

1

PROCEDURE

LICENSING PANEL & COMMITTEE HEARING PROCEDURE

1. Upon notification that a matter is to be put before a Licensing Panel or the Committee, the applicant, interested parties and the responsible authorities shall within the time period provided for in the relevant regulations give notice to the Licensing Office stating
 - i. Whether they intend to be represented at the hearing
 - ii. The names and addresses of any witnesses that they intend to call
 - iii. The time estimate for their presentation/representations to the Committee
 - iv. Whether they consider a hearing to be unnecessary
2. Where a large number of interested parties are involved they will be encouraged to appoint a spokesperson or spokespersons so as to avoid duplication of evidence in so far as is possible
3. Anyone invited to attend or appear before a Panel or the Committee may have legal or other professional representatives with them if they so wish. Advocates are, however, reminded that these are civil proceedings and inquisitorial rather than adversarial in nature. Aggressive advocacy is not encouraged and will not be tolerated.
4. Anyone attending a Panel or Committee meeting held virtually, who has notified their intention to speak including; Interested parties, the applicant or any legal or professional representative will be provided with details in order to access the meeting by telephone.
4. Copies of the application and representations made by the parties will have been circulated to members prior to the hearing. However in appropriate cases, where a matter is to proceed to a hearing the applicant will be expected to supply a further 6 copies of the plan accompanying the application for use at the hearing. The hearing will concentrate solely on those areas of the application which are in dispute. The Authority is under an obligation to disregard information which is not relevant to the application, representation, or notice or to the licensing objectives. Advocates are therefore asked to be as succinct as possible and should be aware that the Chair may impose a time limit within which parties are to present their case.
5. Whilst additional material in support of the application, representation or notice may be taken into account by the Authority, such material should be provided and circulated by the producer to all parties concerned (including the Authority) as soon as possible before the hearing. If the hearing is being conducted virtually, it is may not be possible to introduce new material on the

day of the Panel hearing. In any event, material produced at the hearing can only be admitted with the consent of all the other parties. The late production of material may lead to a hearing having to be adjourned and is discouraged. Additional material which reveals a new ground of representation or which is not relevant to the application, representation or notice lodged will be disregarded.

6. Any party who intends to put additional written material before the Panel or the Committee should provide 18 copies of that material to the licensing Office if the application is to go to the full Committee and 6 copies if the matter is to go before the Panel. Applicants should note that changes to application plans during the application process should be notified to the licensing Office as soon as possible and are likely to result in a new application having to be submitted. All relevant documentation received by the Authority will be sent to Members of the Panel/Committee and interested parties before the hearing if at all possible. Any failure to adhere to the requirements listed above may result in a case having to be adjourned and therefore delay the decision.
7. Where a party does not attend the hearing and is not represented, the Authority may either adjourn the hearing if it is in the public interest to do so, or may continue with the hearing in the party's absence. If the latter option is followed the Committee/Panel will still consider any application, representation, or notice submitted by the absent party in so far as it is relevant.
8. The following procedure will ordinarily be followed at the Panel/Committee hearing:
 - i. The Chair will introduce themselves, other members and relevant officers. The Chair will also ask the applicant, interested parties and the responsible authorities to introduce themselves and any witnesses they wish to call. The Chair will then outline the procedure to be followed by the Panel/Committee and any time limits to be imposed on the presentation of cases.
 - ii. The applicant will be asked to present their case. Where a general presentation is made interested parties and the responsible authorities may ask questions at the end of that presentation. However, where witnesses are called, it is expected that each witness will give their evidence and then be open for questioning once their evidence has finished. The next witness will then give evidence. The order for asking questions will be:
 - Responsible Authorities
 - Interested parties
 - Panel/Committee Members
 - Legal advisor to the Panel/Committee (where appropriate)
 - iii. Responsible authorities, and interested parties will then be given an opportunity to present their representations. Once the representation has been presented and any evidence given, there will be an opportunity for questions to be asked firstly, by the applicant and then by other responsible authorities and interested parties, members and the legal

advisor to the Panel/Committee. Where there is more than one body making representations to an application the order for the hearing of representations will normally be the responsible authorities followed by interested parties

- iv. Once all the evidence has been given responsible authorities, and interested parties will be given an opportunity to sum up their representations in the same order as they presented their case. The applicant will then be given an opportunity to sum up their case and have the final word.
 - v. Whilst Hearings will normally be conducted in Public the Panel/Committee does have powers of exclusion (which cover the public, the press, and even applicants, parties and their representatives) in appropriate circumstances. The Panel/Committee will however always discuss and make its decision on the application in private.
 - vi. The decision will normally be announced in public and transmitted in writing in accordance with the relevant rules and guidance. The decision may however be notified where applicable to the parties in writing at a subsequent date following the conclusion of the hearing.
9. If all parties agree and the Authority considers it appropriate, a hearing may be dispensed with. In some circumstances (where representations are not withdrawn), the Panel/Committee may still have to determine the application but will do so having considered the papers previously submitted. In such circumstances the Authority would also consider the terms of any "consent order" drawn up by the parties indicating terms upon which all of the relevant parties would be content that the application be granted.
10. Adjournments
- i. Due to the time constraints upon the Panels/Committee, applications for adjournments will only be granted where absolutely necessary
 - ii. Once a hearing date has been set it is for the parties to ensure that they attend or are represented. Hearings may proceed in the absence of a party and in such circumstances the party's original representations will be taken into account together with any further material in support of that representation which has been served on all parties before the day of the hearing.
 - iii. If it is not possible for a party or their witness to attend a hearing the Authority's preference would be for their representation to proceed by way of written evidence
 - iv. If it is necessary to make an application for an adjournment the party seeking the adjournment should seek the consent of all other parties to the application and notify the Licensing Office as soon as possible that an adjournment may be sought. If all parties agree the matter may be adjourned administratively.
 - v. If not agreed administratively the matter will remain listed before the Panel/ Committee to hear the application and determine whether to agree the adjournment or proceed.
 - vi. The Authority may adjourn proceedings of its own motion where it considers it necessary for its consideration of any application,

- representations or notice made or where it considers it to be in the interests of natural justice.
- vii. Where an adjournment is granted all parties will be given notice of the adjournment and the new hearing date.

11. Applications to Extend Time Limits

- i. These may be dealt with administratively but will only be granted where it is necessary in the public interest.
- ii. Applications should be made to the Licensing Officer identifying:-
 - i. the licensing application and premises concerned,
 - ii. the person making the application for the time limit to be extended
 - iii. the time limit concerned,
 - iv. the reasons why that time limit cannot be complied with,
 - v. the extension sought,
 - vi. why it is believed that it would be in the interests of justice to grant the application, and
 - vii. whether all other parties have agreed to an extension of time.
- iii. Where an extension is granted all parties will be given notice of the extension.

THE PANEL'S CONSIDERATIONS

The Panel will disregard any information given or evidence produced, which is not relevant to the application or the promotion of the licensing objectives.

The Objectives are: -

- **The prevention of crime and disorder;**
- **Public safety;**
- **The prevention of public nuisance, and**
- **The protection of children from harm.**

Each objective is of equal importance.

The Panel will have regard to the national Guidance issued under Section 182 of the Licensing Act 2003 and the Borough Council's own Statement of Licensing Policy.

The Panel has a duty to act in a manner which is compatible with the Human Rights Act 1998.

A Licence is regarded as property for the purposes of the Human Rights Act 1998. Article 1 of the First Protocol states that:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

The Panel must also take into account the effect on local residents. Article 8 states:

"1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

Three stage test to be applied: -

1. Is the interference in accordance with the law?
2. Is the interference necessary in a democratic society in pursuit of one of the legitimate aims set out above?
3. Is the decision proportionate i.e. striking a fair balance between the demands of the general interests of the community and the requirement to protect the individual's fundamental rights?

2

APPLICATION

**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.

Gedling Club and 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 05/00749/CLUB
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Part 1 – Club premises details

Name of club Gedling Club and Institute			
Postal address of premises, if any, or if none ordnance survey map reference or description 66 Main Road Gedling			
Post town	Nottingham	Postcode	NG4 3HG
Telephone number (if any)	[REDACTED]		
E-mail address (optional)			

Name of person performing duties of a secretary to the club Lorraine Furr			
Address of person performing duties of a secretary to the club [REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]
Daytime contact telephone number (if any)	[REDACTED]		
E-mail address (optional)			

Part 2 – Applicant details

Daytime contact telephone number (if any)	<div style="background-color: black; width: 100px; height: 1.2em;"></div>		
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

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

DD	MM	YYYY
<div style="width: 20px; height: 15px;"></div>	<div style="width: 20px; height: 15px;"></div>	<div style="width: 20px; height: 15px;"></div>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (See guidance note 1)

☐ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

~~Vary the premises~~

To Vary the Plan attached to the Club certificate, ~~to~~ extend the boundary of the premises being the outside area. AS per the plan attached to the application.

This will improve the access for disable members of the club.

To add three conditions to the operating schedule - see section M

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 read guidance note 3)

Please tick all 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 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) ☐

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 I) ☐

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 J) ☐

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Wed					
Thur					
			<u>Non standard timings. Where the club intends to use the premises for the performance of a play at different times from those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)			
Tue						
Wed			State any seasonal variations for the exhibition of film (please read guidance note 6)			
Thur						
Fri			Non standard timings. Where the club intends to use the premises for the exhibition of film at different times from those listed in the column on the left, please list (please read guidance note 7)			
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details here</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			
Fri			<u>Non-standard timings. Where the club intends to use the premises for indoor sporting events at different times from those listed in the column on the left, please list</u> (please read guidance note 7)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Fri					
Sat			<u>Non-standard timings. Where the club intends to use the premises for the boxing or wrestling entertainment at different times from those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non-standard timings. Where the club intends to use the premises for the performance of live music at different times from those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non-standard timings. Where the club intends to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Wed					
Thur					
			<u>Non-standard timings. Where the club intends to use the premises for the performance of dance at different times from those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment that the club will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for this entertainment</u> (please read guidance note 6)		
Fri					
Sat			<u>Non-standard timings. Where the club intends to use the premises for this entertainment at different times from those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations (please read guidance note 6)			
Mon						
Tue						
Wed			Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 7)			
Thur						
Fri						
Sat						
Sun						

J

Hours club premises are open to the members and guests Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon			Non standard timings. Where you intend the premises to be open to the members and guests at different times from those listed in the column on the left, please list (please read guidance note 7)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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 10).

L

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.

N/A.

Please tick as appropriate

- 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 not enclosed the club premises certificate or relevant part of it:
To be forwarded to the Licensing Authority

To be forwarded

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 11)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

1) To vacate the outside area by 22:00 except for access and Egress and smoking.
2) Notices to go up as per the above condition
3, No licensing activities to ~~be done~~ take place in outside area.

e) The protection of children from harm


Checklist:


Please tick to indicate agreement



- 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

I  Lorraine For
 (Insert full name)
make this application on behalf of the club and have authority to bind the club

Signature	
Date	
Capacity	club Secretary.

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. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy.
2. Describe the premises, for example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for people to consume these off-supplies, please include a description of where this will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening

from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;

- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- 4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 5. Please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 6. For example (but not exclusively) where the activity will go on for an extra hour during summer months.
- 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 8. Please give timings in 24 hour clock (e.g. 16.00).
- 9. If the club wishes members and their guests to be able to consume alcohol on the premises, please tick 'on the premises'. If the club wishes people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If the club wishes people to be able to do both, please tick 'both'.
- 10. Please give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or gambling machines etc.
- 11. Please list here steps you will take to promote all four licensing objectives together.
- 12. The application form must be signed by someone with the authority to bind the club.
- 13. This is the address which we will use to correspond with the club about this application.

NOTICE OF APPLICATION
FOR THE VARIATION OF THE CLUB PREMISES CERTIFICATE
UNDER LICENSING ACT 2003

Notice is hereby given that an application has been made by Gedling Club and Institute for the variation of Club Premises Certificate 05/00749/CLUB in respect of the Gedling Club and Institute at 66 Main Road Gedling Nottingham NG4 3HG as follows:

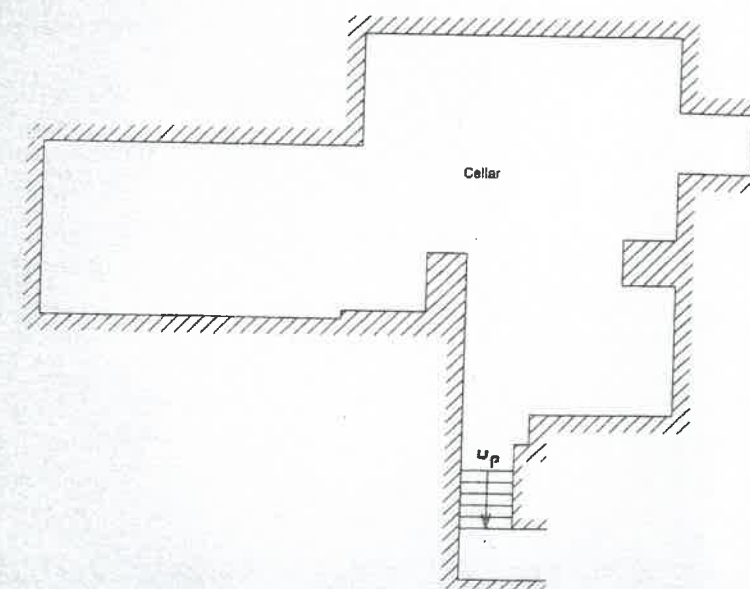
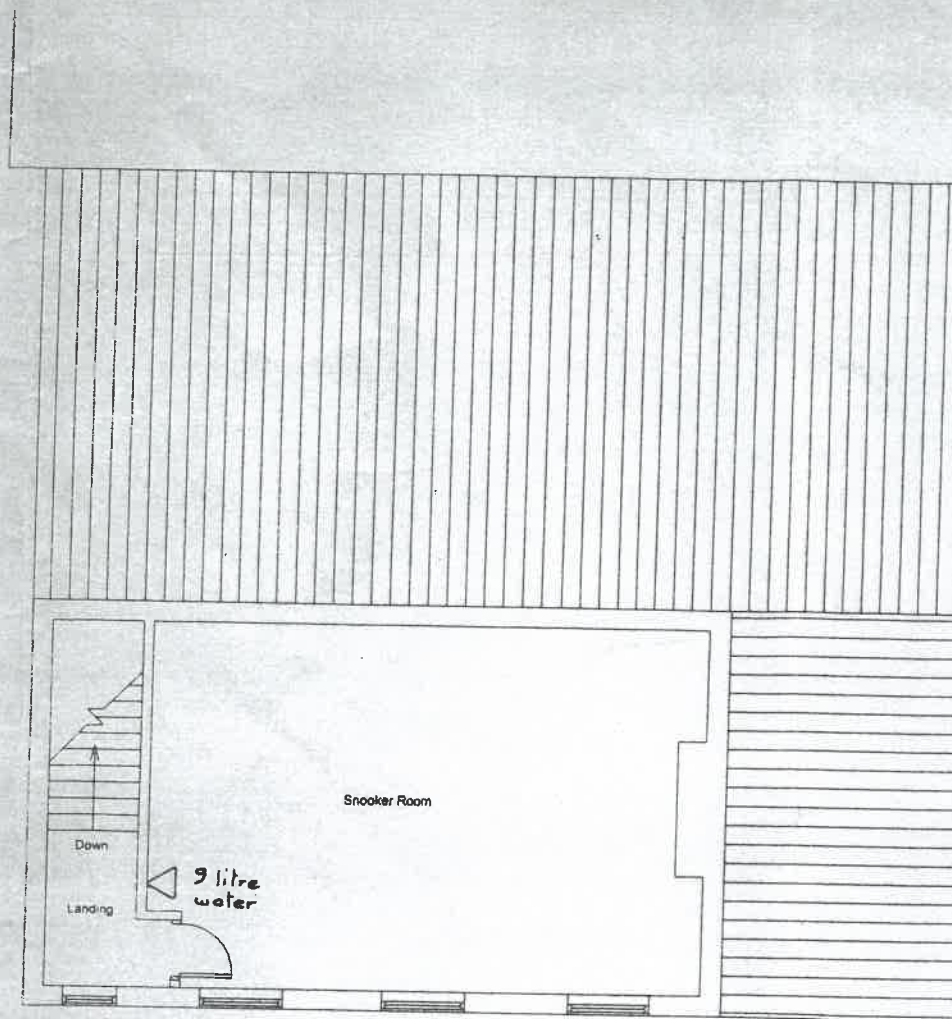
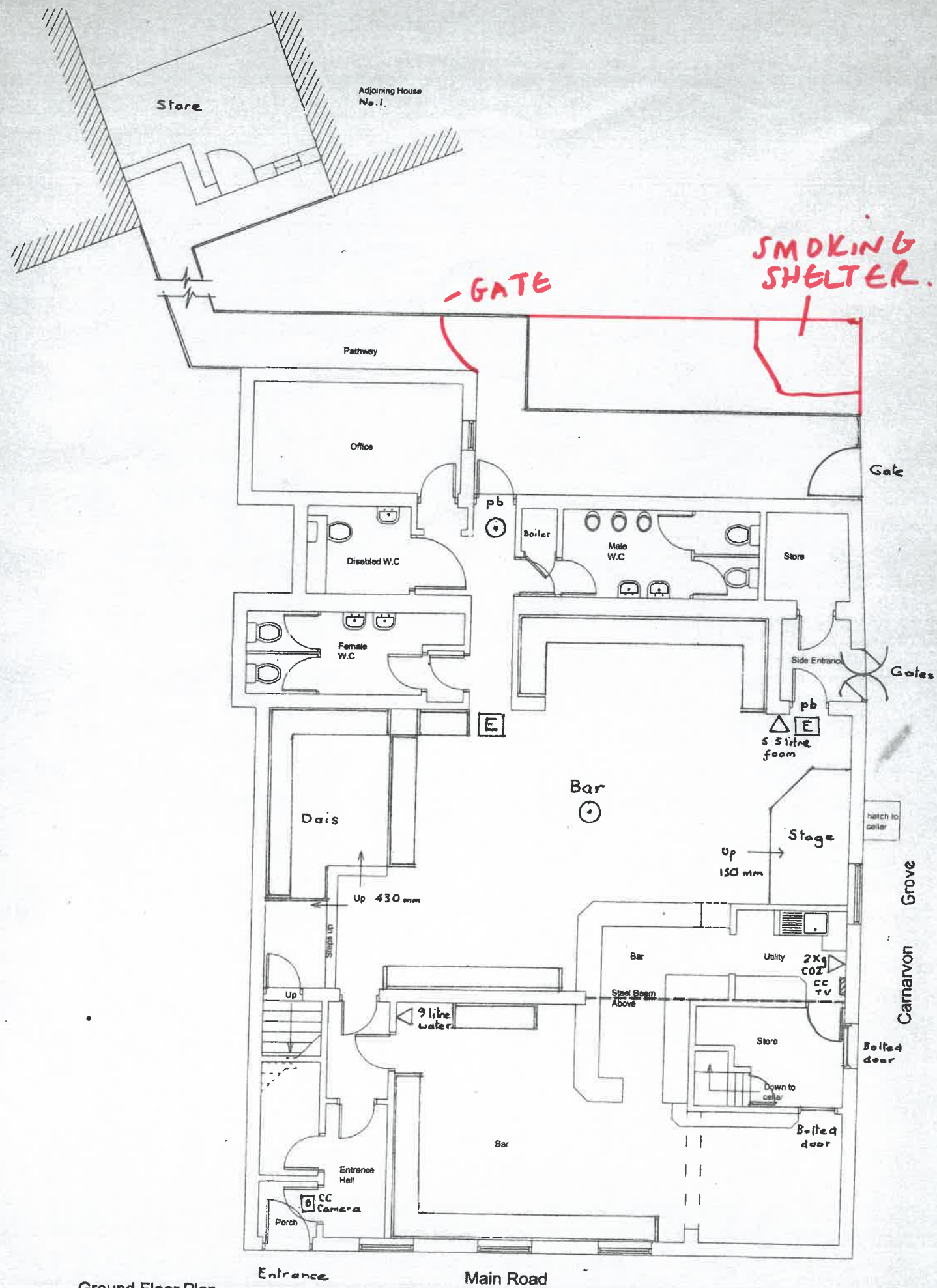
- To vary the plan attached to the club certificate to extend the boundary of the premises, being the external area, as per the plan attached to the application. This will improve the access for disabled members of the club.

- To add three conditions to the operating schedule relating to the above change as follows:
 1. To vacate the external area by 22:00hrs except for access and egress and smoking.
 2. Notices to be displayed in the external area relating to the above.
 3. No licensable activities to take place in the external area.

The licensing register and full details of the application can be inspected by contacting the Licensing Authority during office hours at:

The Licensing Section, Public Protection Service, Gedling Borough Council, Civic Centre, Arnold, Nottingham NG5 6LU. Tel: 0115 901 3971.

Interested parties or responsible authorities can make representation in writing to the Licensing Authority up to 9 April 2020. It is an offence for anyone knowingly or recklessly to make a false statement in connection with a Licence Application. Any person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.



Gedling Club & Institute 66 Main Road Gedling Nottingham PROPOSED PLANS	
JOHN R. FEARN <small>FAS FCI08</small> PLANNING AND DESIGN CONSULTANT CHARTERED BUILDER TELEPHONE: 0115 951 8283 ORLANDO HOUSE, 38 GEDLING ROAD CARLTON, NOTTINGHAM NG4 3FH	
SCALE 1:100	DATE NOVEMBER 2005
DRAWING No. GCI/6	DRAWN BY MB

CLUB PREMISES CERTIFICATE

LICENSING ACT 2003

Club Premises Certificate Number	05/00749/CLUB
Date of Grant	11 January 2006
Name of Club in whose name this certificate is granted	Gedling Club and Institute
Postal address of club	66 Main Road Gedling Nottingham NG4 3HG
Telephone number	0115 9550053
If different from the above, the postal address and telephone number of club premises to which this certificate relates	N/A
Where the Club Premises Certificate is time limited the dates	N/A
Qualifying club activities authorised by the certificate	Supply of alcohol by or on behalf of a club to, or to the order of, a member of the club 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 Provision of regulated entertainment for indoor sporting events, live and recorded music Provision of entertainment facilities for making music and dancing
The times the certificate authorises the carrying out of qualifying club activities	Monday – Sunday 10:00 hrs – 12 Midnight <u>Non-standard times</u> Christmas Eve 11:00 hrs – 01:00 hrs New Year's Eve 11:00 hrs – 01:00 hrs St. George's Day 11:00 hrs – 01:00 hrs

The opening hours of the club	In accordance with the Club Rules
Where the certificate authorises supplies of alcohol whether these are on and/or off supplies	Supply of alcohol for consumption on or off the premises

Annex 1 – Mandatory conditions

Licensing Act 2003

None

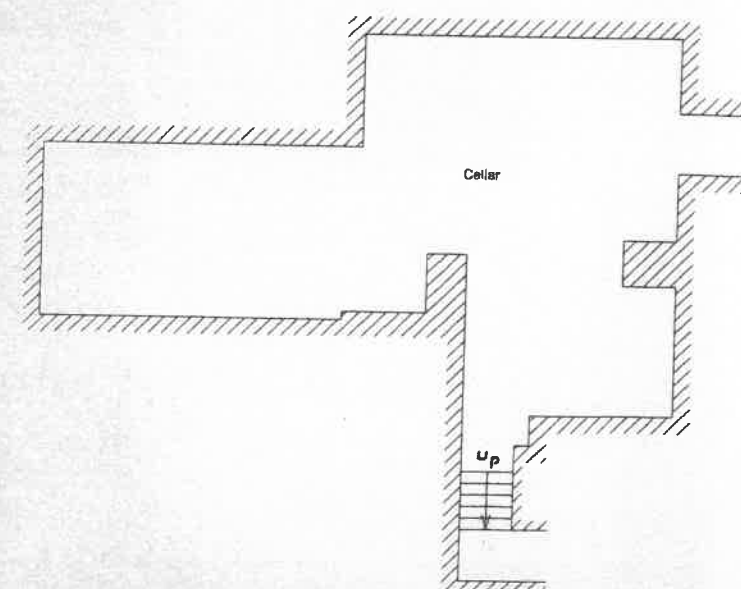
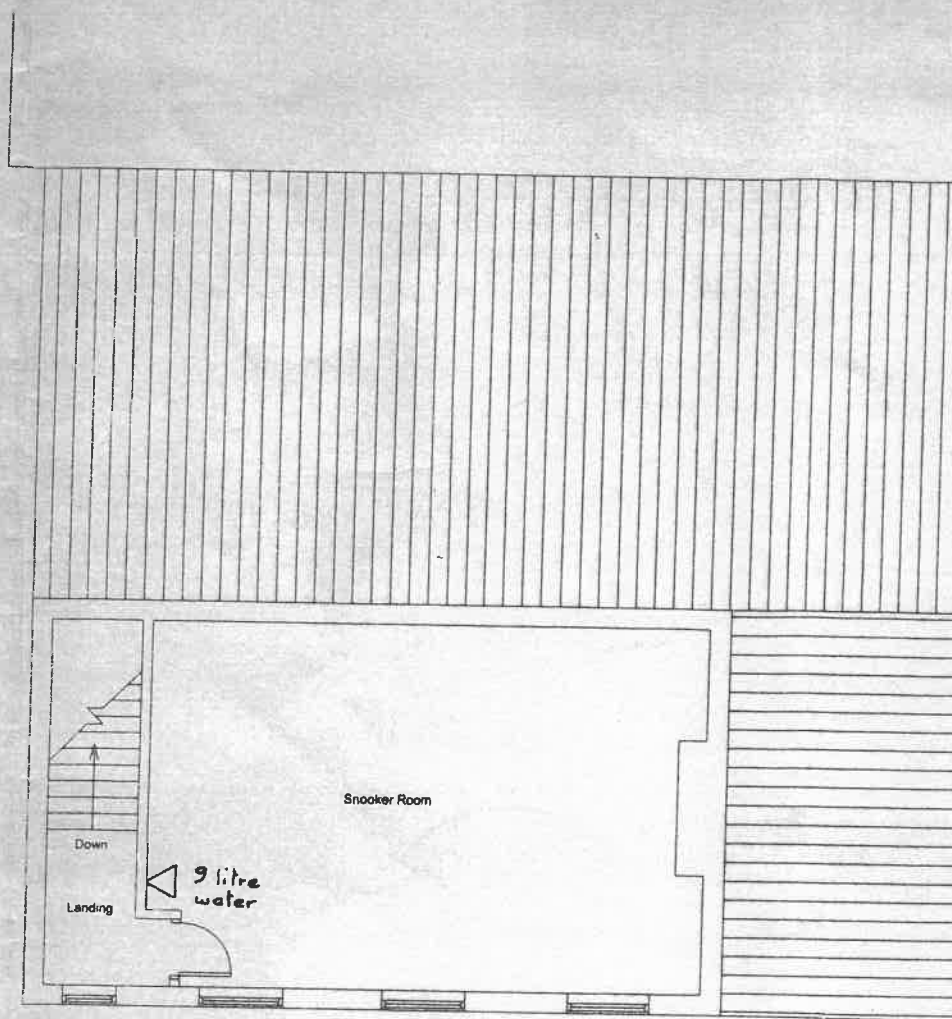
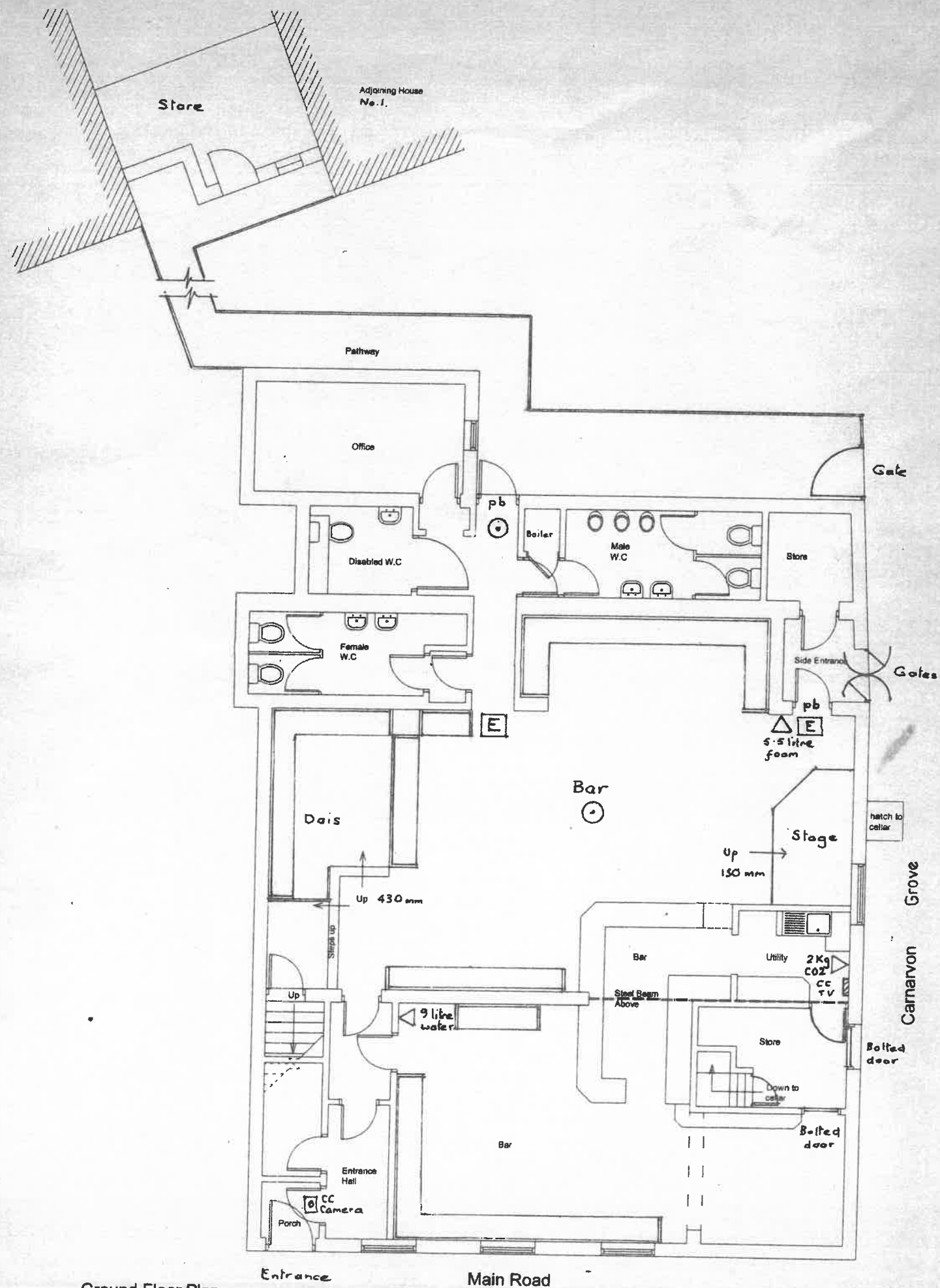
Annex 2 – Conditions consistent with the Club Operating Schedule

1. If a disc jockey is used on any night then he/she will ask customers to leave quietly.
2. Notices will be displayed at the exit to the premises asking customers to leave quietly.
3. Any person who appears to be intoxicated will not be allowed entry to the premises.
4. When live music is played doors and windows will be kept closed.
5. No children will be allowed on the premises.

Annex 3 – Conditions attached after a hearing by the Licensing Authority held on 11 January 2006

1. Clear, prominent and legible notices to be displayed at all entrances; such notices to request Club Members to respect the need of local residents to access their own properties.

Annex 4 – Plans - See attached



Existing Plans

Gedling Club & Institute
66 Main Road
Gedling
Nottingham



JOHN R. FEARN
FASCI FCI08
PLANNING AND DESIGN CONSULTANT
CHARTERED BUILDER
TELEPHONE: 0115 961 8288
ORLANDO HOUSE, 36 GEDLING ROAD
CARLTON, NOTTINGHAM NG4 3FH

SCALE 1:100

DATE NOVEMBER 2005

DRAWING NO. GC1/6

DRAWN BY MB

3

OBJECTIONS

Licensing Act 2003 Licensing Representation Form

If you wish you can use this form to make your representation to the Licensing Authority.

Representations can be made against a licence application by an interested party. Representations may also be made on behalf of an interested party by a representative e.g. MP, solicitor, or a friend. **Please be mindful that that your representation can be viewed by the Applicant or by a representative of the Applicant. It may also be read out in public at the Licensing Panel hearing.**

(a) **Please indicate in which capacity you are making this representation by ticking a box below:**

☒

An individual

☐

A business

☐

A person representing the individual(s)/business(es)

☐

A body representing the individual(s)/business(es)

Representations are only relevant to an application if they relate to at least one of the four Licensing Objectives listed below:

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

Representations may be made at any time during a period of **28 consecutive days** starting on the day after the application was given to the Licensing Authority. In the case of a closure order issued by the Police, representations may be made during the seven days that follow relevant notice being given to the Local Authority by the Magistrates Court, starting on the day after the day the notice was received.

(b) Please enter contact details of interested party below:

Name: ...Anna and James Stapleton.....

Address: 68 Main Road, Gedling, Nottingham.....

Postcode: NG4 3HG.....

Telephone number (optional): ...

E-mail (optional): ...

(c) Please confirm name and address of person or business affected if different from the address given above:

Name:.....

Address:

Postcode:

(d) Please provide details of the application to which you wish to make a representation.

Name of Applicant: ...Gedling Club and Institute.....

Address of Premises: ...66 Main Road, Gedling, Nottingham NG4 3HG

Application for: License Variation.....

Details of your representation (please ensure relevance to the above licensing objectives):

We have lived at 68 Main Road, Gedling, since 2003. We live directly next door to Gedling Club. For 17 years, we have put up with many different disturbances from Gedling Club, because we recognise and understand that they are a long-standing local Institute, and we act in a neighbourly way. However, the noise and disturbance we currently experience on a regular basis is taking place even without the granting of the License Variation, which would introduce a new large external drinking area if approved. We strongly object to the License Variation, as it will create additional Public Nuisance, directly affecting us and the community.

We already put up with the following public nuisance issues that are created by Gedling Club:

- Noise from Gedling Club's entertainment act every Saturday night, 9pm – 11.20pm. We can clearly hear the entertainment in our house, even with our doors and windows closed. Our daughter, who has a bedroom at the rear of our house, has often been woken up by this noise disturbance.
- As members leave the Club late at night, particularly after 11pm on a weekend evening, there is noise disturbance as members come out, often shouting, often banging taxi doors closed. Both us and our son have bedrooms facing the road, and we have in the past been woken up by this noise disturbance.
- Second-hand cigarette smoke in our garden, from 12 noon to 3.30pm, and 7pm to 11.30pm. Gedling Club installed a smoking shelter at the rear of their property in 2007 as a result of the national public indoor smoking ban. Our garden is directly next to where the Club members gather to smoke, and the prevailing south-westerly wind takes this second-hand smoke directly into our garden where our 2 young children play. Our children complain when they smell the smoke. We bring our children in from the garden when members are smoking as we are concerned about the long-term effects of inhaling second-hand smoke.
- Swearing, particularly late at night on a Saturday evening, when the Club members gather to smoke in the external area. We do not want our Children to be exposed to swearing so again, we have to make sure our windows and doors are closed to prevent them hearing the swearing. We do not feel it is reasonable to be subjected to swearing whilst we are in our own garden (which is adjacent to Gedling Club)

In the last few months, we have experienced an increased level of Public Nuisance noise generated by Gedling Club. Since January 2020, we have been in contact with Antony Oseland (Environmental Health Officer, Gedling Borough Council) about our concerns and we have submitted numerous diary record sheets, covering the period of January to March 2020, to evidence this. Mr Oseland has read these reports and has advised us that noise monitoring is needed when Gedling Club reopens. This demonstrates the high levels of Public Nuisance that we and others are currently experiencing, even without the larger external drinking area.

What really worries us about this application by Gedling Club is the significant additional negative Public Nuisance impact that the License Variation will have. The License Variation will create additional Public Nuisance that will negatively impact on us and the community every day. Currently, the only reason for the Club members to go into the external area is to smoke a cigarette, or for improved disabled access. The proposed License Variation will encourage more Club members to go outside to a considerably larger seating area and drink alcohol for long periods of time. The License Variation will increase Public Nuisance levels.

As considerate neighbours, we have supported Gedling Club and their members over the years in different ways. As an example, we try not to park our cars outside their emergency exit on Carnarvon Grove on a Saturday evening, as we know their entertainment act needs access to take in their equipment to set up. I have also helped out numerous times when there has been no-one at the Club to accept a delivery.

This License Variation submission goes beyond what we believe is reasonable in a purely residential area. We have always tried our best to be good neighbours to Gedling Club but we object very strongly to this License Variation on the grounds of Public Nuisance in what is a purely residential area.

There has never been an external drinking area at Gedling Club; the Club operates successfully without one. If people do want to drink in established beer gardens, then there is already this option at the Gedling Inn (2-min walk), and the Willowbrook (5-min walk), and the Inn for a Penny (10-min). These facilities are already in use at those pubs, and are well distanced from residential properties to prevent Public Nuisance disturbance.

Continued...

Gedling Club applied for retrospective planning application in Summer 2019 for the following:

1. Improved access for wheelchair users to the rear of the Club
2. Re-siting of the smoking shelter
3. Extending the rear area of Gedling Club by taking part of the garden of No.1 Carnarvon Grove, to provide space for these 2 points

Retrospective planning permission was granted in February 2020 to allow this.

In February 2020, after a period of successful mediation by Rachel Pentlow, an agreement was reached between us, Gedling Club, and Rachel Pentlow (Gedling Borough Council Licensing Department) to finalise a minor variation. This minor variation supported a new mobility-impaired route to access the rear of the Club, allowing Club Members with wheelchairs and mobility scooters to have easier access, and the re-siting of the smoking shelter. It also prohibited the consumption of any food or beverages in this rear area. All parties reached an agreement by making compromises, and this minor variation was agreed and signed by Gedling Club.

Since signing this agreement, Gedling Club have now decided to go back on this minor variation and apply for the License Variation which will allow members to drink alcohol externally for the first time.

We feel that this sudden change is not in the spirit of acting considerately towards neighbours. This License Variation application will significantly impact on our ability to peacefully enjoy our property.

As stated in the Human Rights act, "Every natural or legal person is entitled to the peaceful enjoyment of their own possessions". As the Licensing Authority, Gedling Borough Council must consider the impact on local residents of any Licence Variations to ensure that "Everyone has the right to respect for their private and family life, their home and correspondence". The only reason that this can be interfered with by a Public Authority is if it is necessary in the interests of national security or public safety.

We do not believe that this licencing variation or 'interference' is necessary for any of the above reasons and would significantly impact on our own fundamental human right to peacefully enjoy our own possessions by way of peaceful enjoyment of our property. Gedling Club have been successfully operating for the benefit of their members for well over 100 years without ever having an external drinking area – and we strongly feel that this current position should continue unchanged.

We also do not believe that the decision to allow this License Variation would be proportionate. A fair balance would not be struck between the demands of the general interests of Gedling Club (Club users wanting to drink in the outside area), and our own fundamental rights to enjoy our property as peacefully as possible (considering that there are already Public Nuisance issues and the granting of this License Variation would further exacerbate them).

We believe that the Minor Variation that was previously agreed would strike a fairer balance, whereby Club users can use the outside area to enter the Club for mobility access reasons, and also smoke outside (in line with disability rights and no smoking legislation), but Gedling Club members are not permitted to use the area for outside drinking and socialising.

The current arrangement being maintained would offer further protection to neighbours' fundamental human rights to enjoy our properties and protect ourselves and our children from further negative impacts of second-hand smoke, noise pollution, disturbed sleep and being unable to use parts of our properties at certain times to avoid our children being exposed to swearing, as the impact of these would certainly increase if the License Variation was agreed.

We object very strongly to this License Variation being granted for all the valid reasons explained above.

(e) Please indicate which of the Licensing Objectives your representation refers to by ticking the relevant box(es) below:

☐ The Prevention of Crime and Disorder

☐ Public Safety

☒ Prevention of Public Nuisance

☐ The Protection of Children from Harm

(f) Suggest alternatives

If possible please suggest alterations to the application, or conditions that would resolve the problem mentioned above, again paying attention to the licensing objectives.

Our alternative suggestion to the License Variation is straightforward. We suggest honouring the agreement in the original agreed minor variation, which was agreed in February 2020 between ourselves, Gedling Club, and Rachel Pentlow. The minor variation agreed the following:

1. Improved access for wheelchair users and those with mobility difficulties to the rear of the Club – which is what Gedling Club applied for in 2019. This would be a significant access benefit to some members of Gedling Club who have mobility difficulties.
2. Re-siting of the smoking shelter – which is what Gedling Club applied for in 2019
3. No consumption of food or beverages – to protect us, and all the residents of the community, against an increase of Public Nuisance issues.

This was an agreed position that was made in February 2020 after we compromised to reach an amicable solution. We still feel this is a reasonable position in the spirit of working together as neighbours.

Once the Licensing Section has received this form you will receive a written acknowledgment and you may be contacted to discuss the issue prior to any referral to a Licensing Panel hearing.

☐ Please tick this box if you do not intend to attend or be represented at any hearing. This means that only your written representation will be able to be considered.

If you wish to withdraw any representations you may do so confirming this in writing to the address given below, providing you do so no later than 24 hours before the any hearing, or otherwise orally at the hearing.

Signed: ...James and Anna Stapleton.....

PRINT NAME:.....JAMES AND ANNA STAPLETON.....

Date: ...7th April 2020.....

Please now return this completed form to the following address:

**Licensing Section
Public Protection
Gedling Borough Council
Civic Centre
Arnot Hill Park
Arnold
Nottingham NG5 6LU**

Privacy Statement

The information regarding the Councils Privacy Policy can be found at:
www.gedling.gov.uk/Licensing-privacy

Thu 09/04/2020 13:36

Jenny Hollingsworth Cllr.Jenny.Hollingsworth@gedling.gov.uk

Re: Old Boys Club - variation to licence

Hi Rachel

Could you register my concerns about the variation given the proximity to neighbouring properties, the potential for increased noise nuisance and an increase in cigarette smoking with the potential that the smoke emitted could cause harm to neighbours including young children. This objection is for 'The prevention of Public nuisance'

Many thanks

Jenny Hollingsworth

Councillor for Gedling Ward

Portfolio Holder for Growth and Regeneration

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(a) Please indicate in which capacity you are making this representation by ticking a box below:

- ☒ An individual
- ☐ A business
- ☐ A person representing the individual(s)/business(es)
- ☐ A body representing the individual(s)/business(es)

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2. Public Safety
3. Prevention of Public Nuisance
4. The Protection of Children from Harm

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(b) Please enter contact details of interested party below:

Name: Dominic Bath & Joanne Harwood

Address: 10 Carnarvon Gedling

Postcode: NG4 3HF

Telephone number (optional):

E-mail (optional): .

(c) Please confirm name and address of person or business affected if different from the address given above:

Name:

Address:

Postcode:

(d) Please provide details of the application to which you wish to make a representation.

Name of Applicant: Gedling Club

Address of Premises: 66 Main Road NG4 3HF

Application for: Extended hours and premises

Details of your representation (please ensure relevance to the above licensing objectives):

As it stands at the moment with Aedling club is that its already hard enough for residents to park, adding more would be crazy and people parking illegally.

Also we have a 9 year old who goes to bed at 8pm and her bedroom overlooks the rear of the club.

As we are only a small street, we can hear the music in the club and singing untill 11pm, thats ok because it's once a week. Any more noise will make for uncomfortable living.

I do not think the club will benefit with having outdoor drinking in such a small area, so close to residence.

(Please continue on separate sheet if necessary)

(e) Please indicate which of the Licensing Objectives your representation refers to by ticking the relevant box(es) below:

☐

The Prevention of Crime and Disorder

☐

Public Safety

☒

Prevention of Public Nuisance

☐

The Protection of Children from Harm

(f) Suggest alternatives

If possible please suggest alterations to the application, or conditions that would resolve the problem mentioned above, again paying attention to the licensing objectives.

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☒ Please tick this box if you do not intend to attend or be represented at any hearing. This means that only your written representation will be able to be considered.

If you wish to withdraw any representations you may do so confirming this in writing to the address given below, providing you do so no later than 24 hours before the any hearing, or otherwise orally at the hearing.

Signed:

PRINT NAME: JOANNE HARWOOD Domonic BATH

Date: 29th March 2020

Please now return this completed form to the following address:

**Licensing Section
Public Protection
Gedling Borough Council
Civic Centre
Arnot Hill Park
Arnold
Nottingham NG5 6LU**

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The information regarding the Councils Privacy Policy can be found at:
www.gedling.gov.uk/Licensing-privacy



500 6/4/20.

SCANNED

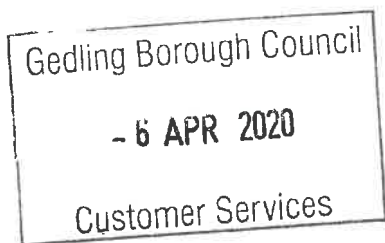
Licensing Act 2003 Licensing Representation Form

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- ☐ A business
- ☐ A person representing the individual(s)/business(es)
- ☐ A body representing the individual(s)/business(es)



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2. Public Safety
3. Prevention of Public Nuisance
4. The Protection of Children from Harm

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(b) Please enter contact details of interested party below:

Name: MR+MRS T. HALLAM

Address: 5 CARNARVON GROVE, GEDLING VILLAGE,

Postcode: NG4 3HF

Telephone number (optional):

E-mail (optional):

(c) Please confirm name and address of person or business affected if different from the address given above:

Name:

Address:

Postcode:

(d) Please provide details of the application to which you wish to make a representation.

Name of Applicant: GEDLING CLUB & INSTITUTE

Address of Premises: 66 MAIN ROAD, GEDLING VILLAGE.
NG4 3HG.

Application for: CHANG OF USE OF LAND FROM GARDEN LAND TO
IMPROVE ACCESS TO GEDLING CLUB

Details of your representation (please ensure relevance to the above licensing objectives):

IN VIEW OF THE FACT THAT THIS IS A RETROSPECTIVE APPLICATION AND THAT NO CARNARVON GROVE RESIDENTS HAVE BEEN CONSULTED INDICATES THAT THE MANAGEMENT TEAM OF THE GEDLING CLUB HAVE LITTLE OR NO REGARD FOR SAID RESIDENTS' CONCERNS.

WE ALREADY HAVE TO PUT UP WITH EXCESSIVELY LOUD NOISE AND ARE CONCERNED THAT THIS WILL ONLY GET WORSE.

WITH REGARD TO THE CONDITION "TO VACATE THE AREA BY 22.00 HRS" WE CONSIDER THAT THIS WILL BE DIFFICULT TO ENFORCE, THEREFORE WILL NOT HAPPEN.

(Please continue on separate sheet if necessary)

(e) Please indicate which of the Licensing Objectives your representation refers to by ticking the relevant box(es) below:

☐ The Prevention of Crime and Disorder

☒ Public Safety

☒ Prevention of Public Nuisance

☐ The Protection of Children from Harm

(f) Suggest alternatives

If possible please suggest alterations to the application, or conditions that would resolve the problem mentioned above, again paying attention to the licensing objectives.

Once the Licensing Section has received this form you will receive a written acknowledgment and you may be contacted to discuss the issue prior to any referral to a Licensing Panel hearing.

☒ Please tick this box if you do not intend to attend or be represented at any hearing. This means that only your written representation will be able to be considered.

If you wish to withdraw any representations you may do so confirming this in writing to the address given below, providing you do so no later than 24 hours before the any hearing, or otherwise orally at the hearing.

Signed:

[Redacted Signature]

PRINT NAME: M. J. HALLAM TONY HALLAM

Date: 30th MARCH 2020

Please now return this completed form to the following address:

Licensing Section
Public Protection
Gedling Borough Council
Civic Centre
Arnot Hill Park
Arnold
Nottingham NG5 6LU

Privacy Statement

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www.gedling.gov.uk/Licensing-privacy

4

RESPONSIBLE PARTY VIEWS

From: [Enquiries](#)
To: [LicensingHandover](#)
Subject: FW: Gedling Club and Institute - Application for a variation to Club Certificate
Date: 20 March 2020 15:17:35

From: Ansty, Catherine <[REDACTED]>
Sent: 20 March 2020 15:03
To: Enquiries <Enquiries@gedling.gov.uk>
Subject: Gedling Club and Institute - Application for a variation to Club Certificate

Good Afternoon,

Nottinghamshire Police has received a application to vary the club certificate at Gedling Club and Institute. We have no comments or objections to this application,

Kind regards

Kate Ansty
Senior Licensing Officer
County Licensing
Local Policing Unit (Licensing)
Nottinghamshire Police
Mansfield Police Station
Great Central Road
Mansfield
Nottinghamshire NG18 2HQ
[REDACTED]

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5

OTHER INFORMATION

