

CARLISLE CITY COUNCIL

Report to:-

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

AI

Date of Meeting:-

Tuesday 30th June 2009

Agenda Item No:-

Public	Operational	Delegated Yes	
Responsible Authority Representations	Representations	Included	Attending
Environmental Protection Services	No	No	No
Interested Party Representations			
Mr Purdham	Yes	Yes	Yes
Mr Robinson	Yes	Yes	Yes
S Beardwood	Yes	Yes	Yes
T Watson	Yes	Yes	Yes
K Culley	Yes	Yes	Yes
Mrs V Hind	Yes	Yes	Yes
Mrs J Stewart	Yes	Yes	Yes
Miss Grant	Yes	Yes	Yes
Mr & Mrs Forsyth	Yes	Yes	Yes
Representatives of Upperby Institute			
Mr L Armstrong	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. 52 /09

Summary:-

Application is made to extend the supply of alcohol to members and bona fide guests, to the smoking area located immediately outside the main entrance of the premises..

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 Tuesday 30th
June 2009

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.

In November 2007 the Club Committee 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. The application was to accommodate the new smoking legislation. Due to representations from local residents the application was heard by a Licensing Sub Committee on 2nd November 07 when it was refused.

Present Application

The Committee of Upperby Mens Institute have applied to vary the Club Premises Certificate in order to extend the supply of alcohol only to members and bona fide guests to the outside smoking area located next to the main doors of the premises. This does not include the rest of the car park area. The committee state that no alcohol will be consumed in that area after 1030pm, no children will be allowed in that area and it will be monitored by CCTV as well as staff. No other changes in the Club Premises Certificate have been requested.

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 have verified that they have not received any noise complaints from residents in relation to the outside area in question during the past 12 months and therefore have no issues in relation to the application.

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 5)
Mr Robinson	(Appendix 6)
S Beardwood	(Appendix 7)
T Watson	(Appendix 8)
K Culley	(Appendix 9)
Mrs Hind	(Appendix 10)
Mrs Stewart	(Appendix 11)
Mrs Grant	(Appendix 12)
Mr & Mrs Forsyth	(Appendix 13)

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

Persons supporting the application-

A petition has been forwarded to the Licensing Office signed by 86 members of the club who wish to add their support to the application. It should be noted that the majority do not reside in the immediate area of the club. **(Appendix 14)**

C.

The current 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

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 4)**.

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 3)**

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.

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

CA15

Carlisle City Council
Licensing Manager, Civic Centre, Carlisle
Tel: 01228 817523 Fax: 01228 817023
Email: licensing@carlisle.gov.uk

RECEIVED
7 - MAY 2009
LICENSING



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

(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 CP023

Part 1 - Club premises details

Name of club UPPERBY MENS INSTITUTE			
Postal address of premises, if any, or if none ordnance survey map reference or description 41. LAMB STREET			
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 LESLIE . S. ARMSTRONG			
Address of person performing duties of a secretary to the club 61 GREENGARTH			
Post Town	CARLISLE	Postcode	CA2 4PN

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 4NF

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)

TO EXTEND THE AREA FOR LICENSABLE ACTIVITIES ONLY (SEE NEW PLAN)

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

M

Hours club premises are open to the members and guests Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

N

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 (please read guidance note 8)

NO CHANGES

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

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

1. BELIEVE THE CLUB PREMISES CERTIFICATE WAS ENCLOSED WITH A PREVIOUS APPLICATION AND WAS NOT RETURNED TO US.

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)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

NO REGULATED ENTERTAINMENT OUTSIDE THE CLUB PREMISES.
TO CLARIFY THERE WILL BE NO REGULATED ENTERTAINMENT IN THE OUTSIDE SEATING AREA.
NO DRINKS WILL BE ALLOWED OUTSIDE AFTER 10.30.PM.

e) The protection of children from harm

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)

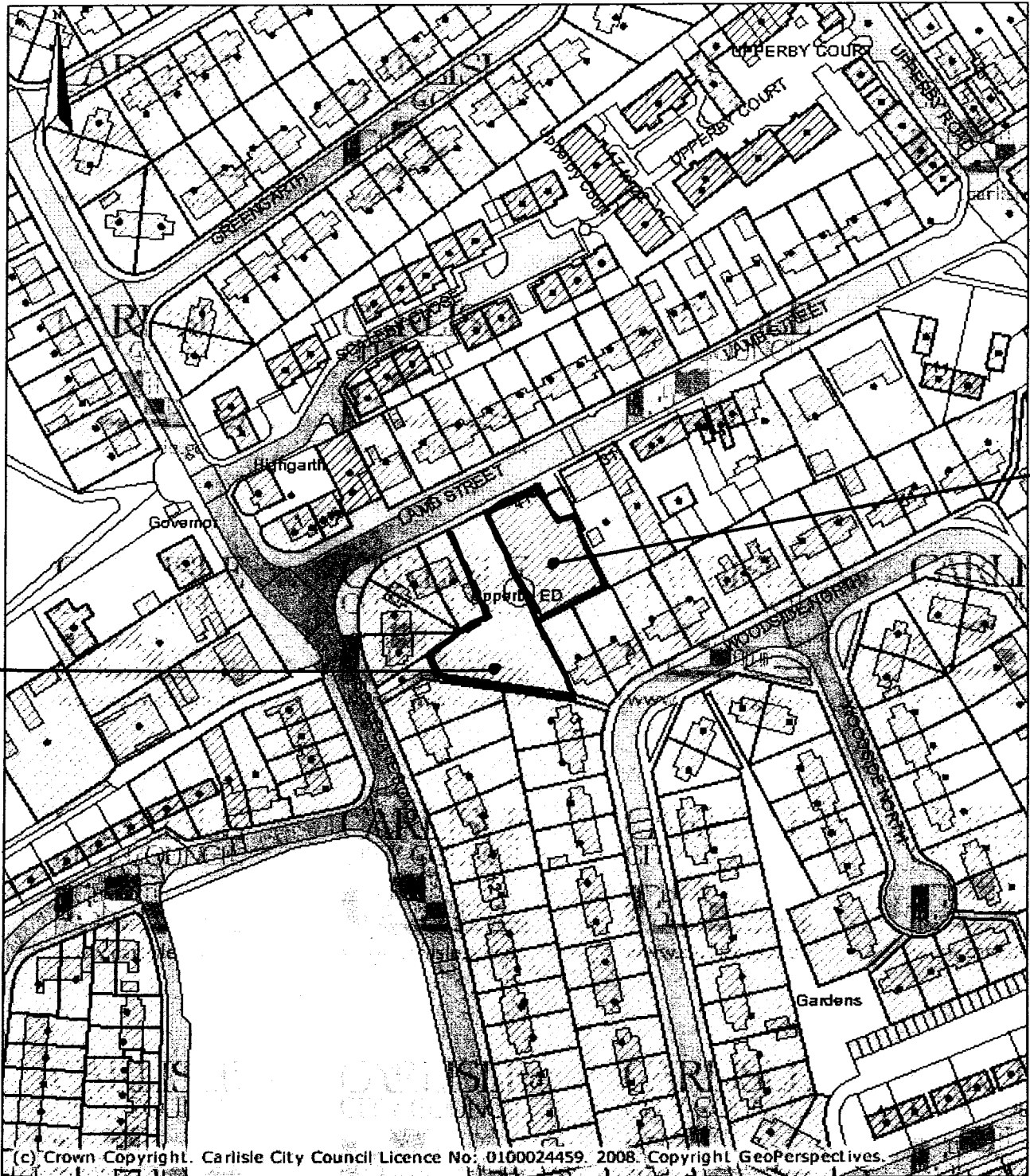
I LESLIE S. ARMSTRONG

(Insert full name)



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

Signature	
Date	05 - 05 - 2009.
Capacity	SECRETARY

Address for correspondence associated with this application (please read guidance note 11)			
41 LAMB STREET			
Post town	CARLISLE	Post code	CA2 4NF
Telephone number (if any)	01228 543104		
If you would prefer us to correspond with you by e mail your e mail address (optional)			



Upperby Men's Institute

-  BLPV Polygons
-  BLPV Points

Scale: 1:1700

Date: 03/06/2009

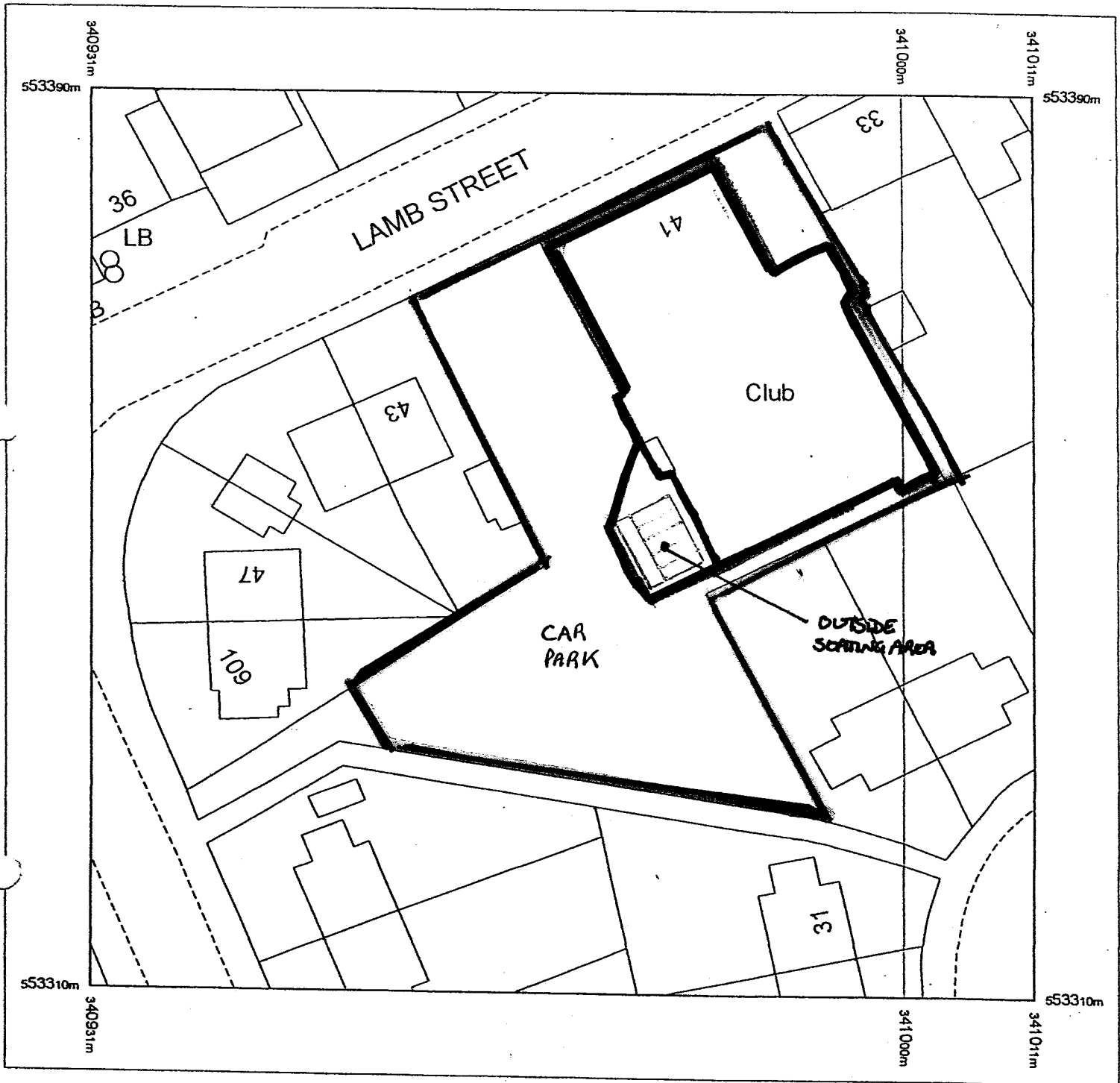
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CARLISLE
CITY COUNCIL



www.carlisle.gov.uk

Civic Centre
Rickergate
Carlisle
CA3 8QG



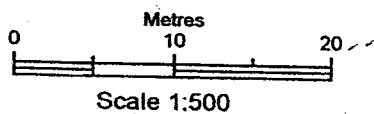
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The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.



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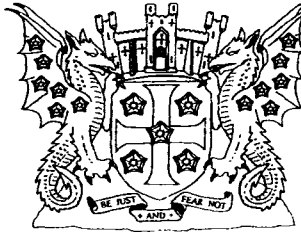
Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey web site:
www.ordnancesurvey.co.uk

UPPERBY MENS INSTITUTE

— LICENSABLE ACTIVITIES
- - - BOUNDARY OF CLUB GROUP

App. 4

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

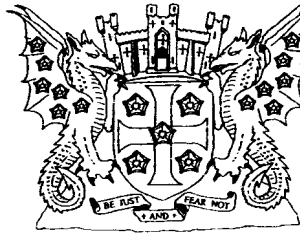
- a performance of live music
- any playing of recorded music
- entertainment facilities for making music
- entertainment facilities for dancing
- the supply of alcohol
- the sale of alcohol to a guest

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
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





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**

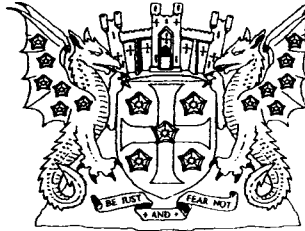
- 1) The supply of alcohol for consumption off the club premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- 2) Any alcohol supplied for consumption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

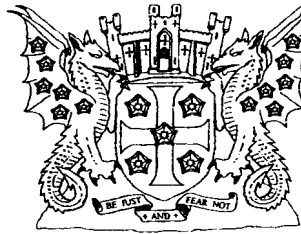
CD16

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.





Licensing Act 2003

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

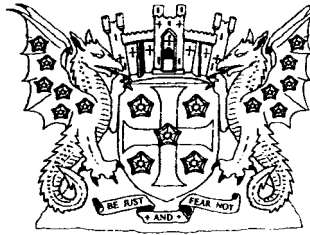
PS18

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





Licensing Act 2003

Club Premises Certificate

CP023

ANNEXES continued ...

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

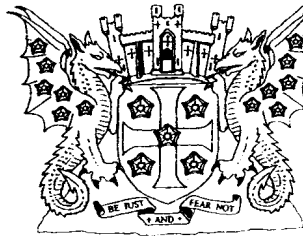
Emergency Lighting will be tested in accordance with BS 5266 Part 1, 1999 Emergency Lighting. The results of the tests will be recorded in a logbook. A satisfactory NICEIC (or equivalent) inspection report will be provided annually to the Licensing Authority.

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



City of



Carlisle

Licensing Act 2003

Club Premises Certificate

CP023

ANNEXES continued ...

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.

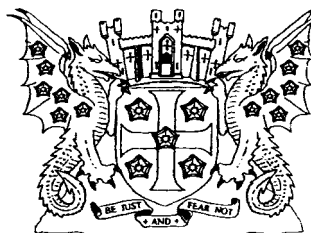
The protection of children from harm

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.

ANNEX 3 - CONDITIONS AS A RESULT OF A HEARING

Not applicable





Licensing Act 2003

Club Premises Certificate Summary

CP020

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, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Not applicable

WHERE THE CLUB PREMISES CERTIFICATE IS TIME LIMITED THE DATES

Not applicable

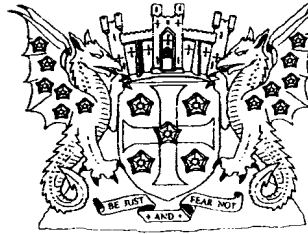
QUALIFYING CLUB ACTIVITIES AUTHORISED BY THE CERTIFICATE

- 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)		
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





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
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

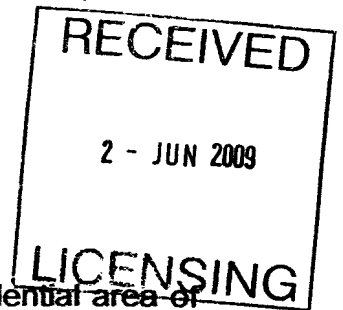
STATE WHETHER ACCESS TO THE CLUB PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

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.



APP 5

1-6-09



Description

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

Location	Upperby men's institute 41 lamb Street upperby Carlisle Ca24nf Tel 01228 543104
Applicant	UPPERBY MENS INST COMMITTEE
Proposal	Open Application 009397
	which is a Variation for a Club Premises Certificate from not set to not set {beer garden}

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

Grounds:

On 30/06/2007 The Upperby men's institute installed four wooden picnic tables, with umbrellas, 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*{ which was granted permission on 23/01/08} in order to circumvent the smoking ban and Persons using external facilities were permitted to bring drinks outside.....

And as one of the neighbouring residents of the UMI living in very very close proximity to the club we suffered for several months with significant nuisance noise from, Young children running around in the car park while there parents were sitting having a drink, intoxicated people playing football in the car park, foul and abusive language all day every day only feet away from where my children play in the rear garden.. And not to mention people urinating in the car park. Because of this behaviour there were several noise complaint diaries sent in to the council, and the licensing manager was also contacted which resulted in the UMI having to apply for a Variation for a Club Premises Certificate from not set to not set which was rejected by the councils licensing committee board on the grounds that the UMI had shown to be a significant noise nuisance to neighbouring residents and would continue to be so if the variation was granted, it was also said that the proposed area would be difficult and unsafe for the untrained staff of the UMI to deal with {the likes of woodrow wilsons the border rambler walkabout ect ..which have smoking areas in close proximity to public

places have licensed door staff} it is my belief that what ever condition is placed on this area that they would become laxadasive towards . the club has already egnorred advice from the environmental health officer regarding the use off fire doors for entering and leaving the club, there regularly used even up to this date. Also the club applied for planning permission for a smoking shelter which was granted on the 23/01/08 aftere concerns from myself and some other residents. Again a few months after building the shelter to the submitted plans the club have changed the design making it look an absolute carbuncled eye sore. Yet again demonstrating that they are incapable or unable to follow any rules or regulations that are put in place to help keep the standards of living in the area at a reasonable level, and because of these reasons I strongly object to the proposed beer garden. I understand that the punters of the club have got to have somewhere to go and have a cigarette , but I don't think there is a need for them to sit drink out there causing such a nuisance as they have done in the past

Regards

33 woodside north

Upperby

Carlisle

Prevention of Crime and Disorder

Houses surround the smoking area and the Spar shop on Lamb Street is just across the road. In the past youngsters have joined members and non-members in the car park and consumed alcohol and made a general nuisance of themselves. I have personally witnessed youths consuming alcohol in the car park therefore it is impossible for club staff to monitor these activities and control the noise and rowdy behaviour. The only avenue left open would be for residents to contact the police direct taking valuable man-hours away from fighting more serious crime.

Public Safety

Due to the large number of people milling around in the smoking area, car park and also on the wall, which adjoins Lamb Street whilst I am not accusing club members of drink driving there are a lot of taxis and private cars dropping people off or picking them up plus the fact that Lamb street is a very busy thoroughfare there is a high risk of a road traffic accident. We also experience a high volume of broken glasses and bottles, which would increase if the application were allowed.

Prevention of Public Nuisance

I already suffer from the noise currently generated by the club and not only from people using the smoking shelter. I now have to sleep in a back bedroom to escape the noise problem. As recently as the night of Friday 5th / morning of Saturday 6th of June we were woken by the noise of revellers leaving the club at 2.30am, this carried on until 4.05am when what I assume was bar staff closing the shutter on the front door.

In light of these incidents and other boisterous behaviour, which occurs on a regular basis, the club would experience difficulties in enforcing the 10.30pm for drinking outside especially on a warm summers evening.

There is also the added problem of the fire door from the snooker room being opened during warm weather, causing a noise problem and Sunday 31st of May members coming out of this door were playing football in the car park.

Protection of Children From Harm

Children would be given the impression that smoking and drinking was a "Cool" thing to do. Children could also be in danger from undesirables using the facilities who would not necessary be club members. There is already a problem in the area with under age drinking and drug misuse in the area, which could be enhanced if this application were to be allowed.

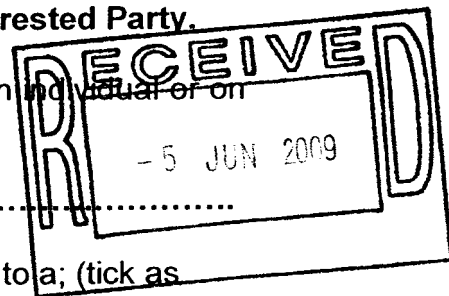
As mentioned previously a lot of private cars and taxi's use the car park and if youngsters were around this could become a recipe for disaster.

Kenneth Robinson
32 Lamb Street
Carlisle CA2 4NF

Representation made in respect of an application for, or variation to a Premises Licence or Club Premises Certificate by Interested Party.

I (insert name of person making representation whether as an individual or on behalf of a group)

SUSAN BEARDWOOD



make representations in respect of an application or variation to a; (tick as appropriate)

Premises Licence	<input checked="" type="checkbox"/>
Club Premises Certificate	<input type="checkbox"/>

Section 1 – Premises or club premises details

Name, address and postcode of premises or club premises in respect of which you are making representations.

UPPERBY INSTITUTE
LAMB STREET
UPPERBY

Post town CARLISLE	Post code (if known)
-----------------------	----------------------

Name of premises licence holder or club holding club premises certificate (if known)

Section 2 – Details of person/body making representations

I am;

(Tick as appropriate)

- (a) an interested party being a person living in the vicinity of the premises
- (b) a body representing persons living in the vicinity of the premises
- (c) an interested party being a person involved in business in the vicinity of the premises
- (d) a body representing persons involved in business in the vicinity of the premises

If you are an individual applicant complete **Part A** then go to section 3.

If you are a body representing an interested party complete **Part B** then go to section 3.

Part A - DETAILS OF INDIVIDUAL APPLICANT (tick as appropriate)

Mr.		Mrs.	<input checked="" type="checkbox"/>	Miss		Ms		Other	
-----	--	------	-------------------------------------	------	--	----	--	-------	--

Surname	BEARDWOOD	First Name	SOSAN MARIE
---------	-----------	------------	-------------

I am 18 years old or older	<input checked="" type="checkbox"/>
----------------------------	-------------------------------------

Current address

111 SCALEGATE ROAD CARNISE Postcode CA2 4PQ

Daytime contact telephone number	[REDACTED]
E-mail address	[REDACTED]

Part B - DETAILS OF OTHER APPLICANT SUCH AS A BODY REPRESENTING RESIDENTS OR BUSINESSES IN THE VICINITY OF THE PREMISES

Name of the Body	
------------------	--

Surname of person representing the body		First Name of person representing the body	
---	--	--	--

Address of body

Postcode	
----------	--

Daytime contact telephone number	
E-mail address	

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).

<p>Prevention of crime and disorder</p>	
<p>Public safety</p>	
<p>Prevention of public nuisance</p>	<p>To ALLOW ALCOHOL TO BE CONSUMED WITHIN THE SMOKING AREA WILL INCREASE THE NOISE LEVEL WHICH IS ONLY NOW BORDERING ON BEARABLE. CUSTOMERS WILL SPEND LONGER PERIODS OF TIME OUTSIDE ESPECIALLY DURING HOTTER WEATHER AND CAUSED A NUISANCE WHEN WE WANT TO USE OUR GARDEN. FOUL LANGUAGE AND DRUNKEN BEHAVIOUR IS ALREADY A PROBLEM WHICH WILL ONLY INCREASE</p>
<p>Protection of children from harm</p>	
<p>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.</p>	

Section 4

Have you made any representations in respect of these premises before? (Tick as appropriate)	Yes ✓	No
Date that you made representations		

I understand that the Licensing Authority is obliged to give notice of a hearing to all parties to the hearing and this must include a copy of this representation. All representations are treated as a public document. (You must tick this box)	Yes ✓
I agree to attend any hearing before either the Licensing Sub-Committee or Magistrates Court to give evidence in support of my representation.	Yes/No if able to get off work

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 OR REPRESENTATION.

Section 6 - Signature

Signature of person making representation or a solicitor or other duly authorised agent. If signing on behalf of a body representing a person living or carrying on a business in the vicinity of the premises, please ensure that you have the right to sign a representation on their behalf and state the capacity in which you are signing. A signed authority from them may be appropriate.

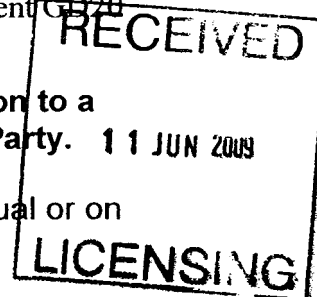
Signature



Date:

4/6/09.

Capacity:



**Representation made in respect of an application for, or variation to a
Premises Licence or Club Premises Certificate by Interested Party.**

I (insert name of person making representation whether as an individual or on behalf of a group)

..... THOMAS WATSON

make representations in respect of an application or variation to a; (tick as appropriate)

Premises Licence	
Club Premises Certificate	✓

Section 1 – Premises or club premises details

Name, address and postcode of premises or club premises in respect of which you are making representations. <p style="text-align: center; font-family: cursive;">UPPERBY MEN'S INSTITUTE. LAMB STREET UPPERBY CARLISLE</p>	
Post town	Post code (if known)
CARLISLE	

Name of premises licence holder or club holding club premises certificate (if known)

Section 2 – Details of person/body making representations

I am;

(Tick as appropriate)

- (a) an interested party being a person living in the vicinity of the premises
- (b) a body representing persons living in the vicinity of the premises
- (c) an interested party being a person involved in business in the vicinity of the premises
- (d) a body representing persons involved in business in the vicinity of the premises

If you are an individual applicant complete **Part A** then go to section 3.

If you are a body representing an interested party complete **Part B** then go to section 3.

Part A - DETAILS OF INDIVIDUAL APPLICANT (tick as appropriate)

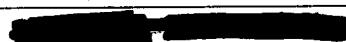
Mr.	<input checked="" type="checkbox"/>	Mrs.	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other	<input type="checkbox"/>
-----	-------------------------------------	------	--------------------------	------	--------------------------	----	--------------------------	-------	--------------------------

Surname	WATSON	First Name	THOMAS
---------	--------	------------	--------

I am 18 years old or older	<input checked="" type="checkbox"/>
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Current address

30 LAMB STREET UPPERBY CARLISLE CUMBRIA Postcode CA2 4NF
--

Daytime contact telephone number	
E-mail address	

Part B - DETAILS OF OTHER APPLICANT SUCH AS A BODY REPRESENTING RESIDENTS OR BUSINESSES IN THE VICINITY OF THE PREMISES

Name of the Body	
------------------	--

Surname of person representing the body		First Name of person representing the body	
---	--	--	--

Address of body

Postcode

Daytime contact telephone number	
E-mail address	

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).

Prevention of crime and disorder	THE AREA FOR WHICH THE DRINK LICENCE EXTENSION IS BEING APPLIED FOR IS THE SMOKING AREA FOR THE CLUB, WHICH CANNOT BE ENCLOSED - AS A RESULT MYSELF AS A RESIDENT LIVING IN CLOSE PROXIMITY TO THE CLUB, FEEL THAT IT WILL BE VERY DIFFICULT FOR THE CLUB TO KEEP GOOD ORDER IN THE AREA WHICH COULD LEAD TO EXTRA NOISE AND DISORDERLY BEHAVIOUR.
Public safety	THE SMOKING AREA BEING IN THE CAR PARK WHICH AGAIN IS IN AN OPEN AREA - I FEEL THE DRINKING COULD SPILL OUT INTO THE CAR PARK + THE SURROUNDING WALLS LEADING TO POSSIBLE PROBLEMS FOR MYSELF AND NEAR NEIGHBOURS ALSO RESIDENTS AND THE PUBLIC PASSING BY.
Prevention of public nuisance	BECAUSE OF THE VERY FACT THIS IS TO BE DRINKING IN AN OPEN AREA FOR THE ABOVE REASONS IT CAN ONLY LEAD TO PUBLIC NUISANCE FOR THE MYSELF AND OTHER RESIDENTS.
Protection of children from harm	IF THE OPEN AREA ALLOWED MEMBERS + THEIR CHILDREN THIS COULD BE A DANGEROUS AREA FOR CHILDREN BECAUSE OF THE CAR PARK. WITHOUT VERY STRICT POLICING BY THE COMMITTEE THERE COULD ALSO BE A PROBLEM WITH UNDER AGE DRINKING.
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.	

Section 4

Have you made any representations in respect of these premises before? (Tick as appropriate)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Date that you made representations		

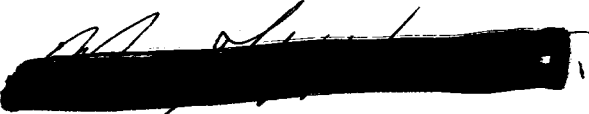
I understand that the Licensing Authority is obliged to give notice of a hearing to all parties to the hearing and this must include a copy of this representation. All representations are treated as a public document. (You must tick this box)	Yes <input checked="" type="checkbox"/>
I agree to attend any hearing before either the Licensing Sub-Committee or Magistrates Court to give evidence in support of my representation.	Yes/No <input type="checkbox"/>

I CANNOT SAY THAT I WOULD BE ABLE TO ATTEND ANY MEETINGS BECAUSE OF MY JOB I WORK AWAY FROM CARLISLE ALL WEEK + SOME WEEKENDS.

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 OR REPRESENTATION.

Section 6 - Signature

Signature of person making representation or a solicitor or other duly authorised agent. If signing on behalf of a body representing a person living or carrying on a business in the vicinity of the premises, please ensure that you have the right to sign a representation on their behalf and state the capacity in which you are signing. A signed authority from them may be appropriate.

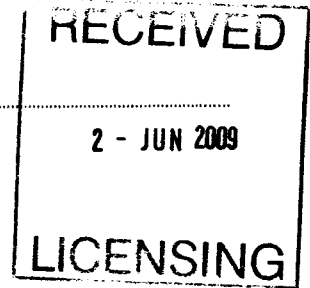
Signature 

Date: *10.8.09*

Capacity: *CLOSE RESIDENT TO U.M.F. CLUB.*

APP 4

MRS KATHLEEN CULLEY



1 June 2009

The Licensing Manager
Environmental Protection Services
Carlisle City Council
Carlisle Cumbria, CA38QG

Dear Sir / Madam,

I am writing in response to the proposed change in the licence of the Upperby Men's Institute.

I am a local resident, living only 40 yards from the club entrance and I have a major objection to the proposed change for a number of reasons.

Whilst the behaviour of most people smoking and drinking is deemed acceptable, there will always be the exception whose language and behaviour will be questionable.

Private functions, at 21.00 and beyond would populate the smoking area to its limit and I have no wish to hear the noise that would create.

Christenings are generally on a Sunday, my only day off and I spend my Sundays in my back garden with my grandchildren. I would not want them to hear any bad language.

I see no reason to allow drink in the smoking area as smokers would spend their time outside rather inside the club. There will be occasions when alcohol and poor behaviour will have some kind of effect.

I sincerely hope the proposed changes will not be endorsed and the alcohol will remain inside the premises.

Sincerely,

Kathleen Culley.
Signature

A thick black horizontal bar redacting the signature of Kathleen Culley.

RE

Representation made in respect of an application for, or variation to a Premises Licence or Club Premises Certificate by Interested Party

I (insert name of person making representation whether as an individual or on behalf of a group)

MRS. V. HIND

LICEN

make representations in respect of an application or variation to a; (tick as appropriate)

Premises Licence	<input checked="" type="checkbox"/>
Club Premises Certificate	<input type="checkbox"/>

Section 1 – Premises or club premises details

Name, address and postcode of premises or club premises in respect of which you are making representations. UPPERBY MENS INSTITUTE LAMB STREET UPPERBY CARWISLE	
Post town CARWISLE	Post code (if known) CA2 4NF

Name of premises licence holder or club holding club premises certificate (if known)

Section 2 – Details of person/body making representations

I am;

(Tick as appropriate)

- (a) an interested party being a person living in the vicinity of the premises
- (b) a body representing persons living in the vicinity of the premises
- (c) an interested party being a person involved in business in the vicinity of the premises
- (d) a body representing persons involved in business in the vicinity of the premises

If you are an individual applicant complete **Part A** then go to section 3.

If you are a body representing an interested party complete **Part B** then go to section 3.

Part A - DETAILS OF INDIVIDUAL APPLICANT (tick as appropriate)

Mr.		Mrs.	MRS	Miss		Ms		Other	
-----	--	------	-----	------	--	----	--	-------	--

Surname	HIND	First Name	VALERIE
---------	------	------------	---------

I am 18 years old or older	<input type="checkbox"/>
----------------------------	--------------------------

Current address

28 LAMB STREET UPPERBY CARLISLE Postcode CA2 4NF

Daytime contact telephone number	XXXXXXXXXX
E-mail address	

Part B - DETAILS OF OTHER APPLICANT SUCH AS A BODY REPRESENTING RESIDENTS OR BUSINESSES IN THE VICINITY OF THE PREMISES

Name of the Body	
------------------	--

Surname of person representing the body		First Name of person representing the body	
---	--	--	--

Address of body

Postcode

Daytime contact telephone number	
E-mail address	

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).

Prevention of crime and disorder	I believe that drinking outside could result in disorder as no one is watching that the drinkers don't drink too excess and cause trouble
Public safety	I don't think that they would stay in the designated area, they would stray into the car park and with drink in them, they wouldn't be aware of the cars coming and going in the car park
Prevention of public nuisance	
Protection of children from harm	we already have a problem with underage drinking in the area and I believe that people drinking outside the club would cause the problem to worsen
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.	

Section 4

Have you made any representations in respect of these premises before? (Tick as appropriate)	Yes ✓	No
Date that you made representations		

I understand that the Licensing Authority is obliged to give notice of a hearing to all parties to the hearing and this must include a copy of this representation. All representations are treated as a public document. (You must tick this box)	Yes ✓
I agree to attend any hearing before either the Licensing Sub-Committee or Magistrates Court to give evidence in support of my representation.	Yes/No

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 OR REPRESENTATION.

Section 6 - Signature

Signature of person making representation or a solicitor or other duly authorised agent. If signing on behalf of a body representing a person living or carrying on a business in the vicinity of the premises, please ensure that you have the right to sign a representation on their behalf and state the capacity in which you are signing. A signed authority from them may be appropriate.

Signature



Date:

1/6/09

Capacity:

RECEIVED

09 JUN 2009

LICENSING

Representation made in respect of an application for, or variation to a Premises Licence or Club Premises Certificate by Interested Party.

I (insert name of person making representation whether as an individual or on behalf of a group)

MRS. S.P. STEWART

make representations in respect of an application or variation to a; (tick as appropriate)

Premises Licence	
Club Premises Certificate	

Section 1 – Premises or club premises details

Name, address and postcode of premises or club premises in respect of which you are making representations.

UPPERBY MENS INSTITUTE.
LAMB STREET
UPPERBY

Post town CARLISLE.	Post code (if known) 3.
------------------------	----------------------------

Name of premises licence holder or club holding club premises certificate (if known)

Section 2 – Details of person/body making representations

I am;

(Tick as appropriate)

- (a) an interested party being a person living in the vicinity of the premises
- (b) a body representing persons living in the vicinity of the premises
- (c) an interested party being a person involved in business in the vicinity of the premises
- (d) a body representing persons involved in business in the vicinity of the premises

If you are an individual applicant complete **Part A** then go to section 3.

If you are a body representing an interested party complete **Part B** then go to section 3.

Part A - DETAILS OF INDIVIDUAL APPLICANT (tick as appropriate)

Mr.		Mrs.	<input checked="" type="checkbox"/>	Miss		Ms		Other	
-----	--	------	-------------------------------------	------	--	----	--	-------	--

Surname	STEWART	First Name	JUNE
---------	---------	------------	------

I am 18 years old or older	<input checked="" type="checkbox"/>
----------------------------	-------------------------------------

Current address

45 LAMB STREET UPPERBY CARLISLE Postcode CA2 4NF

Daytime contact telephone number	XXXXXXXXXX
E-mail address	

Part B - DETAILS OF OTHER APPLICANT SUCH AS A BODY REPRESENTING RESIDENTS OR BUSINESSES IN THE VICINITY OF THE PREMISES

Name of the Body	
-------------------------	--

Surname of person representing the body		First Name of person representing the body	
---	--	--	--

Address of body

Postcode

Daytime contact telephone number	
E-mail address	

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).

<p>Prevention of crime and disorder</p>	<p>noise horrendous when tables and chairs brought out in the summer months in previous years.</p>
<p>Public safety</p>	
<p>Prevention of public nuisance</p>	<p>This would entail loud noise swearing, shouting, and car radios played loud, throughout day and night, as previous years, upto 1.15am in morning. Cant sit in peace in summer in own garden, and have to close windows in summer, even if hot.</p>
<p>Protection of children from harm</p>	<p>MEMBERS BRINGING CHILDREN INTO CAR PARK, PLAYING WITH BALLS, RUNNING, ATX THEM, MAYBE ONTO ROAD, ALSO CARS COMING INTO CAR PARK.</p>
<p>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.</p>	

Section 4

Have you made any representations in respect of these premises before? (Tick as appropriate)	Yes ✓	No
Date that you made representations	<i>can not remember</i>	

when area was made outside for smoking.

I understand that the Licensing Authority is obliged to give notice of a hearing to all parties to the hearing and this must include a copy of this representation. All representations are treated as a public document. (You must tick this box)	Yes ✓
I agree to attend any hearing before either the Licensing Sub-Committee or Magistrates Court to give evidence in support of my representation.	Yes /No

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 OR REPRESENTATION.

Section 6 - Signature

Signature of person making representation or a solicitor or other duly authorised agent. If signing on behalf of a body representing a person living or carrying on a business in the vicinity of the premises, please ensure that you have the right to sign a representation on their behalf and state the capacity in which you are signing. A signed authority from them may be appropriate.

Signature

DCI


Date:

5.6.09

Capacity:

Representation made in respect of an application for, or variation to a Premises Licence or Club Premises Certificate by Interested Party

LICENSING

I (insert name of person making representation whether as an individual or on behalf of a group)

Bridger Grant

make representations in respect of an application or variation to a; (tick as appropriate)

Premises Licence	<input checked="" type="checkbox"/>
Club Premises Certificate	<input type="checkbox"/>

Section 1 – Premises or club premises details

Name, address and postcode of premises or club premises in respect of which you are making representations.

Lipperby Mens Institute
Lamb St,
Carlisle

Post town Carlisle	Post code (if known) CA2 4NF
-----------------------	---------------------------------

Name of premises licence holder or club holding club premises certificate (if known)

Section 2 – Details of person/body making representations

I am;

(Tick as appropriate)

- (a) an interested party being a person living in the vicinity of the premises
- (b) a body representing persons living in the vicinity of the premises
- (c) an interested party being a person involved in business in the vicinity of the premises
- (d) a body representing persons involved in business in the vicinity of the premises

If you are an individual applicant complete **Part A** then go to section 3.

If you are a body representing an interested party complete **Part B** then go to section 3.

Part A - DETAILS OF INDIVIDUAL APPLICANT (tick as appropriate)

Mr.		Mrs.		Miss	<input checked="" type="checkbox"/>	Ms		Other	
-----	--	------	--	------	-------------------------------------	----	--	-------	--

Surname	Grant	First Name	Bridget
---------	-------	------------	---------

I am 18 years old or older	<input checked="" type="checkbox"/>
----------------------------	-------------------------------------

Current address

34 Lamb St, Carlisle Postcode CA2 4NF

Daytime contact telephone number	[REDACTED]
E-mail address	

Part B - DETAILS OF OTHER APPLICANT SUCH AS A BODY REPRESENTING RESIDENTS OR BUSINESSES IN THE VICINITY OF THE PREMISES

Name of the Body	
------------------	--

Surname of person representing the body		First Name of person representing the body	
---	--	--	--

Address of body

Postcode

Daytime contact telephone number	
E-mail address	

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).

Prevention of crime and disorder	I have actually had to call the police because of the lights outside the club spilling into the road, damage to cars, shaking all a the time. Noise levels at the weekend outside the club keep me awake till 1 or 2am, especially when there is parties. At least inside the four walls the club can contain activities outside they will not be able to.
Public safety	Once people have drunk they are fearless, in the past they climbed on the neighbours garage roof, fighting being abusive to the residents. Most weekend we wake up to broken bottles outside our houses. Letting them drink outside will add to this.
Prevention of public nuisance	At the moment the smoking hut is a nuisance with them shouting at each other, singing, using bad language, fighting, fucking residents feel very uncomfortable. Drinking outside will make it worse.
Protection of children from harm	Children frequent the area outside Spar opposite the club. Drinkers outside shouting + using bad language is not good.
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.	

Section 4

Have you made any representations in respect of these premises before? (Tick as appropriate)	Yes	No <input checked="" type="checkbox"/>
Date that you made representations		

I understand that the Licensing Authority is obliged to give notice of a hearing to all parties to the hearing and this must include a copy of this representation. All representations are treated as a public document. (You must tick this box)	Yes <input checked="" type="checkbox"/>
I agree to attend any hearing before either the Licensing Sub-Committee or Magistrates Court to give evidence in support of my representation.	Yes/No <input checked="" type="checkbox"/>

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 OR REPRESENTATION.

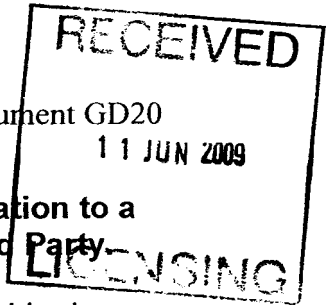
Section 6 - Signature

Signature of person making representation or a solicitor or other duly authorised agent. If signing on behalf of a body representing a person living or carrying on a business in the vicinity of the premises, please ensure that you have the right to sign a representation on their behalf and state the capacity in which you are signing. A signed authority from them may be appropriate.

Signature 

Date: 31.05.09.

Capacity:



Representation made in respect of an application for, or variation to a Premises Licence or Club Premises Certificate by Interested Party

I (insert name of person making representation whether as an individual or on behalf of a group)

.....DOROTHY FORSYTH.....

make representations in respect of an application or variation to a; (tick as appropriate)

Premises Licence	
Club Premises Certificate	✓

Section 1 – Premises or club premises details

Name, address and postcode of premises or club premises in respect of which you are making representations. UPPERBY MEN'S INSTITUTE Lamb Street	
Post town CARLISLE	Post code (if known)

Name of premises licence holder or club holding club premises certificate (if known)

Section 2 – Details of person/body making representations

I am;

(Tick as appropriate)

- (a) an interested party being a person living in the vicinity of the premises
- (b) a body representing persons living in the vicinity of the premises
- (c) an interested party being a person involved in business in the vicinity of the premises
- (d) a body representing persons involved in business in the vicinity of the premises

If you are an individual applicant complete **Part A** then go to section 3.

If you are a body representing an interested party complete **Part B** then go to section 3.

Part A - DETAILS OF INDIVIDUAL APPLICANT (tick as appropriate)

Mr.		Mrs.		Miss		Ms		Other	
-----	--	------	--	------	--	----	--	-------	--

Surname		First Name	
---------	--	------------	--

I am 18 years old or older	
----------------------------	--

Current address

Postcode

Daytime contact telephone number	
E-mail address	

Part B - DETAILS OF OTHER APPLICANT SUCH AS A BODY REPRESENTING RESIDENTS OR BUSINESSES IN THE VICINITY OF THE PREMISES

Name of the Body	Residents in the vicinity of the premises
------------------	---

Surname of person representing the body	FORSYTH	First Name of person representing the body	DOBOHY
---	---------	--	--------

Address of body

16 LAMB STREET CARLISLE Postcode CA2 4NF
--

Daytime contact telephone number	 -
E-mail address	

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).

Prevention of crime and disorder	The extra area for the drink extension is the smoking area which cannot be enclosed - we as residents feel it will be difficult for the club to keep order in the area which could lead to noise & disorderly behaviour
Public safety	The smoking area is in the car park which again is an open area - we feel that the drinking could spill out into the car park & the surrounding walls leading to possible problems for new neighbours & residents passing by.
Prevention of public nuisance	Because of the fact that this is to be drinking in an open area for the above reasons it can only lead to public nuisance for the residents
Protection of children from harm	If the open area allowed members + their children this could be a dangerous area for children because of the car park. Without very strict policing by the committee there could also be a possible problem with under age drinking.
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.	

Section 4

Have you made any representations in respect of these premises before? (Tick as appropriate)	Yes ✓	No
Date that you made representations		

I understand that the Licensing Authority is obliged to give notice of a hearing to all parties to the hearing and this must include a copy of this representation. All representations are treated as a public document. (You must tick this box)	Yes ✓
I agree to attend any hearing before either the Licensing Sub-Committee or Magistrates Court to give evidence in support of my representation.	Yes/No *

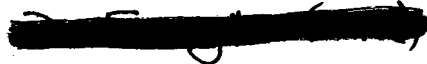
* We would probably decide between ourselves as to who would possibly attend a meeting

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 OR REPRESENTATION.

Section 6 - Signature

Signature of person making representation or a solicitor or other duly authorised agent. If signing on behalf of a body representing a person living or carrying on a business in the vicinity of the premises, please ensure that you have the right to sign a representation on their behalf and state the capacity in which you are signing. A signed authority from them may be appropriate.

Signature



Date:

7.6.09

Capacity:

Resident of Lamb Street. Completing form on behalf of other residents - names & signatures attached

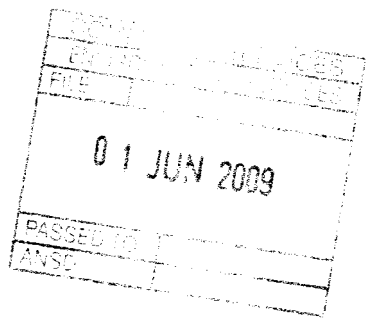
SIGNATURE

ADDRESS

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

16 Lamb St
 18 LAMB ST
 22 LAMB ST
 20 LAMB ST
 12, LAMB ST.
 31, Lamb St.
 33, LAMB STREET
 19 Lamb St
 "
 14 Lamb St

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



27th May 2009.

Dear Sir,

**Variation of Licence
Upperby Men's Institute**

As residents of Lamb Street, we, the undersigned would like to make representations as to why we feel that this application, if granted can only be to the detriment of our area for the following reasons:

1. Our main objection is that the smoking area cannot be enclosed therefore there will be a big increase in noise if drinking is allowed which will inevitably spill over into the rest of the car park.
2. If drinking is allowed in this area how will the Committee police it and keep order?
3. It will possibly lead to problems with underage drinking. How will the Committee make sure that members are not buying liquor and taking it outside for young people?
4. If members bring their families with them – especially during summertime they can sit in the smoking area with them which could lead to even more noise and possible danger to the children as it is an open car park with easy access to the street.

We appreciate the problems all licensed premises are having because of the smoking ban but we have to live beside the club. While the drinking is confined to the club premises any noise is inside the building but this would not be the case if the licence is extended to the open smoking area.

Yours sincerely

Mr & Mrs D. Forsyth	16 Lamb Street CA2 4NF
MR & MRS. J. Cranston	12, Lamb Street. CA2 4NF
Mr + Mrs G. Armstrong	31, Lamb Street CA2 4NF.
MR + MRS. J. & C. LAKE	20 LAMB STREET CA2 4NF.
MR & MRS P. NIXON.	14, LAMB STREET CA2 4NF.
MR & MRS J. GRANT	33, LAMB STREET CA2 4NF
MS I. STEPHENSON & MR C. DIXON	19 LAMB ST.
MR E. MAHER	22 LAMB ST CARLISLE
Estelle + Richard Quinn	18 LAMB ST. CARLISLE

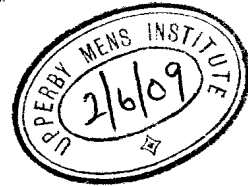
APP. 14

LSA Sec.

Licensing Manager
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

RECEIVED
3 - JUN 2009
LICENSING

COPY



Dear Sir,

We the undersigned would like to add our support to the current application from Upperby Men's Institute, to vary their club premises certificate. We feel that granting the application would help bring back to the club members who, because of the smoking ban, go elsewhere, where they are allowed to enjoy a drink whilst they are smoking. In years gone by it was custom and practise for members to carry tables and chairs outside during the summer months to enjoy a drink in the warmer weather.

Yours faithfully

Name	Signature	Address
Jacouie	McGiveron	[Redacted]
Tony	McGiveron	[Redacted]
DIANE	CROMAR	[Redacted]
ALEX	CROMAR	[Redacted]
DAVID	CROMAR	[Redacted]
CHRISTINE	CROMAR	[Redacted]
Anne	CROOKS.	[Redacted]
Lynda	foster.	[Redacted]
Ian	foster.	[Redacted]
Jean	Harding	[Redacted]
BRENDA	COLLINS	[Redacted]
Jude	Smart	[Redacted]
Ian	Smart	[Redacted]
JEAN	TELFORD	[Redacted]
DAVID NORRIS		58 Millholme Ave
Anna Norris		58 Millholme Ave
Shirley Long		4 Jubilee Road S Long
Tony COUPLAND		[Redacted] 111 Curock PARK AVE

78 Mount Pleasant

22, SONNY BEAD

22, SONNY MEAD

35, PETRIL BANK

35, PETRIL BAN

24 Greengawth.

Embleton Road

212, XALGATE RD

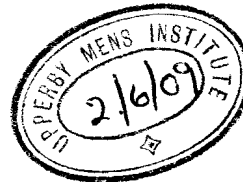
2 ST NINIANS

2 ST NINIANS

119, SCALEGATE RD

Licensing Manager
 Carlisle City Council
 Civic Centre
 Carlisle
 CA3 8QG

COPY



LOAN
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Dear Sir,

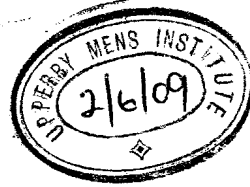
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Yours faithfully

Name	Signature	Address
[Redacted]	S FORSTER	1 Goodwin PLACE
[Redacted]	[Redacted]	11 Redmount Rd
MIKE GEDDIS	[Redacted]	154 SCALEGATE ROAD
[Redacted]	[Redacted]	95 OAKLANDS AVE PHIL WHITE
[Redacted]	[Redacted]	BRISCO RD
[Redacted]	[Redacted]	BRISCO RD
[Redacted]	[Redacted]	DALE END RD
PETER LITTLE	[Redacted]	SCALEGATE RD
[Redacted]	[Redacted]	Scalegate Road.
[Redacted]	[Redacted]	Blackwell Road.
[Redacted]	[Redacted]	Blackwell Road.
[Redacted]	[Redacted]	longtown.
[Redacted]	[Redacted]	61 [Redacted]

Licensing Manager
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

COPY



[Handwritten signature]

SEC

Dear Sir,

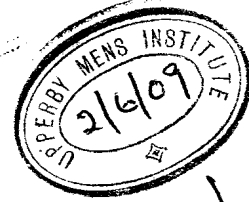
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Yours faithfully

Name	Signature	Address
DENIS BRENNAN		49 OAKLANDS DRIVE
SUSAN Higgins		47 Sunnymede Upperby
BRIAN COSGROVE		2 CAMMOCK AVE UPPERBY
DEREK GRAHAM		ASHAR HARRADY GROVE
RYAN KELLY		17 SAINT NINIANS RD
M Hunt		24 MUGHANAN RD
P Barwick		43 Walkmill Cress
G BATEMAN		29 OAKLANDS DR
S. Bellan		59 Curlew Close
G Portsmouth		117 Lightfoot Drive Harrady
D Milner		2 Lumsden Cross
Gary Smith		84 SCALE GATE Rode
STEPHEN TROUGHTON-SMITH		1 LOWRY STREET BLACKWELL
R HARKNESS		9 LEMBOURNE RD
T HARKNESS		9 " "
H. HARKNESS	69	1 C. " "

Licensing Manager
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

COPY



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Dear Sir,

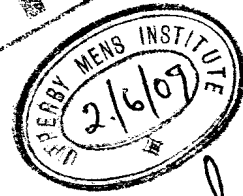
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Yours faithfully

Name	Signature	Address
Graeme Baird	[Redacted]	42 WIDALE RD.
CHARLE SKINNER	[Redacted]	34 LEDIARD AVE
PAUL LITTLE	[Redacted]	41 WOODSIDE NORTH
John Scott	[Redacted]	23 LAKEVIEW AV
Richard Stolt	[Redacted]	2 Daleman Drive
Lyle Clifton	[Redacted]	126 OAKLANDS DRIVE
Graham	[Redacted]	3 AKAWAS DRIVE
D Alexander	[Redacted]	75 Buchanan Road
P Gell	[Redacted]	125 SCALLEGATE RD
Marie Long	[Redacted]	4 Jubilee road.
Maie Lamonty	[Redacted]	3 Leabourne road.
Shona Allan	[Redacted]	75 Buchanan Road.
XAVE Clifton	[Redacted]	70 6 GOSSETON RD.

Licensing Manager
 Carlisle City Council
 Civic Centre
 Carlisle
 CA3 8QG

COPY



[Handwritten signature]

Sec

Dear Sir,

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Yours faithfully

Name Signature Address

2. KOELLE		59, DURBAR ROAD.
J. Sweeney		129 Blackwell Rd
C. Dicker		23 Woodside North
M. Graham		51 WEBSTER CRESCENT
J. Black		6 Oldale Road
N. Bell		61 Almercy Drive
Amy Cushtam		13 MANOR ROAD UPPERBY
Nathan Chandler		7 BRISCO Rd
Lewis Chandler		24 Harraby Green
Jonathan Page		32 Carlisle Dr Hall
K. SKINNER		22 WOODSIDE NORTH
G. Shepherd		5 Oakland View.

Licensing Manager
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

COPY



h.s. dy
sec.

Dear Sir,

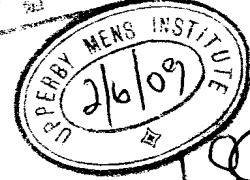
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Yours faithfully

Name	Signature	Address
Steve Clifton	[Redacted]	99 OAKLANDS DR
ROB MEETEN	[Redacted]	41 WATERMANS WALK
R MILBOURNE	[Redacted]	UPPERBY RD
J. MAUGHMAN	[Redacted]	DALL VIEW
Stu Green	[Redacted]	49 Marina cres.
Dayle Dicker	[Redacted]	23 Woodside North
S. TAYLORSON	[Redacted]	164 UPPERBY RD
K RILEY	[Redacted]	137 SCARBOROUGH ROAD
P TAYLORSON	[Redacted]	164 UPPERBY ROAD
J. VISSOR	[Redacted]	66. SUNNY MEADE
M. DICKER	[Redacted]	23 WOODSIDE North
S BARLOW	[Redacted]	17, JALEMAN DRIVE

Licensing Manager
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

COPY



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Yours faithfully

Name	Signature	Address
Sami Parken		11 Toronto St
Brian Cosgrove		2 Cammock Ave
Brian Cosgrove		2 CAMMOCK AVENUE.