

# CARLISLE CITY COUNCIL

Report to:-

**THE CHAIRMAN AND MEMBERS OF THE LICENSING SUB  
COMMITTEE**

Date of Meeting:-

Friday 2<sup>nd</sup> November 2007

Agenda Item No:-

**AI**

Public	Operational	Delegated Yes	
Responsible Authority Representations	Representations	Included	Attending
Environmental Protection Services	Yes	Yes	Yes
<b>Interested Party Representations</b>			
Mr Purdham	Yes	Yes	Yes
Mr Robinson	Yes	Yes	Yes
S Beardwood	Yes	Yes	Yes
T Watson	Yes	Yes	Yes
Mr & Mrs Phinn	Yes	Yes	Yes
Mr & Mrs Armstrongn	Yes	Yes	Yes
Mr & Mrs Rayson	Yes	Yes	Yes
K Culley	Yes	Yes	Yes
M Waters	Yes	Yes	Yes
A Robinson	Yes	Yes	Yes
Mr & Mrs Forsyth	Yes	Yes	Yes
Mr & Mrs Hind	Yes	Yes	Yes
Mr & Mrs Cranston	Yes	Yes	Yes
Mr Glencross	Yes	Yes	Yes
Mr & Mrs Teasdale	Yes	Yes	Yes
Mr Grant	Yes	Yes	Yes

Title:-

**UPPERBY MENS INSTITUTE, 41 LAMB STREET, CARLISLE.  
APPLICATION TO VARY A CLUB PREMISES CERTIFICATE.**

Report of:-

**HEAD OF LEGAL & DEMOCRATIC SERVICES**

Report reference:-

**LDS. 70/07**

## Summary:-

Application is made to extend the supply of alcohol to members and bona fide guests, to the boundaries of the club property.

## Recommendation:-

It is recommended that the Sub-Committee determine the application in accordance with one of the options set out in paragraph F.

J A Messenger, Licensing Manager

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:- The Application and written comments from persons living in the vicinity, copies of which are attached to this report.

To the Chairman and Members of the Licensing Sub Committee on Friday 2<sup>nd</sup>  
November 2007

**A. THE APPLICATION  
(Appendix 1)**

**Applicant**

The Club Committee, Upperby Mens Institute, 41 Lamb Street, Carlisle.

**Premises**

Upperby Mens Institute, 41 Lamb Street, Carlisle. **(Appendix 2 - Area Plan)**

**History**

In 2005 Upperby Mens Institute successfully applied to convert their club certificate into a Club Premises Certificate under the Licensing Act 2003.

The Club Committee has now applied to extend the supply of alcohol to members and bona fide guests to the boundaries of the Club property including the car park area **(Appendix 4)**. This is also to accommodate the new smoking legislation. No other changes to the Club Premises Certificate have been applied for.

**The Club Premises Certificate authorises the carrying out of the following Club Activities:**

Supply of Alcohol to a member On and Off the premises -

Sunday – Thursday	11am until Midnight
Friday - Saturday	11am until 1am
Bank Holidays	11am until 1am
Christmas Eve	11am until 1am
New Years Eve	11am until 1am

Sale by retail to guest of member for consumption on premises –

Sunday – Thursday	11am until Midnight
Friday – Saturday	11am until 1am
Bank Holidays	11am until 1am
Christmas Eve	11am until 1am
New Years Eve	11am until 1am

Performance of live music (indoors)

Sunday	Noon until 1130pm
Monday – Saturday	11am until 1130pm
Bank Holidays	11am until 1am

Christmas Eve	11am until 1am
New Years Eve	11am until 1am

#### Playing or recorded music (indoors)

Sunday – Saturday	11am until 1130pm
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#### Provision of facilities for making music (indoors)

Sunday	Noon until 1130pm
Monday – Saturday	11am until 1130pm
Bank Holidays	11am until Midnight
Christmas Eve	11am until Midnight
New Years Eve	11am until Midnight

#### Provision of facilities for dancing (indoors)

Sunday - Saturday	11am until 1130pm
Bank Holidays	11am until Midnight
Christmas Eve	11am until Midnight
New Years Eve	11am until Midnight

A copy of the current Club Premises Certificate, including the conditions, is attached **(Appendix 3)**.

Club Premises Certificate Holder - The Committee

Supply of alcohol is for consumption to members both on and off the premises.

The area for the licensable activities are indicated on the plan **(Appendix 4)**

Additional steps to promote licensing objectives **(Appendix 1, para. P)**

### **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 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.
- (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**

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.

**Advertising**

Copies of the application were forwarded to the Responsible Authorities.

The application was advertised on the premises as well as in a local newspaper.

## **B. RELEVANT REPRESENTATIONS**

### **Responsible authorities:**

#### Environmental Health

Environmental Health raise issues regarding possible public nuisance should the application be successful (**Appendix 5**).

### **Interested parties:**

#### Persons living in the vicinity –

There are 15 letters from residents wishing to raise objections to the proposed variation application:

Mr Purdham	(Appendix 6)
Mr Robinson	(Appendix 7)
S Beardwood	(Appendix 8)
T Watson	(Appendix 9)
Mr & Mrs Phinn	(Appendix 10)
Mr & Mrs Armstrong	(Appendix 11)
Mr & Mrs Rayson	(Appendix 12)
K Culley	(Appendix 13)
M Waters	(Appendix 14)
A Robinson	(Appendix 15)
Mr & Mrs Forsyth	(Appendix 16)
Mr & Mrs Hind	(Appendix 17)
Mr & Mrs Cranston	(Appendix 18)
Mr Glencross	(Appendix 19)
Mr & Mrs Teasdale	(Appendix 20)
Mr Grant	(Appendix 21)

They raise concern at the potential for public nuisance, disorder and protection of children. They point out that the area is a residential area.

On 21<sup>st</sup> August 2007 members of the club committee attended the Civic Centre when an informal meeting was held with some of the residents who are objecting to the variation. No agreement was reached.

## **C. LOCAL LICENSING POLICY CONSIDERATIONS**

The Licensing Act 2003 requires the Council to publish a Statement of Licensing Policy that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

Members should have regard to all relevant information and it is considered that the following sections of the policy, (though not exclusively) have a bearing upon the application. Paragraph numbers are taken from the policy:

### Introduction

- 1.2 Carlisle City Council is a licensing authority (the Authority) for the purposes of the Act. The Authority must carry out its licensing functions with a view to promoting the four licensing objectives, which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

- 1.10. In determining its policy, the Authority considered the provisions of the Act and had particular regard to:

- the licensing objectives;
- the guidance issued by the Secretary of State under section 182 of the Act;
- the representations made following consultation;
- its duties and obligations under other legislation, including:

Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for his home and private life; and
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including, for example, the possession of a licence.

Crime and Disorder Act 1998 – section 17 of that Act imposes a duty on local authorities to exercise their functions with regard to the impact on crime and disorder and the need to do all it reasonably can to prevent crime and disorder in its area.

- 1.19. The Act limits the representations which can be made about licence applications and who can make such representations. Essentially, representations must relate to one or more of the licensing objectives and must be made by a person living or working in the vicinity of the premises or an organisation which represents such persons. Anyone considering making an objection is invited to discuss their objection with licensing officers prior to submitting their representation.

n.b. The term "vicinity" is used within the Licensing Act 2003 on a number of occasions and, in particular, with reference to those "interested parties" who may lodge objections to applications for premises licences and who may make representations concerning existing premises licences. Section 13(3) defines an "interested party" as being "a person living in the vicinity, a body representing persons living in the vicinity, a person involved in a business in the vicinity or a body representing those persons".

The Act does not define the term "vicinity", therefore where the question arises, it is the responsibility of that particular Licensing sub committee considering the application, to determine in each case which person or body is considered to be living in the "vicinity".

### Fundamental Principles

- 2.1 The policy will promote the four licensing objectives contained in the Act, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. These are the only matters that will be taken into account in determining applications and any conditions imposed must be necessary to achieve these.
- 2.2 Nothing in the Statement of Licensing Policy will undermine the rights of any person to apply under the Act for a variety of permissions and have their application considered on its individual merits as well as against the relevant policy and statutory framework. It does not override the right of any person to make representations on any application or to seek a review of a licence or certificate where they are permitted to do so under the Act.
- 2.3 All licensing applications will be determined on their individual merits following consideration of the proposals in the application and any relevant representations. In general, licences will be granted on the terms applied for, but licences will not normally be granted in terms which conflict with any of the policies in this document, unless an applicant is able to demonstrate that the exceptional circumstances of their application justify a departure from the policy. The Authority will not depart from the policy if any of the licensing objectives will be undermined by a proposal in the application.
- 2.4 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act. The licensing function cannot be used for the general control of anti social behaviour once consumers are beyond the direct control of the individual, club or business holding the licence, certificate or other authorisation concerned. However the Authority expects holders of a licence, certificate or permission, to make every effort to minimise the impact of their activities and anti social behaviour by their patrons within the immediate vicinity of their premises.

### 4.2 General Policy

#### 4.2.1. Consideration of the impact of licensable activities



4.2.2. In the event of relevant representations when considering an application for a licence, the authority may take into account the following factors in assessing its likely impact on the licensing objectives in addition to other relevant matters:

- the nature of activities proposed;
- the number of customers likely to attend the premises and the type of customers expected;
- the location of the premises;
- the proposed hours of operation;
- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by the customers;
- the physical and accessible nature of the premises;
- the level of likely car parking demand in relation to the use of the premises in comparison with the existing situation and the likely effect on the movement of priority traffic;
- the cumulative impact of licensed premises in an area;
- the scope for mitigating any impact;
- how often the activity is to occur.

4.2.3. In considering any application where premises are already licensed, or have in the past been licensed for any of the licensable activities (under this or previous legislation), the Authority will take into account any evidence from a responsible authority or interested party of demonstrable adverse impact from the activity in the past. If adverse impact has been caused, consider whether appropriate measures have been proposed or put into effect by the applicant to mitigate that adverse impact. The authority will also consider any changes of circumstances, or evidence that the premises have been well run since the past problems occurred.

#### Reason

The prime purpose of this policy is to promote the licensing objectives. In furtherance of this aim the policy lists particular matters that the Authority will take into account in considering whether a licensed activity is likely to cause an adverse impact.

The aim of the policy is to achieve a balanced approach to these issues.

#### 4.3. Prevention of Crime and Disorder

##### 4.3.1 General Policy

The Authority's starting point is to seek a reduction in crime and disorder throughout the District, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998.

Licences may be granted if applicants can demonstrate that a positive reduction in crime and disorder will result, or that it will not increase, as a result of the application being granted.



#### 4.3.4. Carlisle and Eden Crime and Disorder Reduction Partnership

Where appropriate, applicants will be expected to have regard to the information published by the Carlisle and Eden Crime and Disorder Reduction Partnership and consider the impact of their proposals on the issues identified as being of particular concern in the area for example:

- violent crime;
- fear of crime;
- road safety;
- anti-social behaviour.

Applicants will be expected to propose steps to reduce the risks of such crimes increasing as a result of the licensable activities proposed.

#### Reason

The prevention of crime and disorder is one of the licensing objectives, which the Authority is under a duty to promote. The Authority recognises that some licensed premises can attract or encourage criminal behaviour, especially disorder problems where customers have consumed alcohol.

#### 4.5 Prevention of Public Nuisance

##### 4.5.1 General policy on Licensing Hours

4.5.2. The Authority recognises that fixed and artificially early closing times can lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at the same time. Longer licensing hours, particularly relating to the sale of alcohol, may therefore be a factor in reducing disorder at late night food outlets, taxi ranks and other sources of transport in areas where there have already been incidents of disorder and disturbance.

4.5.3. The Authority will not seek to introduce any form of 'zoning' in relation to licensing hours. Zoning is defined as the setting of fixed trading hours within a designated area. All residents living in the vicinity of licensed premises have equal rights to make representations concerning applications for, and reviews of, premises licences, including hours of trading and to have those representations given equal weight regardless of where they live.

4.5.5. In general, the Authority will deal with the issue of licensing hours on the individual merits of each application. However, in the event of relevant representations, when issuing a licence stricter conditions are likely to be imposed with regard to noise control in the case of premises that are situated in predominantly residential and other noise sensitive locations.

#### Reason

Experience in other areas shows that zoning can lead to additional problems including the movement of people in search of premises opening later and can put greater pressure on town centres than is necessary.

4.5.6. Policy - Location of premises

4.5.7. The Authority will assess the potential impact of the premises against the characteristics of the area in which they are situated. For example, in the event of representation being made there would be close scrutiny of applications for a closing time of later than 11pm in respect of premises situated in quiet residential or other noise sensitive locations with low background noise. Greater flexibility on closing times would be considered where for example, applicants could demonstrate that:

- there is a high level of accessibility to public transport services;
- there is an appropriate amount of car parking, readily accessible to the premises, and in places where vehicle movement will not cause demonstrable adverse impact to local residents;
- the operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance;
- the licensable activities would not be likely to cause adverse impact especially on local residents, or that, if there is a potential to cause adverse impact, appropriate measures are to be put in place to prevent or minimise that impact.

Reason

This part of the policy dealing with opening hours is based on a broad distinction between the approach to be taken in certain predominantly commercial areas like parts of the town centres and the rest of the District.

Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the footway. Public nuisance may also be caused by customers being noisy when leaving, leaving litter or taking up on-street car parking space needed by residents. The impact of noise generated by these activities, especially customers departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.

Parts of the District are sensitive to the impact of licensable activities because they are either residential or close to residential areas. Many shopping areas are abutted by residential areas, including housing above commercial premises. The impact of traffic and parking related to licensed premises can be considerable. Even where a majority of customers arrive on foot or by public transport, the additional parking demand may be significant, especially where there are already a number of licensed premises. The impact may be felt by local residents in preventing them

from parking close to their homes and by increasing the danger from traffic in residential streets.

However, some commercial areas in the District, such as parts of town centres, may be more suitable locations for licensed activities, especially for those that have late opening hours or attract significant numbers of people. In town centres, more customers are likely to travel by public transport and the activities may help bring vitality to the area after normal shopping hours. The ambient noise levels are also likely to be higher in the evening, particularly when compared with predominantly residential areas so that additional noise may be less objectionable.

An entertainment use attracting large numbers of people should be very close to bus routes or taxi ranks, for instance. For the same reasons, the level of public transport accessibility will be an important factor in considering any exception to the normal closing times in any location.

#### 4.5.8. Noise

##### Policy

4.5.9. In the event of representations, the Authority will not normally grant a premises licence in terms which are, in its opinion, likely to result in increased noise disturbance to people living or working in the vicinity.

4.5.10. In particular, the Authority will give careful consideration to an application for a licence, for premises situated in a predominantly residential or other noise sensitive locations where the proposed hours of operation would be likely to result in unreasonable noise disturbance between the hours of 11pm and 7am.

4.5.11. The Authority expects the applicant to assess the likely sources of noise disturbance that could arise due to the proposed use consider the existing noise context of the area and propose practical steps to prevent noise disturbance or minimise its effects.

4.5.12. Potential sources of noise include:

- sound leakage from the licensed premises (from entertainment provided, customers on the premises, mechanical equipment etc);
- customers and staff arriving and leaving the premises (including car doors slamming);
- excessive noise from outside entertainment.

4.5.13. Practical steps could include:

- keeping doors and windows closed whilst entertainment is provided;
- installing soundproofing measures to the premises (specialist double glazing, acoustic hoods over extractor fan outlets etc);
- reducing sound levels inside the premises (inclusion of a sound limitation device in the sound system);

- ensuring that queues are directed to form leading away from residential premises;
  - ensuring that sufficient door security staff manage queuing and leaving customers to minimise noise;
  - erecting prominent notices at exits requesting customers to leave quietly;
  - reducing the volume of music entertainment towards the end of the evening;
  - giving free lollipops to customers leaving the premises;
  - ensuring that sufficient transport is nearby to enable customers leaving the premises to disperse quickly;
  - banning from the premises customers known to cause noise disturbance regularly on leaving the premises;
  - ensuring that customers are encouraged to leave the premises (including any car park or forecourt) swiftly;
  - ensuring the volume of outdoor entertainment does not cause noise disturbance;
  - providing police supervision at closing times.
- 4.5.14. The Authority may impose conditions to ensure that appropriate steps are taken to minimise noise disturbance.
- 4.5.15. Live music, dancing and theatre
- 4.5.16. The Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the economy and community, particularly for children and young people.
- 4.5.17. When considering applications for such events and the imposition of conditions on licences or certificates, the Authority will carefully balance the cultural needs with the necessity of promoting the licensing objectives.
- 4.5.18. Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where limited disturbance only may be caused.

#### Reason

The prevention of public nuisance is a licensing objective. Noise disturbance can be a public nuisance. The authority is required to promote the licensing objectives. Granting a licence in circumstances where nuisance is likely to be caused will undermine that objective. The Authority recognises that noise from licensed premises can cause great disturbance to people living and working near those premises. The authority recognises that noise can be a nuisance during the day and at night in both residential and commercial areas and other noise sensitive locations if not properly managed or controlled.

#### 4.5.19. Tables and chairs outside premises including garden areas.

##### Policy

- 4.5.20. The Authority recognises that provision of tables and chairs outside premises, either on the highway or on private land, may enhance those premises. It can have the benefit of encouraging a continental-style café culture. However, late at night these same tables and chairs can contribute to noise and disorder problems. This is because they can encourage patrons and passers by to loiter rather than disperse. Licensees should note that in certain areas, byelaws prohibit the consumption of alcohol in public. Before planning to use tables and chairs outside premises (particularly where it is intended that alcohol will be sold) applicants should ensure that they will not contravene any byelaws or orders. Applicants should also ensure that other legislation, for example in relation to highways and planning will not be contravened.
- 4.5.21. In the event of representations being made, the Authority will carefully consider any application where outdoor tables and chairs are proposed to be provided. In particular, the Authority will assess the premises in the context of their location, the hours during which the premises are to be open, the proposed licensable activities and proposals for control of the tables and chairs outside the hours of operation.

##### Reason

This policy is designed to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to prevent safety and nuisance problems.

- 4.8.4. Where relevant representations are received, the Authority will consider those representations together with any representations of the applicant, having regard to the provisions of this policy, the law and government guidance. Where relevant representations have been made, the Authority will not normally grant a licence in terms which conflict with this policy statement. In particular it may:
- reject the application – if to do so is necessary to promote the licensing objectives and none of the following actions is reasonably practicable;
  - grant the licence but exclude from its scope one or more of the licensable activities applied for in order to ensure that the licence complies with this policy and promotes the licensing objectives;
  - grant the licence but modify such of the conditions imposed as is necessary to ensure compliance with this policy and to promote the licensing objectives;
  - grant the licence but refuse to specify a particular person in the licence as the designated premises supervisor if to name that person would undermine the promotion of the licensing objectives;
  - approve different parts of the premises for different activities.



#### **D. NATIONAL GUIDANCE (Section 182 Licensing Act 2003)**

Section 182 of the Licensing Act 2003 states that the Secretary of State must issue guidance to local authorities on the discharge of their functions under this Act. Amended guidance was laid before Parliament on 28 June 2007 and came into force on that date.

Members should have regard to all relevant information and it is considered that the following extracts from the Guidance, (though not exclusively) have a bearing upon the application:

National guidance regarding Public Nuisance:

- 1.32 The 2003 Act requires licensing authorities (following receipt of representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on the persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 1.33 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low level nuisance perhaps affecting a few people living locally as well as major disturbances affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of the licensed premises.
- 1.34 Conditions relating to noise nuisance will normally concern steps necessary to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of the specified premises. Licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 1.35 As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the vicinity of the premises. But as stated earlier in this Guidance, the approach of licensing authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that



other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be necessary.

- 1.36 Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave.
- 2.38 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.
- 2.39 Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

National guidance regarding imposing conditions:

- 10.11 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions. It may then only impose conditions that are necessary to promote one or more of the four licensing objectives. Such conditions must also be expressed in unequivocal and unambiguous terms to avoid legal dispute.

National guidance regarding control of areas outside the premises:

13.16 Statements of policies should make clear that:

- licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act, and
- the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.

- 13.17 Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. But statements of licensing policy should make it clear that in addressing this matter, the licensing authority will primarily focus on

the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned.

13.18 A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

#### **E. OBSERVATIONS**

Pursuant to the Licensing Act 2003, the Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

In making its decision, the Committee is also obliged to have regard to Guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy.

The Committee must also have regard to the representations made and the evidence given before them.

#### **F. OPTIONS**

The Committee may take such of the following steps as it considers necessary for the promotion of the licensing objectives:

As a guide members may:

1. Grant the application as requested.
2. Modify the conditions of the licence, by altering or omitting or adding to them.
3. Reject the whole or part of the application.

When considering their decision, members should refer to paragraph 4.8.4 of the Council's statement of Licensing Policy with regard to the options they should consider.

The Committee is reminded that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

Prepared by F Watson, Licensing Officer

App 1

RECEIVED  
23 JUL 2007

CA15

Carlisle City Council

Licensing Manager, Civic Centre, Carlisle CA3 8QG  
Tel: 01228 817523 Fax: 01228 817023  
Email: [licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk)



Application to vary a club premises certificate to be granted  
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING APPLICATION

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

UPPERBY MENS INSTITUTE LTD  
(Insert name of club)

club applies for a club premises certificate under section 84 of the Licensing Act 2003 for the premises named in Part 1 below

Club premises certificate number

CP 023

Part 1 – Club premises details

Name of club

UPPERBY MENS INSTITUTE LTD

Postal address of premises, if any, or if none ordnance survey map reference or description

41 LAMB STREET.  
CARLISLE . CUMBRIA  
CA2 4NF

Post Town

CARLISLE

Postcode

CA2 4NF

Telephone number (if any)

01228 543104

E-mail address (optional)

Name of person performing duties of a secretary to the club

MR. LESLIE - S. ARMSTRONG.

Address of person performing duties of a secretary to the club

61 GREENGARTH

Post Town

CARLISLE

Postcode

CA2 4NF.

Daytime contact telephone number (if any)	01228 543104
E-mail address (optional)	

### Part 2 – Applicant details

Daytime contact telephone number (if any)	01228 543104		
E-mail address (optional)			
Current postal address if different from premises address	41 LAMB STREET		
Post Town	CARLISLE	Postcode	CA2 4NP

### Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Please tick yes ☒

Day Month Year

If not when do you want the variation to take effect from

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

THE VARIATION IS TO EXTEND THE SUPPLY OF ALCOHOL TO MEMBERS AND BONA FIDE GUESTS, TO THE BOUNDARIES OF THE CLUB PROPERTY. THIS IS ALSO TO ACCOMMODATE THE NEW SMOKING LAW.  
THERE ARE NO OTHER CHANGES.

If the club's proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

#### Part 4 – Club Operating Schedule

Please complete those parts of the Club Operating Schedule which would be subject to change if this application to vary is successful.

What qualifying club activities do you intend to conduct on the club premises which will be affected by your application?

##### Provision of regulated entertainment:

Please tick yes

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainments (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

##### Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I) ☐
- j) dancing (if ticking yes, fill in box J) ☐
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) ☐

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (if ticking yes, fill in box L) ☒

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 (if ticking yes, fill in box L) ☒

In all cases complete boxes M, N, O and P



# A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed					
Thur					
			<u>Non-standard timings. Where the club intends to use the premises for the performance of a play at different times from those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					



**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for the exhibition of film</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where the club intends to use the premises for the exhibition of film at different times from those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details here</b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Wed			
Thur			
Fri			<b>Non-standard timings. Where the club intends to use the premises for indoor sporting events at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Fri					
Sat					
Sun					
			<b><u>Non-standard timings. Where the club intends to use the premises for the boxing or wrestling entertainment at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)		

E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	
Tue				
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)	
Thur				
Fri			<b>Non-standard timings. Where the club intends to use the premises for the performance of live music at different times from those listed in the column on the left, please list</b> (please read guidance note 5)	
Sat				
Sun				

**F**

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Wed					
Thur					
			<u>Non-standard timings. Where the club intends to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non-standard timings. Where the club intends to use the premises for the performance of dance at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					



H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment that the club will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for this entertainment</u> (please read guidance note 4)		
Fri					
Sat			<u>Non-standard timings. Where the club intends to use the premises for this entertainment at different times from those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of facilities for making music that the club will be providing</u></b>			
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)			
					Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both	<input type="checkbox"/>		
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)			
Tue			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)			
Wed			<b><u>Non-standard timings. Where the club intends to use the premises for the provision of facilities for making music at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Thur						
Fri						
Sat						
Sun						

J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of facilities for dancing that the club will be providing</u></b>	
Day	Start	Finish	<b><u>Will the facilities for dancing be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3)	
Tue				
Wed			<b><u>State any seasonal variations for the provision of dancing facilities</u></b> (please read guidance note 4)	
Thur				
Fri			<b><u>Non-standard timings. Where the club intends to use the premises for the provision of dancing facilities at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Sat				
Sun				

K

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility the club will be providing</u></b>		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for the provision of this entertainment facility</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non-standard timings. Where the club intends to use the premises for the provision of facilities for this entertainment at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

L

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations</b> (please read guidance note 4)  UNCHANGED		
Mon					
Tue					
Wed					
Thur					
Fri					
			<b>Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list</b> (please read guidance note 5)  UNCHANGED		
Sat					
Sun					

NO CHANGES TO TIMINGS



M

<b>Hours club premises are open to the members and guests</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	UNCHANGED
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
<b>Non standard timings. Where you intend the premises to be open to the members and guests at different times from those listed in the column on the left, please list</b> (please read guidance note 5)			

N

<b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 8)
NONE

O

Please identify those conditions currently imposed on the certificate which you believe could be removed as a consequence of the proposed variation you are seeking

NONE

Please tick yes

- I have enclosed the club premises certificate
- I have enclosed the relevant part of the club premises certificate

☐  
☐

If you have not ticked one of these boxes please fill in reasons for not including the certificate, or part of it below

Reasons why the club has failed to enclose the club premises certificate or relevant part of it

**P** Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

AS PREVIOUS

b) The prevention of crime and disorder

“ “  
AS PREVIOUS

c) Public safety

“ “  
AS PREVIOUS

d) The prevention of public nuisance

“ “  
AS PREVIOUS

e) The protection of children from harm

“ “  
AS PREVIOUS

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities
- I understand that I must now advertise my application
- I have enclosed the club premises certificate or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

☒  
☒  
☒  
☒  
☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

**Part 5 – Signatures** (please read guidance note 10)

I LESLIE SHAWN ARMSTRONG  
 (Insert full name)

make this application on behalf of the club and have authority to bind the club

Signature	<u>L.S. Armstrong</u>
Date	<u>20<sup>TH</sup> JULY 2007.</u>
Capacity	<u>SECRETARY</u>

Address for correspondence associated with this application (please read guidance note 11)

UPPERBY MENS INSTITUTE LTD  
41 LAMB STREET

Post town	<u>CARLISLE</u>	Post code	<u>CA2 4NF</u>
Telephone number (if any)	<u>01228 543104</u>		
If you would prefer us to correspond with you by e mail your e mail address (optional)			

## Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for people to consume these off-supplies please include a description of where this will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. Please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively) where the activity will go on for an extra hour during summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock. (eg 16:00)
7. If the club wishes members and their guests to be able to consume alcohol on the premises please tick on. If the club wishes people to be able to purchase alcohol to consume away from the premises please tick off. If the club wishes people to be able to do both please tick both.
8. Please give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed by someone with the authority to bind the club.
11. This is the address which we will use to correspond with the club about this application.



# App 2



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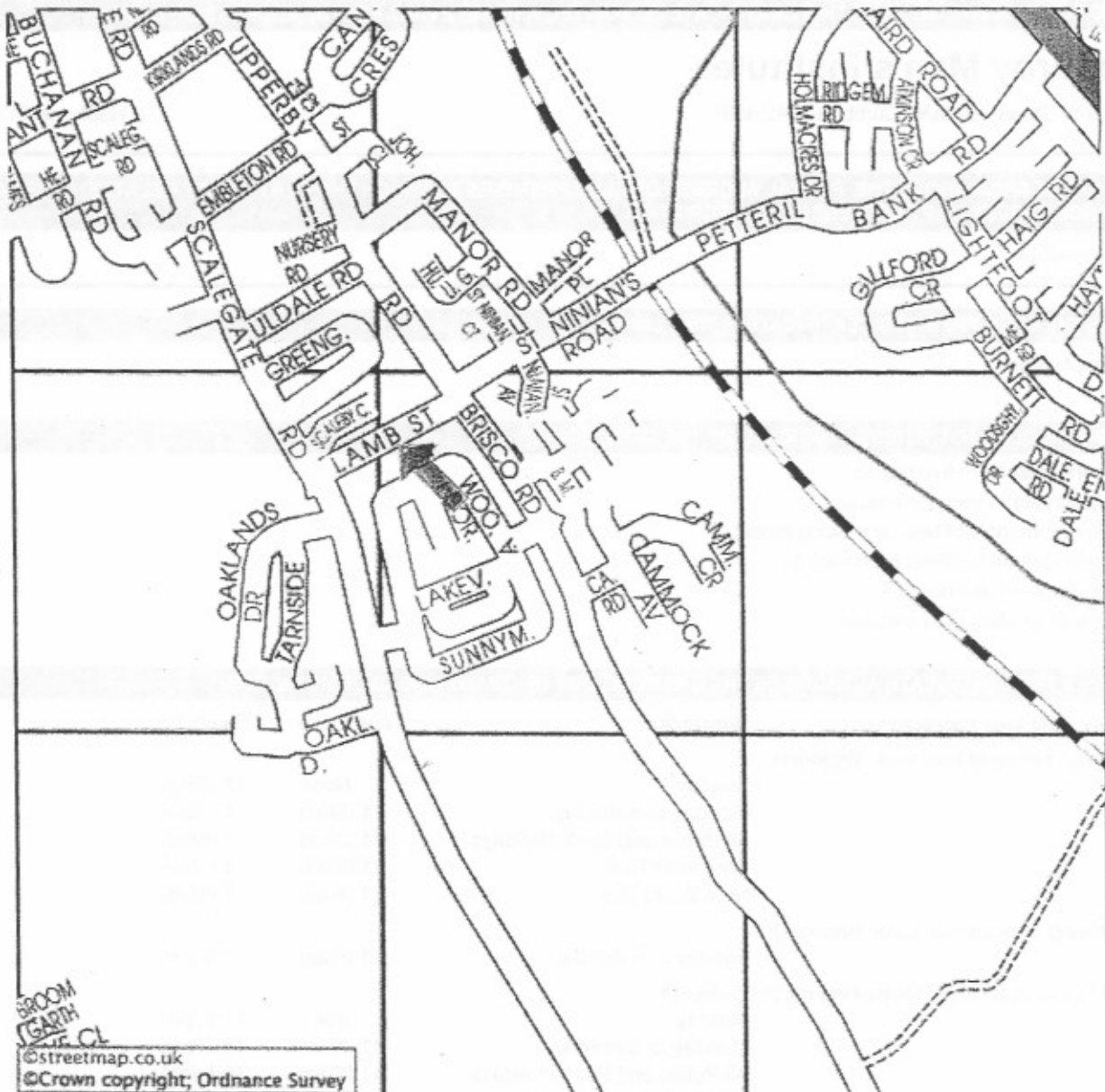
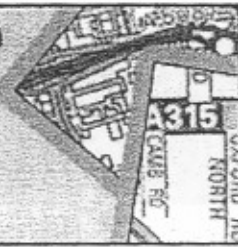
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City of



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
- entertainment facilities for making music
- entertainment facilities for dancing
- the supply of alcohol
- the sale of alcohol to a guest

### 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. Provision of facilities for making music (Indoors)	Sunday	Noon	11:30pm
	Monday to Saturday	11:00am	11:30pm
	All Public and Bank Holidays	11:00am	Midnight
	Christmas Eve	11:00am	Midnight
	New Years Eve	11:00am	Midnight
J. Provision of facilities for dancing (Indoors)	Sunday to Saturday	11:00am	11:30pm
	All Public and Bank Holidays	11:00am	Midnight
	Christmas Eve	11:00am	Midnight
	New Years Eve	11:00am	Midnight

L. The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON and OFF the premises

40



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
L. The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON and OFF the premises continued ...	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
L. 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
	New Years Eve	11:00am	1:00am

**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**

- L. The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON and OFF the premises
- L. 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**

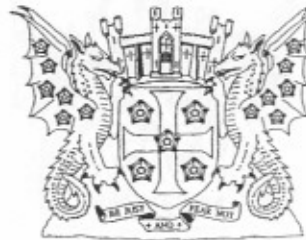
- 1) The supply of alcohol for consumption off the club premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- 2) Any alcohol supplied for consumption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



City of



Carlisle

Licensing Act 2003

## Club Premises Certificate

**CP023**

ANNEXES continued ...

(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 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

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City of



Carlisle

Licensing Act 2003

## Club Premises Certificate

**CP023**

### ANNEXES continued ...

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 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.

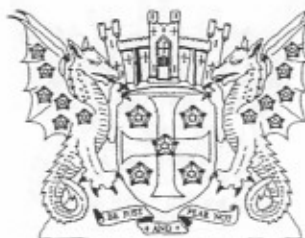
#### PS20

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





City of



Carlisle

Licensing Act 2003

## Club Premises Certificate

**CP023**

ANNEXES continued ...

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.
- (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.



City of



Carlisle

Licensing Act 2003

## Club Premises Certificate

**CP023**

### ANNEXES continued...

#### 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

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

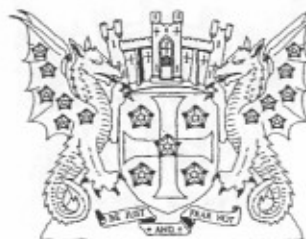
Club rules prohibit Members under the age of 18 years. Children are permitted to attend the occasional Member's private function - Christenings/Birthdays/ Weddings etc, as long as they are accompanied by adults, and restricted to the first floor Concert Room. Warning notices are posted in the Concert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

Not applicable



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
- entertainment facilities for making music
- entertainment facilities for dancing
- the supply of alcohol
- the sale of alcohol to a guest

### 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. Provision of facilities for making music (Indoors)	Sunday	Noon	11:30pm
	Monday to Saturday	11:00am	11:30pm
	All Public and Bank Holidays	11:00am	Midnight
	Christmas Eve	11:00am	Midnight
	New Years Eve	11:00am	Midnight
J. Provision of facilities for dancing (Indoors)	Sunday to Saturday	11:00am	11:30pm
	All Public and Bank Holidays	11:00am	Midnight
	Christmas Eve	11:00am	Midnight
	New Years Eve	11:00am	Midnight

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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
L. The supply of alcohol by or on behalf of a club, 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
L. 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
	New Years Eve	11:00am	1:00am

## 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

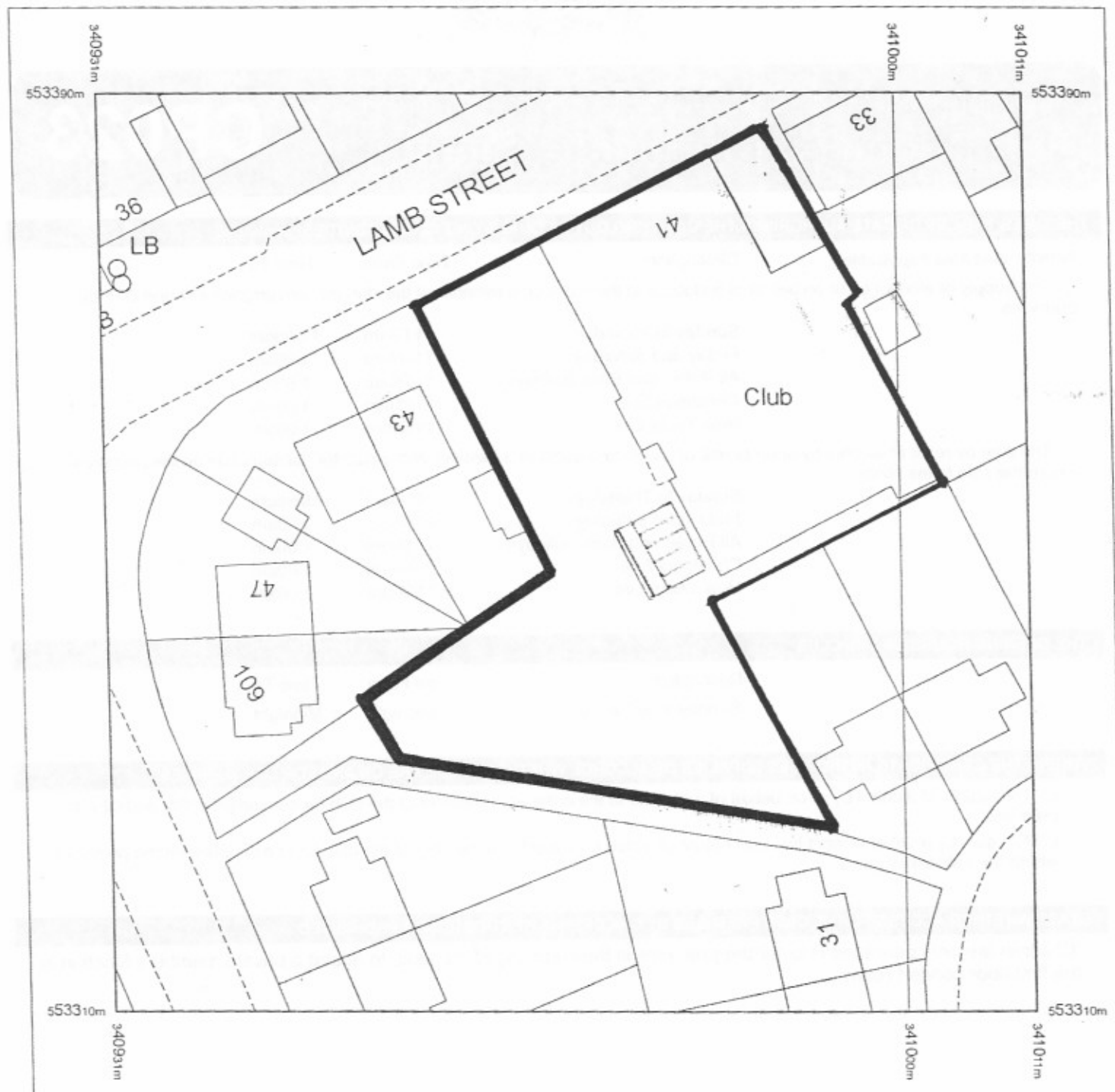
- L. The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON and OFF the premises
- L. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place

## 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.

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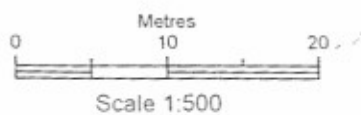
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**Diane Graham (Licensing)**

**From:** Jeff Downey  
**Sent:** 02 August 2007 12:24  
**To:** Licensing  
**Subject:** License Variation Application 20.7.07 - Upperby Men's Institute

The nature and scope of the variations presented within this application present a number of concerns in relation to public nuisance and safety standards, as outlined below.

**Scope of Licensed External Area**

The extension of the licensed area to the boundaries of the site as shown on the application drawing, would present the opportunity for customers, and therefore sources of potential nuisance, to locate very close to the neighbouring residential properties. It would also create difficulties for club staff to effectively supervise and control the behaviour and welfare of customers in these external areas.

Access to the external site area during the hours of licensed activities ie. sale of alcohol and entertainment, must only be via the main entrance doorway and not via other routes such as fire escapes, other than in cases of emergency. Otherwise, a significant risk of noise nuisance will be presented by the opening of doors and the resultant escape of sound towards neighbouring properties.

**Supply / Consumption of Alcohol Externally**

The nature of the "supply of alcohol" requested by the applicant in "Part 3 - Variation" of the application warrants careful consideration, and is not clear from the applicant's notes what is meant by this statement.

In view of the potential noise and safety aspects of the external areas I do not feel it appropriate for customers to be encouraged to remain outside the premises by the "active supply" of drinks to them eg. by a waiting service or the provision of off-sales from the club.

**Hours of Operation**

Due to the close proximity of residential properties, the use of any permitted external area should be limited to a reasonable hour, such as 10.30pm.

**Provision of Entertainment in External Licensed Area**

The provision of any live or amplified entertainment in, or direction of such entertainment media into, any licensed external area must not be permitted.

**Management and Supervision of External Areas**

As mentioned above, club management and staff must actively supervise the operation of any external areas to minimise the creation of noise nuisance, safety risks and litter. Any problems must be quickly resolved and effective action taken to prevent recurrence.

-----  
In view of these issues, but recognising the club's wishes to provide facilities for smokers to comply with smoke-free legislation, it is my opinion that any licensed external area should be limited to a small, suitably located facility for occasional use by smokers and their associates. This was discussed with the applicant when I visited the premises in relation to smokefree compliance and nuisance complaints on 2nd July 2007, and indeed it was the applicant who

confirmed at that time that he was considering only the provision of a limited smoking area beside the main doorway.

As such, I believe that dialogue is required with the applicant with a view to them refining the scope of the variation application and for them to provide written confirmation of the intended use of the external areas and management controls which will be exercised over any licensed / permitted activities therein.

I would welcome your guidance as to the most appropriate mechanism to do this, either for me to contact the applicant again directly or to set up a joint meeting involving the applicant, this department and the licensing team.

Many thanks. I look forward to hearing from you in due course.

Jeff Downey  
Environmental Health Officer - Food, Health and Safety Team  
Carlisle City Council

App 6

This is a letter of objection with regards to the change of license for the upperby men's institute.

<b>Location</b>	Upperby men's institute 41 lamb Street upperby Carlisle Ca24nf Tel 01228 543104
<b>Applicant</b>	UPPERBY MENS INST COMMITTEE
<b>Proposal</b>	Open Application <b>006063</b>
	TO EXTEND THE SUPPLY OF ALCHOHOL TO MEMBERS AND BONAFIDE GUESTS TO THE BOUNDARIES OF THE CLUB PROPERTY

#### 1. Description

The upperby men's institute is a two-storey building, located within residential area of the city

The Upperby men's institute installed four wooden picnic tables, with umbrellas, on 30/6/07 to the side of the entrance doors to club on the hard standing surface. Of the car park. As *temporary* facilities pending the installation of a permanent canopy (subject to appropriate permissions). in order to circumvent the smoking ban and Persons using external facilities *have been permitted to* bring drinks outside

#### Grounds:

We the neighboring residents strongly object to the proposed plans, as since the smoking ban was enforced the patrons of the upperby men's institute have used the car park as a smoking area come beer garden and since then we have all had to put up with a number of problems arising from this and we feel as a community that if the upperby institute were to be granted this change to there license the problems would escalate their proposed license changes would allow them to drink in the car park (legally) but we the residents believe that our quality of life will and has suffered due to this change because of a number of points

1.the locality of the area were they are and would be drinking in (subject to appropriate license permissions) and in which they propose to at some point build a conservatory styled roofed area partly covering a flagged patio area some 6.1m wide and 4.650m deep in total and 2.5m high, (subject to appropriate Licensing permissions)..

would have tables and chairs and would seat 30-40 people approximately is in an area in the car park which is Surrounded by several residential properties in fact like a cul-de-sac with houses on all sides which have rear windows overlooking the beer garden / smoking shelter. The nearest property's boundaries would be very very close to the proposed area. There is also a cut running along the far end of the car park from scailgate road to woodside north and across the road from the club there is one shop and 2 properties's which face directly on to the car park. many of the surrounding houses have children and there are senior citizens who live in the surrounding houses and many of the houses have dogs all of which will and are continuously being subjected to a growing antisocial disturbance.

2. because of the locality of the car park were they propose and are drinking in, is surrounded by houses the noise levels are amplified and also because it is in a highly built up area with not a great deal of traffic to drown the noise this will and has resulted in a number of the houses being woken up due to raised voices, shouting, laughing, The sound of ash trays being dropped and glasses smashing dogs barking and fire escape doors being slammed. As people are now using them as a short cut to the car park to smoke and drink in the temporary "beer garden" ,singing and at night when the natural noise level dips this level of noise is an antisocial problem

3. as most of the surrounding houses have gardens, kitchens, living areas, bathrooms and bedrooms overlooking the car park privacy has also been a problem in particular the fire escape door area which looks over a number of houses as it is the same level as the bedroom, bathroom areas and has been used by patrons as a short cut to the temporary beer garden area

4. as the car park were the proposed "beer garden" (subject to licensing permissions) site will be and were the temporary smoking/drinking tables are now is so close to the neighboring houses the children of these houses will and have been subjected to foul and abusive language all day as they are playing in there back gardens

5. it would also be a security issue as houses are now subjected to groups of rowdy, intoxicated people hanging around the backs of the houses till late hours of the night one house has all ready been subject to two young intoxicated individuals trying to jump over there hedge to get into there back garden in which resulted in the police being phoned this of course is a great worry to us all

6. Light pollution as if this change is received and they build an undercover seating area/drinking/smoking area it will be lit up till late at night which could result in light pollution

7. health and safety would be a problem as if the upperby men's institute were granted this change to license it would and does mean that the patrons who use the temporary beer/smoking area in the car park and will then go on to use the permanent

drinking/smoking area (subject to appropriate license permissions) would be put at risk from being knocked over by traffic coming in and out of the car park This danger would only escalate as people became more intoxicated and where the area is situated does not help as it bottle necks the entrance to the car park also it will and has caused an increase in congestion on lamb street as many cars are now using the main street to park as the temporary beer garden area has taken up some of the car park and it is now full with people, residents on lamb street have noticed it is increasingly difficult to get parked when they come home from work

8. We the residents have also had to put up with kids playing on the fire escape throwing things at houses, men urinating in the car park, large rowdy groups playing football in the car park, drunk men have also been seen streaking through the car park and there has been noise right up to 2:00 in the morning on some cases

We the residents do strongly believe that our quality of life will continue to suffer if the upperby men's institute is granted this change to license

Best regards the neighboring residents of the upperby men's institute

I a neighboring resident to the upperby men's institute strongly object to the proposed change of license due to all of the points mentioned in this letter of objection.

NAME John Purdham & Carrie Ann Gurkin

ADDRESS 33 Woodside North

Carlisle CA2 4NW

C. A. Gurkin



APP6

## **The Prevention of Crime and Disorder**

There is an increased risk of damage to private property and vehicles in the car park and area. The area if allowed also has the potential to increase acts of Crime and Disorder as houses are now subjected to groups of rowdy, intoxicated people hanging around the backs of the houses till late hours of the night one house has all ready been subject to two young individuals trying to get into there back garden at 01.45 in the morning in which resulted in the police being phoned this of course is a great worry to us all

(the club was also phoned at the time of the incident and it was reported to the bar man. the club was also phoned later in the day so we could speak to the secretary we were told he was at a wedding so we asked to speak to the committee chairman and we were told he was not there. I had just seen him going into the club 15 minuets before hand. We eventually got to speak to him but it seems to me that they are just trying to avoid the issue rather than trying to sort it out)

## **Public Safety**

We feel that public safety would be put further at risk due to the number of vehicles which use the U-M-I and the proposed area covers there entire car park and the people drinking in this area would be put at risk from been knocked over buy traffic coming in and out off the area. we have already noticed the increase in young families using this area with there children who are left to run round the car park Also the lack of car parking spaces at the U-M-I would mean an increase in congestion with consequent safety implications on lamb street and residents on lamb street have noticed it is increasngly difficult to get parked when they come home from work

## **Prevention of Public Nuisance**

At the moment the U-M-I are using temporary facilities pending the installation of a permanent canopy (subject to appropriate permissions). in order to circumvent the smoking ban and Persons using external facilities have been permitted to bring drinks outside, and if there where allowed to extend the supply of alcohol to the boundaries of the club property there would be nothing stopping the club from installing more wooden picnic tables, with umbrellas around the car park, or people sitting on the walls around the car park. If the attraction of the beer garden was to grow which would only increase the problem. Also if the supply of alcohol to a guest in this area was allowed you could not deter them from acting antisocially by removing there membership.

The frequency that the noise takes place has been a constant nuisance as the opening times are from 11. O'clock in the morning to late night 7days a week and because of the locality of the car park were they propose and are drinking in, is like a cul-de-sac with houses on all sides the noise levels are amplified and also because it is in a highly built up area with not a great deal of traffic to drown the noise or any natural sound barriers to help stop the noise. This will and has resulted in a number of the houses being woken this problem is also affecting people in the area that work mixed shifts. Due to raised voices, laughing, the sound of breaking glasses and ash trays been dropped, car stereos playing, people shouting from the cut to there friends that are in the temporary beer garden, dogs that can here the noise barking, singing and at night when the natural noise level dips fire escape doors being slammed or been left open at the top and bottom of the fire escape so that people could get in and out of the club. this also resulted in

people standing on the fire escape where they could see in to the bed rooms /living rooms and gardens of the neighboring houses and the noise pollution levels rising from inside the club {from the radio / the bingo and bands} this level of noise is an antisocial problem and has been reported to Ruth Harland team from the (Food, Health & Safety Carlisle City Council) there is also a growing problem of litter in the area from the temporary facilities.

### **Protection of children from harm**

The foul and abusive language has impacted on the young children in the area. (I have now had to stop my children from using the rear garden) they are now only allowed to play in the front garden and there is a danger they could get out on to the road and get knocked down. There has been people seen urinating in the car park. There have also been people seen running naked through the car park on two separate occasions. This has been reported to the health and safety team. Some of the houses have children at secondary school age how are studying for there G.C.S.E, s and there sleep pattern is been disturbed by the noise levels. My son is now frightened to go to bed on his own after the two young individuals were trying to get into our back garden. (He is also now having night mares) and he is constantly been woken up and he thinks it's the people trying to get in again

(Some of the points which I have pointed out in this letter are more than an antisocial problem, Up to now I feel I have been very patient with the U-M-I but if the problems continue I feel I will have no other option but to contact the police because the problems are only growing and I am not prepared to have my children subjected to this type of behavior)

---

Mr PURDHAM

33 WOODSIDE NORTH

UPPERBY

CARLISLE

CA24NW

APP 7

This is a letter of objection with regards to the change of license for the upperby men's institute.

<b>Location</b>	Upperby men's institute 41 lamb Street upperby Carlisle Ca24nf Tel 01228 543104
<b>Applicant</b>	UPPERBY MENS INST COMMITTEE
<b>Proposal</b>	Open Application 006063
	TO EXTEND THE SUPPLY OF ALCHOHOL TO MEMBERS AND BONAFIDE GUESTS TO THE BOUNDARIES OF THE CLUB PROPERTY

#### 1. Description

The upperby men's institute is a two-storey building, located within residential area of the city

The Upperby men's institute installed four wooden picnic tables, with umbrellas, on 30/6/07 to the side of the entrance doors to club on the hard standing surface. Of the car park. As *temporary* facilities pending the installation of a permanent canopy (subject to appropriate permissions). in order to circumvent the smoking ban and Persons using external facilities *have been permitted to* bring drinks outside

#### Grounds:

We the neighboring residents strongly object to the proposed plans, as since the smoking ban was enforced the patrons of the upperby men's institute have used the car park as a smoking area come beer garden and since then we have all had to put up with a number of problems arising from this and we feel as a community that if the upperby institute were to be granted this change to there license the problems would escalate their proposed license changes would allow them to drink in the car park (legally) but we the residents believe that our quality of life will and has suffered due to this change because of a number of points

1.the locality of the area were they are and would be drinking in (subject to appropriate license permissions) and in which they propose to at some point build a conservatory styled roofed area partly covering a flagged patio area some 6.1m wide and 4.650m deep in total and 2.5m high, (subject to appropriate Licensing permissions)..

would have tables and chairs and would seat 30-40 people approximately is in an area in the car park which is Surrounded by several residential properties in fact like a cul-de-sac with houses on all sides which have rear windows overlooking the beer garden / smoking shelter. The nearest property's boundaries would be very very close to the proposed area. There is also a cut running along the far end of the car park from scailgate road to woodside north and across the road from the club there is one shop and 2 properties's which face directly on to the car park. many of the surrounding houses have children and there are senior citizens who live in the surrounding houses and many of the houses have dogs all of which will and are continuously being subjected to a growing antisocial disturbance.

2. because of the locality of the car park were they propose and are drinking in, is surrounded by houses the noise levels are amplified and also because it is in a highly built up area with not a great deal of traffic to drown the noise this will and has resulted in a number of the houses being woken up due to raised voices, shouting, laughing, The sound of ash trays being dropped and glasses smashing dogs barking and fire escape doors being slammed. As people are now using them as a short cut to the car park to smoke and drink in the temporary "beer garden", singing and at night when the natural noise level dips this level of noise is an antisocial problem

3. as most of the surrounding houses have gardens, kitchens, living areas, bathrooms and bedrooms overlooking the car park privacy has also been a problem in particular the fire escape door area which looks over a number of houses as it is the same level as the bedroom, bathroom areas and has been used by patrons as a short cut to the temporary beer garden area

4. as the car park were the proposed "beer garden" (subject to licensing permissions) site will be and were the temporary smoking/drinking tables are now is so close to the neighboring houses the children of these houses will and have been subjected to foul and abusive language all day as they are playing in there back gardens

5. it would also be a security issue as houses are now subjected to groups of rowdy, intoxicated people hanging around the backs of the houses till late hours of the night one house has all ready been subject to two young intoxicated individuals trying to jump over there hedge to get into there back garden in which resulted in the police being phoned this of course is a great worry to us all

6. Light pollution as if this change is received and they build an undercover seating area/drinking/smoking area it will be lit up till late at night which could result in light pollution

7. health and safety would be a problem as if the upperby men's institute were granted this change to license it would and does mean that the patrons who use the temporary beer/smoking area in the car park and will then go on to use the permanent



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8. We the residents have also had to put up with kids playing on the fire escape throwing things at houses, men urinating in the car park, large rowdy groups playing football in the car park, drunk men have also been seen streaking through the car park and there has been noise right up to 2:00 in the morning on some cases

We the residents do strongly believe that our quality of life will continue to suffer if the upperby men's institute is granted this change to license

Best regards the neighboring residents of the upperby men's institute

I a neighboring resident to the upperby men's institute strongly object to the proposed change of license due to all of the points mentioned in this letter of objection.

NAME KENNETH ROBINSON  
ADDRESS 32 LAMB ST,  
UPPERBY, CARLISLE  
CUMBRIA, CA24NF



**Section 3 - Information and details of the representation.**

Please note that your representations must be relevant to one of the four licensing objectives and must relate only to the variation of the existing licence. Any objections to the terms and conditions of the current licences held by the applicant, should have been made when they were renewed by the Courts or Local Authority.

This representation relates to the following licensing objective(s). Detail the evidence supporting your representation or the reason for your representation against the appropriate objective (use separate sheet if necessary).

<b>Prevention of crime and disorder</b>	MEMBERS AND NON-MEMBERS USING THE CAR PARK FOR SMOKING AND DRINKING AND CAUSING A DISTURBANCE OUT INTO THE EARLY HOURS. LOCAL UNDERAGE DRINKERS REGULARLY SOBER IN THE CAR PARK AND SITTING ON THE WALL BORDERING LAMB STREET, WHILST CONSUMING ALCOHOL. THESE ACTIONS ARE NOT WHAT YOU WOULD EXPECT IN A RESIDENTIAL AREA
<b>Public safety</b>	IT IS NOW DANGEROUS FOR DRIVERS HAVING TO MANOEUVRE IN THE CAR PARK. ELDERLY RESIDENTS FEEL THREATENED BY YOUNGSTERS SITTING DRINKING ON THE WALL BORDERING LAMB STREET. GLASSES AND BOTTLES BE LEFT AROUND WHICH COULD BE USED AS WEAPONS, OR BEING A HAZARD TO CARS WHEN BROKEN. FIRE DOORS BEING USED AS EXIT AND ENTRY RESULTING TO LEAKAGE OF NOISE ESPECIALLY WHEN LIVE MUSIC OR DISCOS ARE PLAYING.
<b>Prevention of public nuisance</b>	ROUDDY DISTURBANCES CAUSED BY INTOXICATED MEMBERS AND NON MEMBERS LEAVING THE PREMISES AS LATE AS 2.30 AM. RECENT EXAMPLES INCLUDE SOMEONE STREAKING NAKED ALONG LAMB STREET. I BELIEVE THE MANAGEMENT COMMITTEE ARE AWARE OF THE PROBLEM BUT TO DATE HAVE NOT TAKEN ANY ACTION. LOUD MUSIC BEING PLAYED MUCH LATER THAN THE PERMITTED HOURS TO THE DETRIMENT OF RESIDENTS TRYING TO SLEEP.
<b>Protection of children from harm</b>	UNSUPERVISED MAJORS CONGREGATING IN THE CAR PARK BEING IN DANGER TO VEHICLE MANOEUVRES THEY COULD ALSO BE IN DANGER FROM INTOXICATED ADULTS OR SEXUAL PREDATORS. YOUNGSTERS WITNESSING EXPOSED TO DRUNKEN BEHAVIOUR BEING LED TO BELIEVE THAT THIS IS NORMAL.
Please provide as much information as possible to support your representation. Note that if you have not disclosed some information, you may not be able to introduce it at the hearing unless all the other parties consent.	

App 8

This is a letter of objection with regards to the change of license for the upperby men's institute.

<b>Location</b>	Upperby men's institute 41 lamb Street upperby Carlisle Ca24nf Tel 01228 543104
<b>Applicant</b>	UPPERBY MENS INST COMMITTEE
<b>Proposal</b>	Open Application 006063
	TO EXTEND THE SUPPLY OF ALCHOHOL TO MEMBERS AND BONAFIDE GUESTS TO THE BOUNDARIES OF THE CLUB PROPERTY

#### 1. Description

The upperby men's institute is a two-storey building, located within residential area of the city

The Upperby men's institute installed four wooden picnic tables, with umbrellas, on 30/6/07 to the side of the entrance doors to club on the hard standing surface. Of the car park. As *temporary* facilities pending the installation of a permanent canopy (subject to appropriate permissions). in order to circumvent the smoking ban and Persons using external facilities *have been permitted to* bring drinks outside

#### Grounds:

We the neighboring residents strongly object to the proposed plans, as since the smoking ban was enforced the patrons of the upperby men's institute have used the car park as a smoking area come beer garden and since then we have all had to put up with a number of problems arising from this and we feel as a community that if the upperby institute were to be granted this change to there license the problems would escalate their proposed license changes would allow them to drink in the car park (legally) but we the residents believe that our quality of life will and has suffered due to this change because of a number of points

1.the locality of the area were they are and would be drinking in (subject to appropriate license permissions) and in which they propose to at some point build a conservatory styled roofed area partly covering a flagged patio area some 6.1m wide and 4.650m deep in total and 2.5m high, (subject to appropriate Licensing permissions)..

would have tables and chairs and would seat 30-40 people approximately is in an area in the car park which is Surrounded by several residential properties in fact like a cul-de-sac with houses on all sides which have rear windows overlooking the beer garden / smoking shelter. The nearest property's boundaries would be very very close to the proposed area. There is also a cut running along the far end of the car park from scailgate road to woodside north and across the road from the club there is one shop and 2 properties's which face directly on to the car park. many of the surrounding houses have children and there are senior citizens who live in the surrounding houses and many of the houses have dogs all of which will and are continuously being subjected to a growing antisocial disturbance.

2. because of the locality of the car park were they propose and are drinking in, is surrounded by houses the noise levels are amplified and also because it is in a highly built up area with not a great deal of traffic to drown the noise this will and has resulted in a number of the houses being woken up due to raised voices, shouting, laughing, The sound of ash trays being dropped and glasses smashing dogs barking and fire escape doors being slammed. As people are now using them as a short cut to the car park to smoke and drink in the temporary "beer garden", singing and at night when the natural noise level dips this level of noise is an antisocial problem

3. as most of the surrounding houses have gardens, kitchens, living areas, bathrooms and bedrooms overlooking the car park privacy has also been a problem in particular the fire escape door area which looks over a number of houses as it is the same level as the bedroom, bathroom areas and has been used by patrons as a short cut to the temporary beer garden area

4. as the car park were the proposed "beer garden" (subject to licensing permissions) site will be and were the temporary smoking/drinking tables are now is so close to the neighboring houses the children of these houses will and have been subjected to foul and abusive language all day as they are playing in there back gardens

5. it would also be a security issue as houses are now subjected to groups of rowdy, intoxicated people hanging around the backs of the houses till late hours of the night one house has all ready been subject to two young intoxicated individuals trying to jump over there hedge to get into there back garden in which resulted in the police being phoned this of course is a great worry to us all

6. Light pollution as if this change is received and they build an undercover seating area/drinking/smoking area it will be lit up till late at night which could result in light pollution

7. health and safety would be a problem as if the upperby men's institute were granted this change to license it would and does mean that the patrons who use the temporary beer/smoking area in the car park and will then go on to use the permanent

drinking/smoking area (subject to appropriate license permissions) would be put at risk from being knocked over by traffic coming in and out of the car park This danger would only escalate as people became more intoxicated and where the area is situated does not help as it bottle necks the entrance to the car park also it will and has caused an increase in congestion on lamb street as many cars are now using the main street to park as the temporary beer garden area has taken up some of the car park and it is now full with people, residents on lamb street have noticed it is increasingly difficult to get parked when they come home from work

8. We the residents have also had to put up with kids playing on the fire escape throwing things at houses, men urinating in the car park, large rowdy groups playing football in the car park, drunk men have also been seen streaking through the car park and there has been noise right up to 2:00 in the morning on some cases

We the residents do strongly believe that our quality of life will continue to suffer if the upperby men's institute is granted this change to license

Best regards the neighboring residents of the upperby men's institute

I a neighboring resident to the upperby men's institute strongly object to the proposed change of license due to all of the points mentioned in this letter of objection.

NAME S Sheardwood  
ADDRESS 111 Scalegate Road  
Calverton  
CA24 6PP



App 9

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<b>Applicant</b>	UPPERBY MENS INST COMMITTEE
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1.the locality of the area were they are and would be drinking in (subject to appropriate license permissions) and in which they propose to at some point build a conservatory styled roofed area partly covering a flagged patio area some 6.1m wide and 4.650m deep in total and 2.5m high, (subject to appropriate Licensing permissions)..



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3. as most of the surrounding houses have gardens, kitchens, living areas, bathrooms and bedrooms overlooking the car park privacy has also been a problem in particular the fire escape door area which looks over a number of houses as it is the same level as the bedroom, bathroom areas and has been used by patrons as a short cut to the temporary beer garden area

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6. Light pollution as if this change is received and they build an undercover seating area/drinking/smoking area it will be lit up till late at night which could result in light pollution

7. health and safety would be a problem as if the upperby men's institute were granted this change to license it would and does mean that the patrons who use the temporary beer/smoking area in the car park and will then go on to use the permanent

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Best regards the neighboring residents of the upperby men's institute

I a neighboring resident to the upperby men's institute strongly object to the proposed change of license due to all of the points mentioned in this letter of objection.

NAME MR T. W. WATSON

ADDRESS 30 LAMB STREET

UPPERBY

CARLISLE CA2 4NF

31<sup>st</sup> July 2007

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This representation relates to the following licensing objective(s). Detail the evidence supporting your representation or the reason for your representation against the appropriate objective (use separate sheet if necessary).

Prevention of crime and disorder	PEOPLE WHO ARE MEMBERS AND PEOPLE WHO ARE NON MEMBERS OF THE U.M.C. CLUB ARE CONGREGATING IN THE CLUB CAR PARK ARE SMOKING & DRINKING & SWARING INTO THE SMALL HOURS CAUSING A GREAT DISTURBANCE TO LOCAL RESIDENTS LOCAL UNDERAGE PEOPLE ARE SEEN REGULARLY IN THE CAR PARK DRINKING SNEAKING GOING ON TO THE GARAGE ROOF OF A RESIDENT & SITTING DRINKING AND BAD BEHAVIOUR ON THE CLUB WALL FRONTING LAMB. I DON'T THINK THAT THIS SORT OF BEHAVIOUR SHOULD BE TOLERATED BY THE RESIDENTS IT IS NOT WHAT YOU WOULD EXPECT IN A RESIDENTIAL AREA.
Public safety	IT IS VERY DANGEROUS FOR DRIVERS USING THE CAR PARK HAVING TO MANOEUVER AROUND DRINKABLES THANGERS & CHILDREN. OLD PEOPLE LIVING IN THE AREA FEEL THREATENED BY YOUNGSTERS SITTING DRINKING & SWARING ON THE WALL FRONTING LAMB ST. GLASSES & BOTTLES ARE LEFT LYING AROUND AND COULD BE USED AS WEAPONS ALSO WHEN BROKEN COULD BE LETHAL TO OLD PEOPLE & CHILDREN IF FALLING ON & ALSO CAUSING DAMAGE TO PASSING CARS. FIRE DOORS REGULARLY LEFT OPEN AS ENTRANCES & EXITS ALLOWING NOISE FROM WITHIN THE CLUB TO OVERSPLILL
Prevention of public nuisance	THE MUSIC ETC CAUSING DISTURBANCE UNWARRANTABLY TO LOCAL RESIDENTS STONED GOING ON CAUSED BY INTOXICATED MEMBERS & NON MEMBERS LEAVING THE PREMISES AS LATE AS 0230 AM. AS OF LATE A PERSON WHO LEFT THE CLUB WAS STRAUKING ALONG LAMB ST NAKED THE MANAGEMENT COMMITTEE I BELIEVE ARE AWARE OF THE PROBLEM. LOUD MUSIC BEING PLAYED MUCH LATER THAN THE PERMITTED HOURS TO THE DETRIMENT OF RESIDENTS WHO SLEEP ARE SHIRT WORKERS TRYING TO SLEEP. ALSO MEMBERS PLAYING FOOTBALL IN THE CAR PARK WHICH WHEN IN OUR HOMES GIVE A CONSTANT THUMP
Protection of children from harm	UNSUPERVISED MINORS CONGREGATING IN THE CAR PARK BRINGING DANGER DUE TO ENTRANCE & ESCAPE OF VEHICLES. THEY COULD ALSO BE IN DANGER FROM INTOXICATED ADULTS IT IS NOT UNKNOWN FOR FIGHTS TO OCCUR IN THE CLUB CAR PARK. IT IS NOT A VERY GOOD EXAMPLE TO SET YOUNGSTERS SEEING DRUNKEN BEHAVIOUR AND THINKING THIS IS THE NORMAL WAY TO BEHAVE.

Please provide as much information as possible to support your representation. Note that if you have not disclosed some information, you may not be able to introduce it at the hearing unless all the other parties consent.

This is a letter of objection with regards to the change of license for the upperby men's institute.

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<b>Applicant</b>	UPPERBY MENS INST COMMITTEE
<b>Proposal</b>	Open Application <b>006063</b>
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Best regards the neighboring residents of the upperby men's institute

I a neighboring resident to the upperby men's institute strongly object to the proposed change of license due to all of the points mentioned in this letter of objection.

NAME MR & MRS PHINN *P. Phinn* *D. Phinn*

ADDRESS 26 LAMB STREET

UPPERBY

CARLISLE

App 11

This is a letter of objection with regards to the change of license for the upperby men's institute.

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<b>Applicant</b>	UPPERBY MENS INST COMMITTEE
<b>Proposal</b>	Open Application 006063
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NAME Mr + Mrs ARMSTRONG

ADDRESS 31 LAMB STREET

CARLISLE

N. Armstrong

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6. Light pollution as if this change is received and they build an undercover seating area/drinking/smoking area it will be lit up till late at night which could result in light pollution

7. health and safety would be a problem as if the upperby men's institute were granted this change to license it would and does mean that the patrons who use the temporary beer/smoking area in the car park and will then go on to use the permanent

drinking/smoking area (subject to appropriate license permissions) would be put at risk from being knocked over by traffic coming in and out of the car park This danger would only escalate as people became more intoxicated and where the area is situated does not help as it bottle necks the entrance to the car park also it will and has caused an increase in congestion on lamb street as many cars are now using the main street to park as the temporary beer garden area has taken up some of the car park and it is now full with people, residents on lamb street have noticed it is increasingly difficult to get parked when they come home from work

8. We the residents have also had to put up with kids playing on the fire escape throwing things at houses, men urinating in the car park, large rowdy groups playing football in the car park, drunk men have also been seen streaking through the car park and there has been noise right up to 2:00 in the morning on some cases

We the residents do strongly believe that our quality of life will continue to suffer if the upperby men's institute is granted this change to license

Best regards the neighboring residents of the upperby men's institute

I a neighboring resident to the upperby men's institute strongly object to the proposed change of license due to all of the points mentioned in this letter of objection.

ALAN + RAYSON  
NAME DAWN RAUSON  
ADDRESS 109 SCALEGATE RD  
UPPERBY, CARLISLE

App 13

This is a letter of objection with regards to the change of license for the upperby men's institute.

<b>Location</b>	Upperby men's institute 41 lamb Street upperby Carlisle Ca24nf Tel 01228 543104
<b>Applicant</b>	UPPERBY MENS INST COMMITTEE
<b>Proposal</b>	Open Application 006063
	TO EXTEND THE SUPPLY OF ALCHOHOL TO MEMBERS AND BONAFIDE GUESTS TO THE BOUNDARIES OF THE CLUB PROPERTY

#### 1. Description

The upperby men's institute is a two-storey building, located within residential area of the city

The Upperby men's institute installed four wooden picnic tables, with umbrellas, on 30/6/07 to the side of the entrance doors to club on the hard standing surface. Of the car park. As *temporary* facilities pending the installation of a permanent canopy (subject to appropriate permissions). in order to circumvent the smoking ban and Persons using external facilities *have been permitted to* bring drinks outside

#### Grounds:

We the neighboring residents strongly object to the proposed plans, as since the smoking ban was enforced the patrons of the upperby men's institute have used the car park as a smoking area come beer garden and since then we have all had to put up with a number of problems arising from this and we feel as a community that if the upperby institute were to be granted this change to there license the problems would escalate their proposed license changes would allow them to drink in the car park (legally) but we the residents believe that our quality of life will and has suffered due to this change because of a number of points

1.the locality of the area were they are and would be drinking in (subject to appropriate license permissions) and in which they propose to at some point build a conservatory styled roofed area partly covering a flagged patio area some 6.1m wide and 4.650m deep in total and 2.5m high, (subject to appropriate Licensing permissions)..

would have tables and chairs and would seat 30-40 people approximately is in an area in the car park which is Surrounded by several residential properties in fact like a cul-de-sac with houses on all sides which have rear windows overlooking the beer garden / smoking shelter. The nearest property's boundaries would be very very close to the proposed area. There is also a cut running along the far end of the car park from scailgate road to woodside north and across the road from the club there is one shop and 2 properties's which face directly on to the car park. many of the surrounding houses have children and there are senior citizens who live in the surrounding houses and many of the houses have dogs all of which will and are continuously being subjected to a growing antisocial disturbance.

2. because of the locality of the car park were they propose and are drinking in, is surrounded by houses the noise levels are amplified and also because it is in a highly built up area with not a great deal of traffic to drown the noise this will and has resulted in a number of the houses being woken up due to raised voices, shouting, laughing, The sound of ash trays being dropped and glasses smashing dogs barking and fire escape doors being slammed. As people are now using them as a short cut to the car park to smoke and drink in the temporary "beer garden", singing and at night when the natural noise level dips this level of noise is an antisocial problem

3. as most of the surrounding houses have gardens, kitchens, living areas, bathrooms and bedrooms overlooking the car park privacy has also been a problem in particular the fire escape door area which looks over a number of houses as it is the same level as the bedroom, bathroom areas and has been used by patrons as a short cut to the temporary beer garden area

4. as the car park were the proposed "beer garden" (subject to licensing permissions) site will be and were the temporary smoking/drinking tables are now is so close to the neighboring houses the children of these houses will and have been subjected to foul and abusive language all day as they are playing in there back gardens

5. it would also be a security issue as houses are now subjected to groups of rowdy, intoxicated people hanging around the backs of the houses till late hours of the night one house has all ready been subject to two young intoxicated individuals trying to jump over there hedge to get into there back garden in which resulted in the police being phoned this of course is a great worry to us all

6. Light pollution as if this change is received and they build an undercover seating area/drinking/smoking area it will be lit up till late at night which could result in light pollution

7. health and safety would be a problem as if the upperby men's institute were granted this change to license it would and does mean that the patrons who use the temporary beer/smoking area in the car park and will then go on to use the permanent



drinking/smoking area (subject to appropriate license permissions) would be put at risk from being knocked over by traffic coming in and out of the car park. This danger would only escalate as people became more intoxicated and where the area is situated does not help as it bottle necks the entrance to the car park also it will and has caused an increase in congestion on Lamb Street as many cars are now using the main street to park as the temporary beer garden area has taken up some of the car park and it is now full with people, residents on Lamb Street have noticed it is increasingly difficult to get parked when they come home from work.

8. We the residents have also had to put up with kids playing on the fire escape throwing things at houses, men urinating in the car park, large rowdy groups playing football in the car park, drunk men have also been seen streaking through the car park and there has been noise right up to 2:00 in the morning on some cases.

We the residents do strongly believe that our quality of life will continue to suffer if the Upperby Men's Institute is granted this change to license.

Best regards the neighboring residents of the Upperby Men's Institute

I a neighboring resident to the Upperby Men's Institute strongly object to the proposed change of license due to all of the points mentioned in this letter of objection.

NAME K. Culley  
ADDRESS 37 Woodside North  
Upperby Carlisle  
CA2 4NW

My Partner & myself  
both use the U.M.I.  
We have no objection  
to a Smoking Shelter  
but we strongly object  
to a beer garden  
and the taking out of beer  
into car park

K. Culley J. Penz



APP 14

This is a letter of objection with regards to the change of license for the upperby men's institute.

<b>Location</b>	Upperby men's institute 41 lamb Street upperby Carlisle Ca24nf Tel 01228 543104
<b>Applicant</b>	UPPERBY MENS INST COMMITTEE
<b>Proposal</b>	Open Application 006063
	TO EXTEND THE SUPPLY OF ALCHOHOL TO MEMBERS AND BONAFIDE GUESTS TO THE BOUNDARIES OF THE CLUB PROPERTY

#### 1. Description

The upperby men's institute is a two-storey building, located within residential area of the city.

The Upperby men's institute installed four wooden picnic tables, with umbrellas, on 30/6/07 to the side of the entrance doors to club on the hard standing surface. Of the car park. As *temporary* facilities pending the installation of a permanent canopy (subject to appropriate permissions). in order to circumvent the smoking ban and Persons using external facilities *have been permitted to* bring drinks outside

#### Grounds:

We the neighboring residents strongly object to the proposed plans, as since the smoking ban was enforced the patrons of the upperby men's institute have used the car park as a smoking area come beer garden and since then we have all had to put up with a number of problems arising from this and we feel as a community that if the upperby institute were to be granted this change to there license the problems would escalate their proposed license changes would allow them to drink in the car park (legally) but we the residents believe that our quality of life will and has suffered due to this change because of a number of points

1.the locality of the area were they are and would be drinking in (subject to appropriate license permissions) and in which they propose to at some point build a conservatory styled roofed area partly covering a flagged patio area some 6.1m wide and 4.650m deep in total and 2.5m high, (subject to appropriate Licensing permissions)..

would have tables and chairs and would seat 30-40 people approximately is in an area in the car park which is Surrounded by several residential properties in fact like a cul-de-sac with houses on all sides which have rear windows overlooking the beer garden / smoking shelter. The nearest property's boundaries would be very very close to the proposed area. There is also a cut running along the far end of the car park from scailgate road to woodside north and across the road from the club there is one shop and 2 properties's which face directly on to the car park. many of the surrounding houses have children and there are senior citizens who live in the surrounding houses and many of the houses have dogs all of which will and are continuously being subjected to a growing antisocial disturbance.

2. because of the locality of the car park were they propose and are drinking in, is surrounded by houses the noise levels are amplified and also because it is in a highly built up area with not a great deal of traffic to drown the noise this will and has resulted in a number of the houses being woken up due to raised voices, shouting, laughing, The sound of ash trays being dropped and glasses smashing dogs barking and fire escape doors being slammed. As people are now using them as a short cut to the car park to smoke and drink in the temporary "beer garden", singing and at night when the natural noise level dips this level of noise is an antisocial problem

3. as most of the surrounding houses have gardens, kitchens, living areas, bathrooms and bedrooms overlooking the car park privacy has also been a problem in particular the fire escape door area which looks over a number of houses as it is the same level as the bedroom, bathroom areas and has been used by patrons as a short cut to the temporary beer garden area

4. as the car park were the proposed "beer garden" (subject to licensing permissions) site will be and were the temporary smoking/drinking tables are now is so close to the neighboring houses the children of these houses will and have been subjected to foul and abusive language all day as they are playing in there back gardens

5. it would also be a security issue as houses are now subjected to groups of rowdy, intoxicated people hanging around the backs of the houses till late hours of the night one house has all ready been subject to two young intoxicated individuals trying to jump over there hedge to get into there back garden in which resulted in the police being phoned this of course is a great worry to us all

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8. We the residents have also had to put up with kids playing on the fire escape throwing things at houses, men urinating in the car park, large rowdy groups playing football in the car park, drunk men have also been seen streaking through the car park and there has been noise right up to 2:00 in the morning on some cases

We the residents do strongly believe that our quality of life will continue to suffer if the upperby men's institute is granted this change to license

Best regards the neighboring residents of the upperby men's institute

I a neighboring resident to the upperby men's institute strongly object to the proposed change of license due to all of the points mentioned in this letter of objection.

NAME M WATERS  
ADDRESS 43 WOODSIDE AVE  
UPPERBY  
CALLISLE CA2 4NW

App 15

This is a letter of objection with regards to the change of license for the upperby men's institute.

<b>Location</b>	Upperby men's institute 41 lamb Street upperby Carlisle Ca24nf Tel 01228 543104
<b>Applicant</b>	UPPERBY MENS INST COMMITTEE
<b>Proposal</b>	Open Application 006063
	TO EXTEND THE SUPPLY OF ALCHOHOL TO MEMBERS AND BONAFIDE GUESTS TO THE BOUNDARIES OF THE CLUB PROPERTY

#### 1. Description

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#### Grounds:

We the neighboring residents strongly object to the proposed plans, as since the smoking ban was enforced the patrons of the upperby men's institute have used the car park as a smoking area come beer garden and since then we have all had to put up with a number of problems arising from this and we feel as a community that if the upperby institute were to be granted this change to there license the problems would escalate their proposed license changes would allow them to drink in the car park (legally) but we the residents believe that our quality of life will and has suffered due to this change because of a number of points

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would have tables and chairs and would seat 30-40 people approximately is in an area in the car park which is surrounded by several residential properties in fact like a cul-de-sac with houses on all sides which have rear windows overlooking the beer garden / smoking shelter. The nearest property's boundaries would be very very close to the proposed area. There is also a cut running along the far end of the car park from scailgate road to woodside north and across the road from the club there is one shop and 2 properties which face directly on to the car park. many of the surrounding houses have children and there are senior citizens who live in the surrounding houses and many of the houses have dogs all of which will and are continuously being subjected to a growing antisocial disturbance.

2. because of the locality of the car park were they propose and are drinking in, is surrounded by houses the noise levels are amplified and also because it is in a highly built up area with not a great deal of traffic to drown the noise this will and has resulted in a number of the houses being woken up due to raised voices, shouting, laughing, The sound of ash trays being dropped and glasses smashing dogs barking and fire escape doors being slammed. As people are now using them as a short cut to the car park to smoke and drink in the temporary "beer garden", singing and at night when the natural noise level dips this level of noise is an antisocial problem

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We the residents do strongly believe that our quality of life will continue to suffer if the upperby men's institute is granted this change to license

Best regards the neighboring residents of the upperby men's institute

I a neighboring resident to the upperby men's institute strongly object to the proposed change of license due to all of the points mentioned in this letter of objection.

NAME A. ROBINSON  
ADDRESS 23 LAMB STREET  
CALLISLE  
CUMBRIA

RECEIVED

- 2 AUG 2007

353

App 16

16 Lamb Street  
Carlisle CA2 4N

LEGAL & DEMOCRATIC SERVICES	
FILE	02 AUG 2007
PASSED TO	
ANSWERED	
MAIL LOG	

Telephone: 01228-536854

e-mail: [doug.forsyth@btopenworld.com](mailto:doug.forsyth@btopenworld.com)

1st August 2007.

Dear Sir,

**Variation of Licence/Club Premises  
Upperby Men's Institute**

We are writing to make representations with regard to the above application. We understand that the Club are proposing to erect some kind of structure to allow their members to smoke and drink outside the club in the car park.

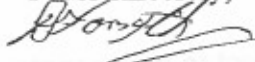
We appreciate the problems licensed premises are having due to the new legislation, which does not allow smoking inside the Club. We see no objection to the club having an area outside for smoking but object most strongly to the extension of their licence to allow drinking.

We understand that the structure erected for smoking could not be enclosed – if the application was granted and the open area was used for smoking and drinking the residents of the area would be back to the “bad old days” when the club caused the residents all sorts of problems. When the extension was built some years ago that went a long way to alleviating the noise as it was then contained inside the building.

We are getting an idea at the moment of future problems since the club installed some tables and chairs outside, we can sometimes hear the noise even though we are some distance from the club, we certainly hear the noise, bad language etc., if we pass the entrance. I understand from some of our neighbours who live very close to the premises that it is a real problem to them.

Nobody wants to be a killjoy but neither do we want to have to go back to the noise problems the residents used to have to put up with. Unfortunately we have realised over the years that drinking does not usually equate with good behaviour!

Yours sincerely,

 D. Forsyth

Mr and Mrs D. Forsyth.

Licensing Manager  
Environmental Services  
Carlisle City Council, Civic Centre, Carlisle CA3 8QG

APP 17

RECEIVED

- 2 AUG 2007

357

This is a letter of objection with regards to the change of license for the upperby men's institute.

<b>Location</b>	Upperby men's institute 41 lamb Street upperby Carlisle Ca24nf Tel 01228 543104
<b>Applicant</b>	UPPERBY MENS INST COMMITTEE
<b>Proposal</b>	Open Application 006063
	TO EXTEND THE SUPPLY OF ALCHOHOL TO MEMBERS AND BONAFIDE GUESTS TO THE BOUNDARIES OF THE CLUB PROPERTY

#### 1. Description

The upperby men's institute is a two-storey building, located within residential area of the city

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#### Grounds:

We the neighboring residents strongly object to the proposed plans, as since the smoking ban was enforced the patrons of the upperby men's institute have used the car park as a smoking area come beer garden and since then we have all had to put up with a number of problems arising from this and we feel as a community that if the upperby institute were to be granted this change to there license the problems would escalate their proposed license changes would allow them to drink in the car park (legally) but we the residents believe that our quality of life will and has suffered due to this change because of a number of points

1.the locality of the area were they are and would be drinking in (subject to appropriate license permissions) and in which they propose to at some point build a conservatory styled roofed area partly covering a flagged patio area some 6.1m wide and 4.650m deep in total and 2.5m high, (subject to appropriate Licensing permissions)..

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3. as most of the surrounding houses have gardens, kitchens, living areas, bathrooms and bedrooms overlooking the car park privacy has also been a problem in particular the fire escape door area which looks over a number of houses as it is the same level as the bedroom, bathroom areas and has been used by patrons as a short cut to the temporary beer garden area

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We the residents do strongly believe that our quality of life will continue to suffer if the upperby men's institute is granted this change to license

Best regards the neighboring residents of the upperby men's institute

I a neighboring resident to the upperby men's institute strongly object to the proposed change of license due to all of the points mentioned in this letter of objection.

NAME MRS V. HIND Dated

ADDRESS 28 LAMB STREET

UPPERBY

CARNISLE CA2 4NF



App 18

RECEIVED

- AUG 2007

358.

12 Lamb Street,  
Carlisle CA2 4NF

1st August 2007.

Dear Sir,

DEMOCRATIC SERVICES	
03 AUG 2007	
PASSED TO	
ASSIGNED	
MAIL LOG	

**Variation of Licence/Club Premises  
Upperby Men's Institute**

We are writing to make representations with regard to the above application. We understand that the Club are proposing to erect some kind of structure to allow their members to smoke and drink outside the club in the car park.

We appreciate the problems licensed premises are having due to the new legislation, which does not allow smoking inside the Club. We see no objection to the club having an area outside for smoking but object most strongly to the extension of their licence to allow drinking.

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We are getting an idea at the moment of future problems since the club installed some tables and chairs outside, we can sometimes hear the noise even though we are some distance from the club, we certainly hear the noise, bad language etc., if we pass the entrance. I understand from some of our neighbours who live very close to the premises that it is a real problem to them.

Nobody wants to be a killjoy but neither do we want to have to go back to the noise problems the residents used to have to put up with. Unfortunately we have realised over the years that drinking does not usually equate with good behaviour!

Yours sincerely, MR & MRS. J. Cranston

12, LAMB ST  
Upperby  
CA2 4NF

Licensing Manager  
Environmental Services  
Carlisle City Council, Civic Centre, Carlisle CA3 8QG

APP 19

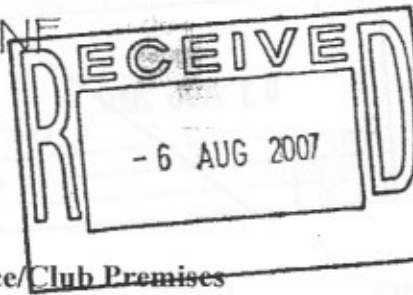
362

28 Lamb Street,  
Carlisle CA2 4NE

1st August 2007.

Dear Sir,

**Variation of Licence/Club Premises**  
**Upperby Men's Institute**



PLANNING & HOUSING SERVICES	
REF	
03 AUG 2007	
RECORDED	
SCANNED	
PASSED TO	
ACTION	

We are writing to make representations with regard to the above application. We understand that the Club are proposing to erect some kind of structure to allow their members to smoke and drink outside the club in the car park.

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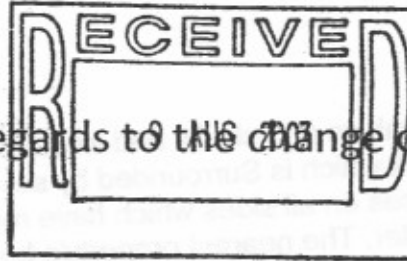
Yours sincerely,

*Mr S Glencross*

Licensing Manager  
Environmental Services  
Carlisle City Council, Civic Centre, Carlisle CA3 8QG

App 20

15



This is a letter of objection with regards to the change of license for the upperby men's institute.

<b>Location</b>	Upperby men's institute 41 lamb Street upperby Carlisle Ca24nf Tel 01228 543104
<b>Applicant</b>	UPPERBY MENS INST COMMITTEE
<b>Proposal</b>	Open Application 006063
	TO EXTEND THE SUPPLY OF ALCHOHOL TO MEMBERS AND BONAFIDE GUESTS TO THE BOUNDARIES OF THE CLUB PROPERTY

#### 1. Description

The upperby men's institute is a two-storey building, located within residential area of the city

The Upperby men's institute installed four wooden picnic tables, with umbrellas, on 30/6/07 to the side of the entrance doors to club on the hard standing surface. Of the car park. As *temporary* facilities pending the installation of a permanent canopy (subject to appropriate permissions). in order to circumvent the smoking ban and Persons using external facilities *have been permitted to* bring drinks outside

#### Grounds:

We the neighboring residents strongly object to the proposed plans, as since the smoking ban was enforced the patrons of the upperby men's institute have used the car park as a smoking area come beer garden and since then we have all had to put up with a number of problems arising from this and we feel as a community that if the upperby institute were to be granted this change to there license the problems would escalate their proposed license changes would allow them to drink in the car park (legally) but we the residents believe that our quality of life will and has suffered due to this change because of a number of points

1. the locality of the area were they are and would be drinking in- (subject to appropriate license permissions) and in which they propose to at some point build a conservatory styled roofed area partly covering a flagged patio area some 6.1m wide and 4.650m deep in total and 2.5m high, (subject to appropriate Licensing permissions)..

would have tables and chairs and would seat 30-40 people approximately is in an area in the car park which is Surrounded by several residential properties in fact like a cul-de-sac with houses on all sides which have rear windows overlooking the beer garden / smoking shelter. The nearest property's boundaries would be very very close to the proposed area. There is also a cut running along the far end of the car park from scailgate road to woodside north and across the road from the club there is one shop and 2 properties's which face directly on to the car park. many of the surrounding houses have children and there are senior citizens who live in the surrounding houses and many of the houses have dogs all of which will and are continuously being subjected to a growing antisocial disturbance.

2. because of the locality of the car park were they propose and are drinking in, is surrounded by houses the noise levels are amplified and also because it is in a highly built up area with not a great deal of traffic to drown the noise this will and has resulted in a number of the houses being woken up due to raised voices, shouting, laughing, The sound of ash trays being dropped and glasses smashing dogs barking and fire escape doors being slammed. As people are now using them as a short cut to the car park to smoke and drink in the temporary "beer garden", singing and at night when the natural noise level dips this level of noise is an antisocial problem

3. as most of the surrounding houses have gardens, kitchens, living areas, bathrooms and bedrooms overlooking the car park privacy has also been a problem in particular the fire escape door area which looks over a number of houses as it is the same level as the bedroom, bathroom areas and has been used by patrons as a short cut to the temporary beer garden area

4. as the car park were the proposed "beer garden" (subject to licensing permissions) site will be and were the temporary smoking/drinking tables are now is so close to the neighboring houses the children of these houses will and have been subjected to foul and abusive language all day as they are playing in there back gardens

5. it would also be a security issue as houses are now subjected to groups of rowdy, intoxicated people hanging around the backs of the houses till late hours of the night one house has all ready been subject to two young intoxicated individuals trying to jump over there hedge to get into there back garden in which resulted in the police being phoned this of course is a great worry to us all

6. Light pollution as if this change is received and they build an undercover seating area/drinking/smoking area it will be lit up till late at night which could result in light pollution

7. health and safety would be a problem as if the upperby men's institute were granted this change to license it would and does mean that the patrons who use the temporary beer/smoking area in the car park and will then go on to use the permanent

drinking/smoking area (subject to appropriate license permissions) would be put at risk from being knocked over by traffic coming in and out of the car park This danger would only escalate as people became more intoxicated and where the area is situated does not help as it bottle necks the entrance to the car park also it will and has caused an increase in congestion on lamb street as many cars are now using the main street to park as the temporary beer garden area has taken up some of the car park and it is now full with people, residents on lamb street have noticed it is increasingly difficult to get parked when they come home from work

8. We the residents have also had to put up with kids playing on the fire escape throwing things at houses, men urinating in the car park, large rowdy groups playing football in the car park, drunk men have also been seen streaking through the car park and there has been noise right up to 2:00 in the morning on some cases

We the residents do strongly believe that our quality of life will continue to suffer if the upperby men's institute is granted this change to license

Best regards the neighboring residents of the upperby men's institute

I a neighboring resident to the upperby men's institute strongly object to the proposed change of license due to all of the points mentioned in this letter of objection.

NAME Mrs J. Tinsdale  
ADDRESS 35, WOODSIDE NORTH  
UPPERBY, CARLISLE  
CUMBRIA. CA2-4NW



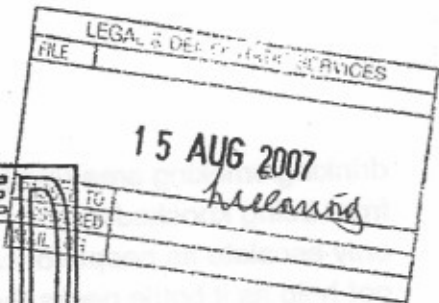
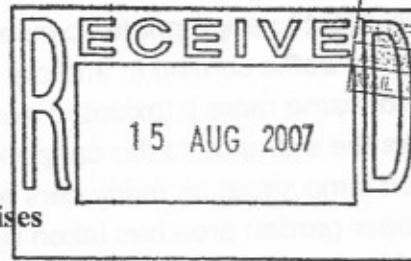
App 21

43 Lamb Street,  
Carlisle CA2 4NF

1st August 2007.

Dear Sir,

**Variation of Licence/Club Premises  
Upperby Men's Institute**



We are writing to make representations with regard to the above application. We understand that the Club are proposing to erect some kind of structure to allow their members to smoke and drink outside the club in the car park.

We appreciate the problems licensed premises are having due to the new legislation, which does not allow smoking inside the Club. We see no objection to the club having an area outside for smoking but object most strongly to the extension of their licence to allow drinking.

We understand that the structure erected for smoking could not be enclosed – if the application was granted and the open area was used for smoking and drinking the residents of the area would be back to the “bad old days” when the club caused the residents all sorts of problems. When the extension was built some years ago that went a long way to alleviating the noise as it was then contained inside the building.

We are getting an idea at the moment of future problems since the club installed some tables and chairs outside, we can sometimes hear the noise even though we are some distance from the club, we certainly hear the noise, bad language etc., if we pass the entrance. I understand from some of our neighbours who live very close to the premises that it is a real problem to them.

Nobody wants to be a killjoy but neither do we want to have to go back to the noise problems the residents used to have to put up with. Unfortunately we have realised over the years that drinking does not usually equate with good behaviour!

Yours sincerely,

ADRIAN GRANT

Licensing Manager  
Environmental Services  
Carlisle City Council, Civic Centre, Carlisle CA3 8QG

# UPPERBY INSTITUTE VARIATION

## UPPERBY MENS INSTITUTE

SPEAKING FOR: MR LES ARMSTRONG (SEC)

ALSO IN ATTENDANCE: ROBERT ASBRIDGE (CHAIRMAN) *apols*  
MR RICHMIRE (VICE CHAR) ✓  
GORDON MACKAY (TREASURER) ✓  
ALISON STEVENSON (STEWARDS) ✓

## REPRESENTATIONS - RESIDENTS

SPEAKING: MR JOHN PURDHAM  
*Mr Waters*

## 16 LETTERS OF OBJECTION FROM RESIDENTS

MR PURDHAM	- 33 WOODSIDE NORTH
MR ROBINSON	- 32 LAMB STREET
S BEARDWOOD	- 111 SCALEGATE ROAD
T. WATSON	- 30 LAMB STREET
MR + MRS PHINN	- 26 LAMB STREET
MR + MRS ARMSTRONG	- 31 LAMB STREET
MR + MRS RAYSON	- 109 SCALEGATE ROAD
K. COLLEY	- 37 WOODSIDE NORTH
M. WATERS	- 43 WOODSIDE NORTH
A. ROBINSON	- 23 LAMB STREET
MR + MRS FORTH	- 16 LAMB STREET
MR + MRS HIND	- 28 LAMB STREET
MR + MRS CRANSTON	- 12 LAMB STREET
MR GLENCROSS	- 25 LAMB STREET
MR + MRS TEASDALE	- 35 WOODSIDE NORTH
MR GRANT	- 43 LAMB STREET

## ENVIRONMENTAL PROTECTION

MR JEFF DOWNEY

## **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.

# Upperby Mens' Institute Ltd.

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

TELEPHONE : 01228 - 543104  
email : umilamb41@btconnect.com

27 APRIL 2007

Dear Neighbour

Just a line or two to let you know of our ideas and possible plans for the forthcoming smoking ban.

As you may well be aware the smoking ban comes into force on 1<sup>st</sup> July 2007. What we intend to do is utilise part of our car park (possibly outside the lounge windows) as some kind of patio/beer garden area with either some kind of fixed covering or retractable awning.

At present we are awaiting quotes and prices so there are no definite plans to discuss (we also need these to apply for planning permission). If you have any thoughts, ideas or questions on the matter please do not hesitate to contact us at the above address where someone will be more than happy to talk to you further on the subject.

Yours truly,

Les Armstrong  
Secretary

# Upperby Mens' Institute Ltd.

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

TELEPHONE : 01228 - 543104  
email : [umilamb41@btconnect.com](mailto:umilamb41@btconnect.com)

Dear Neighbour,

Further to my letter of 27 April 07 this is just a quick line to update you on the current situation regarding the smoking ban.

As you will see we have erected some picnic tables and parasols for our members to use. This is hopefully only a temporary measure as we now have drawings ready to apply for planning permission.

The proposed plans are for a conservatory style roof partly covering a flagged/patio area and situated one metre from the outside wall and windows of our lounge bar (as you can see from the enclosed drawing). There are plans also for a retaining wall to be built as a safeguard to stop anyone from stepping out of the area into the car park (also shown on the drawing).

If you have any questions or concerns regarding these plans please feel free to contact me at any time to discuss these or any other issues that you may have in general regarding the Club.

Yours faithfully

L.S.Armstrong  
Secretary.



# Upperby Mens' Institute Ltd.

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

TELEPHONE: 01228 - 543104

Email: [umilamb41@btconnect.com](mailto:umilamb41@btconnect.com)

2<sup>nd</sup> August 2007

Mr. & Mrs. Purdham  
33 Woodside North,  
Carlisle,  
CA2 4NW

Dear Mr. & Mrs. Purdham,

Our Management Committee has asked me to drop you a line to apologise for the disturbance that occurred in the early hours of Saturday 28 July 2007, on our car park area.

I can assure you both that the two individuals involved have been suspended from the club pending disciplinary action at our next Management Committee meeting.

During the incident, which I hope did not cause you any distress; there was slight damage to our side of the hedge. If your property was damaged in any way please let me know and the individuals who caused the damage will be held responsible.

Yours truly,

L.S.Armstrong  
Secretary.

# Upperby Mens' Institute Ltd.

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

TELEPHONE : 01228 - 543104  
email : umilamb41@btconnect.com

2<sup>ND</sup> August 2007

Mr. Lee Clifton  
126 Oaklands Drive,  
Carlisle,  
CA2 4NJ

Dear Lee,

In the early hours of Saturday 28 July 2007 you were seen to run at and dive into the privet hedge bordering the club car park on no less than six occasions. Apart from damaging club property namely the hedge this also disturbed some of our neighbours who promptly telephoned the club to complain. These actions are in contravention of notices placed in the club at the present time regarding noise levels and behaviour whilst outside in the car park/ smoking area. This complaint was brought before the Management Committee on Tuesday 31 July 2007 and they decided to suspend your membership until their next meeting.

It is my duty therefore to ask you to attend a disciplinary hearing before the Management Committee at 8. 00 pm. on Tuesday 28 August 2007 to answer charges that you wilfully damaged club property and caused a disturbance whilst on the club premises in direct contravention of official notices.

Yours truly

L. S. Armstrong  
Secretary.

# Upperby Mens' Institute Ltd.

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

TELEPHONE : 01228 - 543104  
email : umilamb41@btconnect.com

2<sup>ND</sup> August 2007

Mr. Carl Watson  
151 Upperby Road,  
Carlisle,  
CA2 4JP

Dear Carl,

In the early hours of Saturday 28 July 2007 you were seen to run at and dive into the privet hedge bordering the club car park on no less than six occasions. Apart from damaging club property namely the hedge this also disturbed some of our neighbours who promptly telephoned the club to complain. These actions are in contravention of notices placed in the club at the present time regarding noise levels and behaviour whilst outside in the car park/ smoking area.

This complaint was brought before the Management Committee on Tuesday 31 July 2007 and as you had just been interviewed for membership on the evening prior to this incident they decided to suspend your application for membership for three months until 1<sup>st</sup> November 2007.

It is my duty therefore to inform you that until this time you will not be allowed to use the club and will have to re-apply for membership and be re-interviewed by two officers of the club after the usual waiting period

Yours truly

L. S. Armstrong  
Secretary.

# Upperby Mens' Institute Ltd.

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

TELEPHONE : 01228 - 543104  
email : umilamb41@btconnect.com

2<sup>ND</sup> August 2007

Mr. James Nicholson  
74 Buchanan Road,  
Carlisle,  
CA2 4PS

Dear James,

The Management Committee have asked me to write to you regarding your use of foul and abusive language whilst using the area set aside for smoking. You apparently ignored repeated warnings from Committee members requesting that you stop swearing and lower your voice as you were causing a disturbance. Your actions are in direct contravention of notices placed in the club at the present time regarding noise levels and behaviour whilst outside in the car park/smoking area.

This complaint was brought before the Management Committee on Tuesday 31 July 2007 and they decided to send you a letter requesting you to attend a disciplinary hearing before the Management Committee at 8. 30 pm. on Tuesday 28 August 2007 to answer charges that you caused a disturbance by the use of foul and abusive language whilst on the club premises in direct contravention of official notices.

Yours truly

L. S. Armstrong  
Secretary.

# NOTICE

DUE TO THE CURRENT APPLICATION TO VARY THE CLUBS PREMISES LICENCE AND THE REPRESENTATIONS PUT FORWARD AGAINST THIS FROM SOME OF OUR CLOSE NEIGHBOURS WOULD MEMBERS GUESTS AND STAFF PLEASE KEEP THE NOISE LEVELS TO A MINIMUM WHILST USING THE AREA OUTSIDE.

WHEN LEAVING THE CLUB ESPECIALLY LATE AT NIGHT PLEASE LEAVE IN AN ORDERLY FASHION

FOUL AND ABUSIVE LANGUAGE WILL NOT BE TOLERATED IN ANY CIRCUMSTANCE

REMEMBER PLEASE NO DRINKS OUTSIDE AFTER 11 PM

ALSO NO CHILDREN WILL BE ALLOWED ANYWHERE ON THE PREMISES UNLESS AT A PRIVATE FUNCTION

FIRE DOORS MUST REMAIN CLOSED EXCEPT IN CASES OF EMERGENCY

ANYONE IN BREACH OF THIS NOTICE RUNS A SERIOUS RISK OF LOSING THEIR MEMBERSHIP

COMMITTEE



# NOTICE.

## LAST ORDERS / DRINKING UP TIME / CLOSING TIME.

LAST ORDERS WILL BE CALLED 10 MINUTES  
BEFORE BAR CLOSING TIME.

AT BAR CLOSING TIME YOU WILL BE GIVEN 20  
MINUTES DRINKING UP TIME AFTER WHICH  
YOUR GLASSES WILL BE COLLECTED.

ANY DRINKS NOT FINISHED AT THIS TIME WILL  
BE REMOVED FROM THE TABLES.

AT THIS TIME YOU ARE ASKED TO LEAVE THE  
CLUB IN A QUIET AND ORDERLEY MANNER.

THE CLUB PREMISES WILL BE CLOSED HALF AN  
HOUR AFTER BAR CLOSING TIME.

PLEASE ENSURE THAT YOU DO NOT PURCHASE  
MORE DRINKS THAN YOU CAN COMFORTABLY  
CONSUME IN THE ALLOTTED DRINKING UP TIME

ANYONE INFRINGING THESE RULES MAY BE  
LIABLE TO DISCIPLINARY PROCEDURES.

COMMITTEE

OUT OF COURTESY  
TO OUR CLOSE  
NEIGHBOURS  
NO DRINKS WILL BE  
ALLOWED OUTSIDE  
AFTER 11.00 P.M.

THANK YOU  
COMMITTEE

**TO ALL MEMBERS, GUESTS, VISITORS AND  
STAFF**

**WHILST YOU ARE USING THE TABLES AND  
CHAIRS OUTSIDE COULD YOU PLEASE REFRAIN  
FROM THE USE OF FOUL OR ABUSIVE LANGUAGE  
AS THE NOISE TRAVELS AROUND THE AREA AND  
COULD CAUSE OFFENCE AND DISTRESS TO OUR  
NEIGHBOURS LIVING NEARBY.**

**FOR THE SAME REASONS COULD YOU ALSO KEEP  
NOISE LEVELS TO A MINIMUM ESPECIALLY IN  
THE EVENINGS.**

**ANYONE FOUND OR REPORTED TO BE  
INFRINGING THESE RULES WILL BE LIABLE TO  
DISCIPLINARY ACTION.**

**THANK YOU  
COMMITTEE**

# **BEWARE THE NEW LICENSING ACT !**

**O.K. we have got longer hours to enjoy a drink or two, but 'Big Brother' now has greater powers, to enter and make spot checks, to make sure that we all enjoy them quietly and sensibly, without getting drunk and upsetting other people, either here, or on the way home.**

**Unfortunately, our Bar Staff can now be fined if they are caught selling you alcohol, when you have made it plain that you have already had too much – for your own good.**

**PLEASE don't be offended, if the Staff refuse you more drink, they have no choice.....  
so keep it friendly.....**

**REMEMBER you will be risking a possible Fine  
AND SO ARE THE STAFF if they serve you.**

**The Managemnt are never keen to call in the Police, so please think on, and don't make it necessary.**

**P.D.C.B.  
Club Secretary.**

**KEEP  
QUIET**





upperby institute

**Carlisle**

31/10/2007

Scale: 1:1,000

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Carlisle City Council LA 0100024459. 2005.



**Civic Centre  
Rickergate  
Carlisle  
CA3 8QG**