted life membership of the club.

9. Admission of Associates

So long only as the club shall hold a share in the Union all Associates of the Union shall subject to the following provisions of this rule be admitted to the club premises, and intoxicating liquor may be supplied to them by or on behalf of the club for consumption on the premises. An Associate before being admitted to the club must produce his subscription card (showing that his current subscription to his club has been paid), the Associate Card of the Union and the current Pass Card issued by the Union, and must write his name and that of his club in the Union Associate Book, to be kept for that purpose. The doorkeeper or other appointed official shall compare the signature in the book with that on the Associate Card, and on being satisfied that the signatures correspond shall admit the Associate. Associates shall

19. Orders

No officer or committee member of the club shall by virtue of his appointment, have power to order goods or dispose of the funds of the club. No goods or labour shall be supplied, nor any contract entered into for work to be done for the club, nor any office of salary, profit or remuneration, be held by any member of the committee, nor shall any honoraria be paid to committee members, unless authorised by a general meeting or on the authority of two officers in an emergency for the benefit of the club.

20. Officers

(1) The club shall have the following officers: A chairman, vice-chairman, treasurer and secretary. The chairman, vice-chairman and treasurer shall be elected by ballot at the elections held each year following the annual meeting and shall remain in office until their successors are appointed. The secretary shall be elected by ballot and shall remain in office during the pleasure of the club.

Any of the officers shall be removable at any time provided two-thirds of the members present at a special meeting called for that purpose shall vote in favour of such removal.

In the event of a vacancy arising amongst the officers by death, resignation, or other cause, apart from suspension or expulsion the vacancy shall be filled, the committee having power to appoint a member to fill the vacancy. Any member so appointed shall hold office for

the unexpired period for which his predecessor was elected. This provision shall not apply to the office of secretary. In the event of a vacancy arising in the office of secretary, the same shall be filled by ballot. The scrutineers last appointed shall obtain nominations and arrange for holding a ballot under the supervision of the chairman. Seven days shall be allowed for nominations and the ballot shall be held on three successive days within the following seven days. The result shall be declared by the scrutineers by notice posted in the club. Any officer shall vacate his office if suspended from membership under Rule 14 or upon ceasing membership from any cause. A vacancy occurring on the suspension or expulsion of an officer shall not be filled until the hearing of any arbitration appeal made in accordance with the rules. Any change in the office of secretary must be notified by the chairman or secretary within 42 days to the Magistrates Clerk.

The officers of the club shall receive such honorarium, if any, or in the case of the secretary such salary, as the committee or a general meeting may from time to time determine. Every officer dealing with club moneys shall be insured with a recognised guarantee society for the due performance of his duties in such sum as the committee or a general meeting may determine.

The Chairman

(2) The chairman, or in his absence, the vice-chairman, or in the absence of both such officers, an

elected chairman shall take the chair at all general meetings and managing committee meetings of the club.

Treasurer

(3) The treasurer shall pay all moneys received by the club from any source whatever, without any deduction for any purpose whatever, to the credit of an account opened in the name of the club at such bank and in such manner as the committee may direct, and further, shall keep such accounts and pay such debts of the club as the committee shall direct, and shall, when required to do so, render to the committee, or a general meeting, an account of any moneys received and expended by him.

Secretary

(4) The secretary shall be the executive officer of the club. He shall keep upon the club premises a register of the names and addresses of the club members and a subscription book, in which shall be recorded the payments of such members. He shall carry out the directions of the committee, and subject to such directions, shall receive moneys on account of the club, and pay them to the treasurer; and keep such accounts as the committee may direct. He shall attend all meetings of the committee and Finance Committee or any other sub-committee if so directed, take minutes of the proceedings, prepare accounts and balance sheets, and submit them to the auditor.

***Cumbria & District Branch of the
Working Men's Club & Institute Union Limited***



***President: W Turner
Secretary: K Brown C.M.D.***

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To Licensing Office, Carlisle City Council,

In reply to your enquiry in relation to the general conditions which a club must meet in order to be considered a qualifying club I can state:

The club can change its rules following a meeting of the members for that purpose; the club must display the motion on the notice board for two weeks prior to the meeting. Once the motion is passed by the membership then the rule change **must** be recorded with the rules secretary at the C&IU and the FCA, before the rule change becomes effective.

If a club accepts members (without carrying out nomination procedure) as soon as the fee is paid, then the club has breached its own rules as there have been no amendments to rule 7 as far as I can ascertain

The club are clearly in breach of condition 3 if they have failed to honour the trading agreements and loan repayments with both suppliers of alcohol.

The Cumbria branch will only supply the club with goods on a cash basis, due to the club failing to pay for goods in the past and issuing cheques for payment which have bounced. The Cumbria branch of the C&IU have had to take the club to the small claims court and obtain a CCJ against the club for payment.

While it is a recommendation from the C&IU that employees should not be a member of the club as it can cause a conflict of interest, it is up to the club as to how it applies this recommendation.

Both the previous club secretary & Stewardess have both reached settlements with the club following their dismissals and are awaiting their compensation payments.

The club are quite clearly in breach of their CPC as the certificate is issued as a result of the club complying with its own rules, quite clearly this is not the case at Upperby for the reasons stated under not only this section it fails, but all the rest listed.

The club are not operating as a club in accordance with its own rules, a person cannot become a member without the club following the rules as laid out in their rule book, if the club are breaching this rule or chose to disregard the rules, then they are at risk of losing the CPC.

It would appear from the complaints I have received from members of this club that the current regime are running this club more like a public house than a club.

I hope that this brief report is helpful. I am only too pleased to assist in the future if required.

Kind Regards

Ken Brown CMD

I am Margaret Moir. I have been employed by Carlisle City Council as a District Environmental Health Officer for the last thirteen years. Upperby Mens Institute, Lamb Street Carlisle fall within my enforcement remit in respect of food hygiene, health and safety and nuisance legislation.

On 19 March 2015 I had reason to visit the premises due to receipt of a complaint.

On arrival I immediately noticed very loud music. This was of concern because there had previously been issues with noise nuisance from the smoking shelter. As I walked towards the premises I became aware that the source of the music was from a car that was parked beside the smoking shelter and was surrounded by a group of young men.

When I got to the building entrance I noted the front door was open. This was unusual because at all previous visits it was necessary to press the buzzer to get someone to let me in. During my visit anyone could have walked in as it appears that there was no monitoring of the entrance.

On entering the bar area I had to wait to speak to the barmaid due to the number of people waiting to be served. This was also unusual because at all previous visits there had only ever been a few customers. Just before I was able to speak to the barmaid I noted that one of the young men who had been with the group outside was served. After introducing myself and explaining why I was there, I mentioned about the noise outside to which the barmaid told me that people outside were workmen and didn't usually drink there. She called over a gentleman who she told me was on the committee and who as far as I am aware went out to speak to the group.

On driving away from the premises after completion of my business, I found my windscreen was cracked in my line of vision and my driver's side window was scuffed.

