

# AGENDA

## Licensing Sub-Committee 2

**Monday, 14 March 2016 AT 09:30**

**In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG**

### **Note to Members -**

**Councillors Ms Franklin, Morton and Shepherd will attend this Sub-Committee as members and Councillor Stothard will attend as substitute.**

### **Appointment of Chairman for the meeting:**

To appoint a Chairman of Licensing Sub-Committee 2 for this meeting.

### **Apologies for Absence**

To receive apologies for absence and notification of substitutions

### **Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

### **Public and Press**

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

## **PART A**

**To be considered when the Public and Press are present**

**A.1 LICENSING ACT 2003 - APPLICATION FOR A PREMISES  
LICENCE - UPPERBY MEN'S INSTITUTE**

**3 - 44**

The Licensing Manager to submit a report regarding an application from Upperby Men's Institute for a new Premises Licence to allow the 'on and off' sales of alcohol as well as regulated entertainment from the premises in accordance with the application.  
(Copy Report GD.17/16 herewith)

**PART B**

**To be considered when the Public and Press are excluded from the meeting**

- NIL -

**Members of the Licensing Sub Committee 2:**

**Conservative:** Layden, Shepherd, Morton (sub), Mrs Parson (sub)

**Labour:** Ms Franklin, Stothard (sub)

**Please note:** Councillors Ms Franklin, Morton and Shepherd will attend as members of the Sub Committee and Councillor Stothard will attend as the substitute member.

**Enquiries, requests for reports, background papers,  
etc to Democratic Services Officer: Rachel Rooney – 817039**

**Report to Licensing Sub  
Committee  
Monday 14<sup>th</sup> March 2016**

Agenda  
Item:  
**A.1**

Meeting Date: 14<sup>th</sup> March 2016  
Portfolio: Finance, Governance and Resources  
Key Decision: Not Applicable:  
Within Policy and  
Budget Framework NO  
Public / Private Public

Responsible Authority Representations	Representations	Included	Attending
Cumbria Constabulary	Yes	Yes	Yes
Cumbria Fire Service	None	No	No
Environmental Health	None	No	No
Planning Services	None	No	No
Social Services	None	No	No
Trading Standards	None	No	No
Public Health	None	No	No
Licensing Authority	Yes	Yes	Yes
Health & Safety Executive	n/a	n/a	n/a

**Other Party Representations**

None

Title: Licensing Act 2003 – Application for a Premises Licence  
Upperby Men’s Institute, 41 Lamb Street, Carlisle.  
Report of: Director of Governance  
Report Number: GD/17

**Summary:** Upperby Men’s Institute is a members club located in Lamb Street, Carlisle (Appendix 2). The applicant (the Committee) is applying for a new Premises Licence to allow the ‘on and off’ sales of alcohol as well as regulated entertainment from the premises in accordance with the application.

**Recommendations:**

Members to reach a decision from the options outlined after hearing the evidence

**Tracking**

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

**To the Chairman & Members of the Licensing Sub Committee – Monday 14th March 2016**

**1.1 THE APPLICATION**

Premises Licence application under Section 17 Licensing Act 2003 (**Appendix 1**)

**1.2 Applicant:**

The Committee, Upperby Men's Institute.

**1.3 Premises:**

41 Lamb Street, Carlisle CA2 4NF

**1.4 Application:**

The premises is a members club applying for a Premises Licence under the Licensing Act 2003 which will enable the club to hire out the function room for various events to non- members. The Premises Licence will also allow members of the public to enter the building freely and purchase alcohol in the bar and lounge areas. The Club Premises Certificate was recently withdrawn by the Licensing Committee in January 2016 and the club has not been able to offer supply of alcohol or regulated entertainment to members since.

**1.5 The operating schedule includes:**

**Relevant licensable activities:**

Para. J - Sale by retail of alcohol on and off premises

Provision of Regulated Entertainment including:

Para. C - Indoor sporting events, Para. E - Live music, Para. F - Recorded music, Para. G - Performance of dance, Para. H - Anything similar to previous.

Para. I - Late Night Refreshment

**(All Appendix 1)**

Hours of licensable activities:

Sale by retail of alcohol

Sunday to Saturday 1100hrs - Midnight

Regulated Entertainment

Sunday to Saturday 1100hrs - Midnight

Late Night Refreshment

Sunday to Saturday 2300hrs - Midnight

Premises closing time

Midnight

Additional steps to promote the licensing objectives which include the prevention of crime and disorder, Public Safety, the prevention of public nuisance and the protection of children from harm can be seen in paragraph M within the application.

**1.6 Designated Premises Supervisor:**

Malcolm Thompson Graham, 20 Annan Road, Gretna. Personal Licence No. PA0059. Issued by Carlisle City Council.

1.7 The area for licensable activities which covers the ground floor and first floor are indicated on the premises plan. **(Appendix 2)**

1.8 The application has been advertised in a local newspaper and on the premises in accordance with the legislation.

**2.1 RELEVANT REPRESENTATIONS**

**2.2 Responsible Authorities:**

**Cumbria Police** - These representations are based on the undermining of the crime prevention objectives in respect of conditions covering the misuse of drugs and CCTV and the inability of the proposed premises licence holders to manage the premises under the authorisation of a premises licence when they were unable to manage the Premises lawfully under the previous CPC. **(Appendix 3)**

**Licensing Authority** - These representations are based on the undermining of crime and prevention, public nuisance and protection of harm objectives as it is believed insufficient conditions have been offered by the applicant on the Operating Schedule. It is also a major concern that members of the current committee being the applicant as they were responsible for the Club Premises Certificate being withdrawn by the Licensing Committee in January of this year. **(Appendix 4)**

**2.3 Other Persons:**

There are no representations

**3.1 CONSULTATION**

3.2 The applicant attended a consultation meeting at the Civic Centre on 17<sup>th</sup> February 2016 when the representations from the Responsible Authorities was explained. Suggestions were also raised from Officers within the Environment Health Department with regard to noise issues. The applicants agreed to include the suggested conditions within their operating schedule **(Appendix 5)**.

The Club Secretary stated that the Committee intended to offer further conditions following advice and would verify this in writing. The Secretary also stated that a meeting of all members was to take place at the club on Friday 26<sup>th</sup> February 2016 following receiving a letter of 'no confidence' in the present committee, from members.

**3.3 Current Application and Operating Schedule Offered**

- 3.4 The full application is attached at Appendix 1. A summary of the Operating Schedule Offered is as follows.
- 3.5 The applicant has applied for the following licensable activities to carry on from the premises:
- Indoor Sporting Events (c)
  - Live Music (e)
  - Recorded Music (f)
  - Performance of Dance (g)
  - Anything of a similar description to that falling within (e,f or g)
  - Provision of Late Night Refreshment (i)
  - Supply of Alcohol (j) both on and off the premises
- 3.6 The standard opening hours for the Premises will be 11am – Midnight Monday to Sunday and the application is for all the above licensable activities to take place within these hours with the exception of Late Night Refreshments which is 11pm to Midnight Monday to Sunday.
- 3.7 The applicant has offered the following steps that they intend to take to promote the four licensing objectives:
- (a) **General – all four licensing objectives (b,c,d and e)**  
None
  - (b) **The prevention of crime and disorder**  
CCTV installed to satisfaction of police.  
All crimes will be reported to police.  
Notices of substance misuse will be in place
  - (c) **Public safety**  
All spillages will be cleared up immediately by staff to prevent accidents.  
All fire exits will be maintained and kept clear of any obstructions at all times.  
All equipment will be checked at regular times
  - (d) **The prevention of public nuisance**  
No noise nuisance will be caused to residents living near the premises.  
Bottle bins will be emptied at a reasonable hour i.e. not after 10pm or before 8am.
  - (e) **The protection of children from harm**  
Challenge 21 policy will be in place for all sales of alcohol

#### 4.1 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 refer to 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.

## Fundamental Principles

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.

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.

2.1 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.

2.2 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.

#### 4.3. 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 (*now Community Safety 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. **Consideration of applications and the imposition of conditions**

4.8.1. On granting a licence, the Authority may only impose conditions that are:

- required by law, and/or
- necessary for the promotion of the licensing objectives and
- proportionate

4.8.2 If no relevant representations are received, a licence will be granted on the terms sought, subject only to such conditions as are consistent with the operating schedule and which comply with the above paragraph and any relevant statutory conditions.

4.8.3. In deciding what conditions to impose, the Authority shall have regard to the operating schedule, together with the provisions of this policy statement, the law, government guidance and any relevant representations made. Where there is any ambiguity or uncertainty in the meaning of any part of the application, the application shall be interpreted in such a way as shall best promote the licensing objectives.

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.
- 4.8.5 The Authority will not impose conditions that duplicate other areas of regulation. For example, conditions will not be imposed which simply duplicate planning conditions or conditions attached to a fire certificate.
- 4.8.6. However, there may be occasions when conditions will be imposed which the Authority considers necessary for the promotion of the licensing objectives and which overlap with other areas of regulation, when for example the conditions on the fire certificate or planning permission do not adequately deal with those matters.
- 4.8.7. In general, any conditions imposed will be drawn from a pool of conditions.
- 4.8.8. Provided the licensing objectives are not undermined and the proposal does not conflict with the other statements in this policy, licences will be granted so that premises will be able to open to provide licensable activities between such times as the applicant sets out in his application.
- 4.8.9. When deciding what conditions to impose, the Authority will have regard to the particular requirements of people with disabilities and will, so far as possible, seek to ensure that none of the conditions imposed on licences will have the effect of excluding such persons access to licensed premises.

## 5.1 SECRETARY OF STATE 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 27 June 2011 and came into force immediately.

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. (*Paragraph numbers refer to the Guidance*):

### **Guidance on Crime and Disorder:**

- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

### **Guidance on Public Nuisance:**

- 2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate 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 the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.19 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 disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.20 **Conditions relating to noise nuisance will usually concern steps appropriate 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, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate 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.
- 2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible 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 appropriate.
- 2.22 **Where applications have given rise to representations, any 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 immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

- 2.24 **Beyond the immediate area surrounding the premises, these are matters for the 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.

### **Where representations are made**

- 9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.09 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.09 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

### **Relevant, vexatious and frivolous representations**

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.



- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

### **Conditions attached to premises licences**

- 10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

#### **Proposed conditions**

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

#### **Consistency with steps described in operating schedule**

- 10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.

10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

### **Imposed conditions**

10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

### **Proportionality**

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

### **Fundamental Principles:**

13.12 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
- conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity.

13.13 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.

## **The need for licensed premises**

13.18 There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

### **Guidance regarding licensing hours:**

13.42 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

13.43 Statements of licensing policy should set out the licensing authority’s approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities, and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

## **Planning and building control**

13.55 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

13.56 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

## **6.1 OBSERVATIONS**

6.2 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.

6.3 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. Extracts are included in this report however copies are available on line or from the licensing office.

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

6.5 Paragraph 9.3 to 9.9 of the section 182 Guidance refers to 'where representations are made' and whether the Committee considers these to be relevant, vexatious or frivolous.

## **7.1 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. (As above)

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.

In order to assist members and applicants and to achieve consistency, sample conditions for premise licences and club premises certificates have been prepared which may be utilised (Guidance GD6).

**Contact Officer: Fred Watson**

**Ext: 7028**

**Appendices**  
**attached to report:**

- 1 Application form**
- 2 Premises plans**
- 3 Police representations**

**4 Licensing Authority representations**  
**5 Environmental Health suggested conditions**

**Note:** in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Licensing Act 2003, Section 182 Guidance, Carlisle City Council Licensing Policy, premises application, representations and responses.

**CORPORATE IMPLICATIONS/RISKS:**

<b>Chief Executive's -</b>	<b>n/a</b>
<b>Deputy Chief Executive –</b>	<b>n/a</b>
<b>Economic Development –</b>	<b>n/a</b>
<b>Governance –</b>	<b>Included within the report</b>
<b>Local Environment –</b>	<b>n/a</b>
<b>Resources -</b>	<b>n/a</b>

**CA06**

Carlisle City Council  
 Licensing Manager, Civic Centre, Carlisle CA3 8QG  
 Tel: 01228 817523 Fax: 01228 817023  
 Email: licensing@carlisle.gov.uk



**Application for a premises licence to be granted  
 under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

You may wish to keep a copy of the completed form for your records.

**I/We** THE COMMITTEE Lbaker Secretary.  
 (Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
UPPERBY MENS INSTITUTE LTD 41. LAMB STREET CARLISLE CUMBRIA			
Post town	CARLISLE	Postcode	CA2 4NF
Telephone number at premises (if any)	01228 543104 / 528574		
Non-domestic rateable value of premises	£15750		

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- g)a a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	UPPERBY MEN'S INSTITUTE LTD
Address	41 LAMB STREET CARLISLE CUMBRIA
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc.)	
Telephone number (if any)	01228 543104 / 528574
E-mail address (optional)	



### Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
┆	┆	┆	┆	┆	┆	┆	┆

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD		MM		YYYY			
┆	┆	┆	┆	┆	┆	┆	┆

Please give a general description of the premises (please read guidance note 1)

UPPERBY MENS INSTITUTE  
MEMBERS CLUB  
SITUATED AT LAMB STREET CARLISLE

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- 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 entertainment (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 late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

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

**B**

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon	11.00	00.00	
Tue	11.00	00.00	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed	11.00	00.00	
Thur	11.00	00.00	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri	11.00	00.00	
Sat	11.00	00.00	
Sun	11.00	00.00	

**D**

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

E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	11.00	00.00			
Tue	11.00	00.00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed	11.00	00.00			
Thur	11.00	00.00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	11.00	00.00			
Sat	11.00	00.00			
Sun	11.00	00.00			

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11.00	00.00	<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	11.00	00.00			
Wed	11.00	00.00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	11.00	00.00			
Fri	11.00	00.00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	11.00	00.00			
Sun	11.00	00.00			

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11.00	00.00	<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	11.00	00.00			
Wed	11.00	00.00	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur	11.00	00.00			
Fri	11.00	00.00	<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	11.00	00.00			
Sun	11.00	00.00			



# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	11.00	00.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11.00	00.00	<b>Please give further details here</b> (please read guidance note 3)		
Wed	11.00	00.00			
Thur	11.00	00.00	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri	11.00	00.00			
Sat	11.00	00.00	<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun	11.00	00.00			

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23.00	00.00	<b>Please give further details here</b> (please read guidance note 3)		
Tue	23.00	00.00			
Wed	23.00	00.00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	23.00	00.00			
Fri	23.00	00.00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	23.00	00.00			
Sun	23.00	00.00			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption –</b> <b>please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon	11.00	00.00						
Tue	11.00	00.00						
Wed	11.00	00.00						
Thur	11.00	00.00				<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	11.00	00.00						
Sat	11.00	00.00						
Sun	11.00	00.00						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	MALCOLM THOMPSON GRAHAM
Address	20, ANNAN RD GREYNA DUMFRIESHIRE
Postcode	DG16 5DP
Personal licence number (if known)	PA 0059
Issuing licensing authority (if known)	CARLISLE.

K

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).

NONE.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11.00	00.00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p>
Tue	11.00	00.00	
Wed	11.00	00.00	
Thur	11.00	00.00	
Fri	11.00	00.00	
Sat	11.00	00.00	
Sun	11.00	00.00	

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

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

b) The prevention of crime and disorder

CCTV INSTALLED TO SATISFACTION OF POLICE  
ALL CRIMES WILL BE REPORTED TO POLICE  
NOTICES OF SUBSTANCE MISUSE WILL BE IN PLACE

c) Public safety

ALL SPILLAGES WILL BE CLEARED UP IMMEDIATELY BY STAFF TO PREVENT ACCIDENTS  
ALL FIRE EXITS WILL BE MAINTAINED AND KEPT CLEAN OF ANY OBSTRUCTIONS AT ALL TIMES  
ALL EQUIPMENT WILL BE CHECKED AT REGULAR TIMES

d) The prevention of public nuisance

NO NOISE NUISANCE WILL BE CAUSED TO RESIDENTS LIVING NEAR THE PREMISES.  
BOTTLE BINS WILL BE EMPTIED AT A REASONABLE HOUR I.E. NOT AFTER 10PM OR BEFORE 8AM

e) The protection of children from harm

CHALLENGE 21 POLICY WILL BE IN PLACE FOR ALL SALES OF ALCOHOL

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>L Bakel</i>
Date	<i>20-1-2016</i>
Capacity	

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

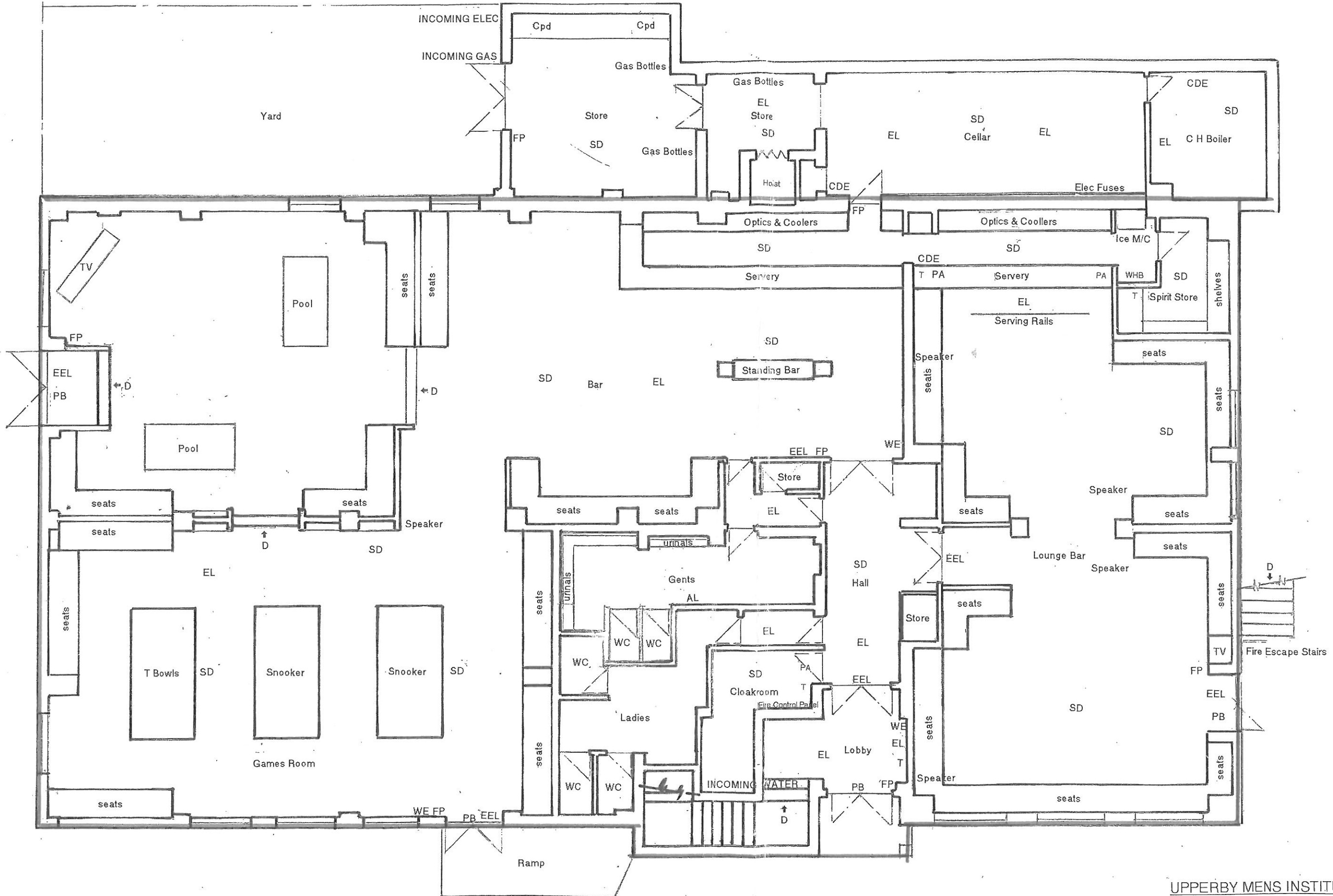
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

## Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



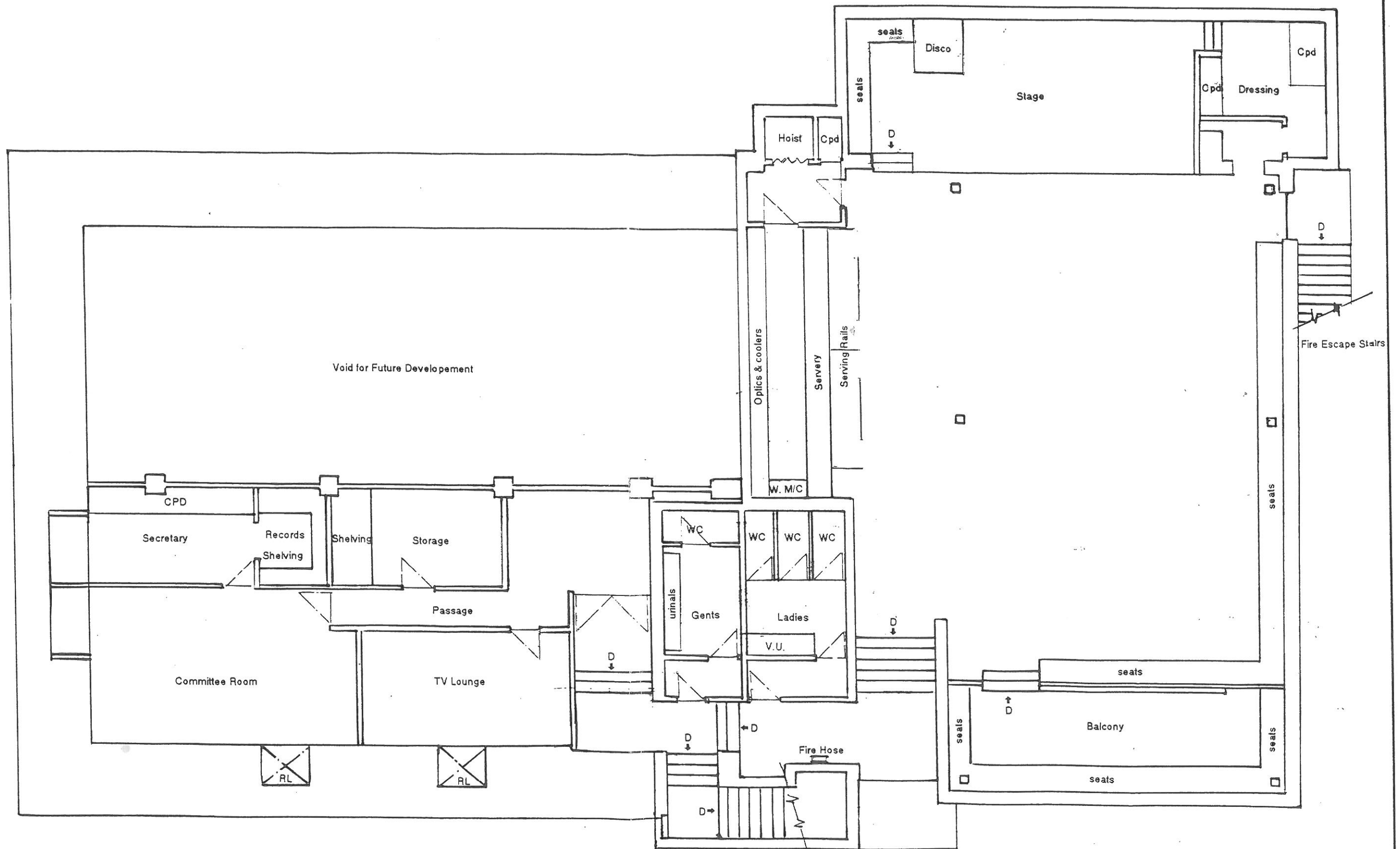
GROUND FLOOR PLAN.

SCALE: 1:100

UPPERBY MENS INSTITUTE.  
LAMB STREET, CARLISLE.

Car Park





FIRST FLOOR PLAN.

SCALE: 1:100

UPPERBY MENS INSTITUTE.  
LAMB STREET, CARLISLE.

This is a formal notification the Police wish to register an objection to the application for the grant of a premise licence for Upperby Mens Institute, Lamb Street, Carlisle.

The objection is as follows:

We wish to make a 'relevant representation' to the licensing authority in line with S18 (3) & (6) LA 2003

Our representations are based on the undermining of the crime prevention objective.

This will be based on;

- The proposed conditions on the application that are loosely worded and not enforceable, for example CCTV.
- The drugs operation conducted at the premises on Friday 11<sup>th</sup> September 2015 which was by a warrant granted by the Magistrates, based on a number of pieces of intelligence regarding drug misuse on the premises.
- Conditions that have not been proposed on the application to address previous concerns regarding drug misuse at the premises.
- The committee who are the proposed premises licence holders that comprise of Mr JP Ruddick . The committee is based on individuals who were in place at the time of the removal of the club premises certificate. This committee was unable to run the premises to a standard expected in line with the certificate.
- The inability of the proposed premises licence holders to manage the premises under the authorisation of a premises licence when they were unable to manage the premises lawfully under the previous Club Premises Certificate.

As you are aware there is no recorded crime & disorder attributable to the premises when it was operating under the authorisations of a Club Premises Certificate , however we did receive a complaint that the club was supplying alcohol after the permitted hours and the noise nuisance associated with persons leaving the club at 3 am.

Should this matter go to hearing we will provide evidence in support of our objections

Andy Hanson  
Inspector 915  
Section 4  
North Cumbria NPT

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North HQ, Brunel Way, Carlisle, Cumbria CA1 3NQ

Representation in respect of Application:

In respect of..... UPPERBY MANS INSTITUTE.....

Date rec'd..... 22/1/16.....Date consultation ends..... 19/2/16.....

This is formal notification that Carlisle City Council Licensing Authority wish to register an objection to the above. This relevant representation is in line with the Licensing Act Section 182, 2003 and Police Reform & Social Responsibility Act 2011

This representation is based on the undermining of the crime and prevention objective:

- The proposed conditions on the application are loosely worded and not enforceable, for example CCTV
- No conditions have been proposed on the application to address concerns regarding previous drug use on the premises

This representation is based on the undermining of public nuisance:

- Conditions previously attached on Annex 3 of their club premises certificate have not been addressed in this current application regarding prevention of noise nuisance

This representation is based on the undermining of protection of children from harm

- No conditions regarding children being allowed in the premises

Finally, Officers from Cumbria Police and the Licensing Authority held a prearranged compliance visit to the Club on 16 October 2015 and met with the Chairman, Secretary and a Committee Member. The meeting was to establish their understanding of the Club Premises Certificate and attached conditions. The Police made comment that it was evident that no one on the Committee had any understanding of club rules or the Club Premises Certificate and it was openly admitted that committee allowed the Concert Room to be hired and used by non-members which was a clear breach of the Club Premises Certificate.

The applicant is named as 'The Committee'. As this same committee had the Club Premise Certificate removed, the Licensing Authority is not prepared to accept 'the committee' as the applicant.

Signed: LIC MANAGER,

Authority: Carlisle City Council, Licensing Authority

Dated: 19/2/16.

**From:** Margaret Moir  
**Sent:** 17 February 2016 14:20  
**To:** Licensing (Carlisle)  
**Cc:** Susan Stashkiw  
**Subject:** Upperby Mens Institute, Lamb Street, Carlisle. Application for a Premises Licence

This department proposes that the public nuisance conditions applied by the Licensing Sub Committee dated 30<sup>th</sup> June 2009 are applied to the premises licence if approved. The conditions were brought to the attention of the applicant at a meeting on 17 February at the Civic Centre.  
The conditions are as follows

1. The outside area may be used for the consumption of beverages only between the hours of 11.00am and 10.00pm and no drinks in open canisters shall be taken out of the premises at any other time.
2. There shall be no regulated entertainment in the outside seating area.
3. Employees of the club must make regular checks of the outside seating area to ensure that patrons are not causing a nuisance to residents by way of noise or disorder and, if they are, action must be taken to desist this. A written record must be kept showing the dates and times of checks and any action taken. The checks must be carried out frequently and at least every hour.

Regards

Margaret Moir  
Environmental Health Officer  
Carlisle City Council  
Tel 01228 817337