

BABERGH DISTRICT COUNCIL

From: Corporate Manager - Licensing	Report Number: M65
To: Licensing Sub-Committee	Date of meeting: 3 September 2012

LICENSING ACT 2003: HEARING TO DETERMINE AN APPLICATION MADE FOR THE GRANT OF A NEW CLUB PREMISES CERTIFICATE

1. Purpose of Report

- 1.1 To report information to the Sub-Committee to enable the determination of an application made for the grant of a new Club Premises Certificate. The applicant is Northcroft Social Club and the application relates to club premises at 1 The Croft, SUDBURY CO10 1HN.

2. Recommendations

- 2.1 The Sub-Committee must, having regard to the representations made, take such of the steps below (if any) as it considers necessary for the promotion of the licensing objectives:

- To grant the certificate subject to conditions (as may be modified) which are consistent with the club operating schedule submitted by the applicant;
- To exclude from the scope of the certificate any of the qualifying club activities that have been applied for;
- To reject the application.

Members of the Sub-Committee will note that they may, where it is deemed appropriate and proportionate for the promotion of the licensing objectives, alter, omit or add new conditions within the club's operating schedule.

The Sub-Committee is able to determine this application.

3. Financial Implications

- 3.1 There is a statutory right of appeal to the magistrates' court for any party aggrieved by the decision taken by the Licensing Authority.

4. Risk Management

- 4.1 None, other than those that inherently apply to the Licensing Authority when carrying out its licensing functions. The four licensing objectives are prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

5. Consultations

- 5.1 The application made has been subject to the statutory consultation period as prescribed by regulation. The Notices required by regulation have been on display at the premises and published (Suffolk Free Press 12 August 2012 edition).

6. Equality Analysis

- 6.1 There are no equality impacts arising directly from the matters contained within this report.

7. Shared Service / Partnership Implications

- 7.1 Not applicable.

8. Key Information

- 8.1 The hearing is to determine an application made for the GRANT of a new club premises certificate (application reference 007846) made under section 71 of the Licensing Act 2003. A previous club premises certificate (number BCP0020) held by the Northcroft Social Club for the same premises, was withdrawn by the Licensing Authority on 03 May 2012 (hearing report M13 refers). For reference, the decision notice relating to that hearing outcome is attached as Appendix D.
- 8.2 The Northcroft Social Club is a registered club (No:10951R) under the Industrial and Provident Societies Acts 1965 (as amended). The Club has submitted its latest rules and declaration of qualifying status together with the application form. These documents are attached as Appendix A. It should be noted that as an Industrial and Provident Societies registered club, the Club is obliged to notify the Financial Services Authority of alterations to club rules.
- 8.3 Generally, the new application seeks to authorise supply of alcohol and regulated entertainment activities for club members and bona fide guests, as detailed in the application form attached as Appendix A. In brief the permissions sought would generally allow indoor music activities and supply of alcohol up until midnight latest. It is observed that the application identifies the club opening hours to be identical to those for the supply of alcohol activity.
- 8.4 A hearing is necessary to determine the application following receipt of relevant representations which have not been withdrawn. The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives, which are:
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm
- 8.5 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy published under section 5 of the Act, and any guidance issued by the Secretary of State under section 182.
- 8.6 Where revisions are made to the legislation or guidance issued by the Secretary of State, there may be a period of time when the local Statement of Licensing Policy is inconsistent with these revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, guidance and its own Statement of Licensing Policy.

8.7 The Sub-Committee will also be aware of Human Rights Act 1998 considerations - specifically Article 6 for the applicant and Articles 8 and 1 of Protocol 1 for those raising representations - when determining applications for the grant of a new licence/certificate.

9. Representations

9.1 Representations have been received from the Environmental Health Officer. These submissions are attached as **Appendix C(1)** to this report.

9.2 Representations have also been received from 'other persons' (which includes local residents and businesses). These are attached as **Appendix C(2)** to this report, and have been submitted by:

- (a) Mr A Gilham of 8 Croft Road, SUDBURY CO10 1JD
- (b) Mr R Mower of 5 Croft Road, SUDBURY CO10 1JD

10. Appendices

Title	Location
A. Application 007846 and accompanying papers	Attached
B. Site plan showing immediate local area	Attached
C. Representations received from Responsible Authorities and Other Persons	Attached
D. Decision Notice dated 7 May 2012	Attached
E. Paper M13 Licensing Sub-Committee hearing 3 May 2012	Attached

11. Background Documents

None.

Authorship:

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Corporate Manager – Licensing
Environment Division

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licensingsection@babergh.gov.uk

007846

BABERGH D.C.
LICENSING SECTION
START 9/6/12 when club arrived
03 JUL 2012
£140

Application for 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.

NORTHCROFT SOCIAL CLUB
(Insert name of club)

club applies for a club premises certificate under section 71 of the Licensing Act 2003 for the premises described in Part 1 below (the club premises)

The club is making this application to you as the relevant licensing authority in accordance with section 68 of the Licensing Act 2003

Part 1 – Club premises details

Name of club			
NORTHCROFT SOCIAL CLUB			
Postal address of premises or, if none, Ordnance survey map reference or description			
1 THE CROFT			
Post Town	SUDBURY	Postcode	CO10 1HN
Telephone number (if any)	01787 313 765		
E-mail address (optional)			

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

Non-domestic rateable value of premises £ 6800

Are the club premises occupied and habitually used by the club

Yes No

Part 2 – Club Operating Schedule

When do you want the club premises certificate to start?

Day Month Year
01 07 2012

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

Day Month Year
[] [] [] [] [] [] [] [] [] []

General description of club (please read guidance note 1)

A TWO STOREY BUILDING.
SEE PLAN.

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

[]

What qualifying club activities do you intend to conduct on the club premises?

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling 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 entertainment facilities for:

i) making music (if ticking yes, fill in box I)

j) dancing (if ticking yes, fill in box J)

k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place (if ticking yes, fill in box L)

In all cases complete boxes M, N, and O

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the exhibition of film (please read guidance note 4)		
Wed					
Thur			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 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details here (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			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 (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<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 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	20.00	23.30	Please give further details here (please read guidance note 3) LIVE BANDS WITH AMPLIFIED MUSIC.	Both	<input type="checkbox"/>
Tue	"	"			
Wed	"	"	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	"	"			
Fri	"	"	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 (please read guidance note 5) CHRISTMAS EVE 8.30 - 00.00 NEW YEARS EVE FROM END OF PERMITTED HOURS TO START OF PERMITTED HOURS.		
Sat	"	"			
Sun	20.00	23.00			

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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11.00	00.00	Please give further details here (please read guidance note 3) AMPLIFIED MUSIC FROM JUKEBOX.		
Tue	11	11			
Wed	11	11	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	11	11			
Fri	11	11	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 (please read guidance note 5) CHRISTMAS EVE 11.00 - 00.00 NEW YEARS EVE FROM END OF PERMITTED HOURS TO START OF PERMITTED HOURS		
Sat	11	11			
Sun	12.00	23.00			

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	20.00	23.30	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	11	11			
Wed	11	11	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	11	11			
Fri	11	11	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 (please read guidance note 5) CHRISTMAS EVE 20.00 - 00.00 NEW YEARS EVE FROM END OF PERMITTED HOURS TO START OF PERMITTED HOURS		
Sat	11	11			
Sun	11	11			

H

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

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of facilities for making music that the club will be providing</u> FUNCTION ROOM UPSTAIRS, DANCE FLOOR DOWNSTAIRS.	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon	20.00	23.30		
Tue	//	//		
Wed	//	//		
Thur	//	//		
Fri	//	//		
Sat	//	//		
Sun	//	//		
			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
			<u>Non-standard timings. Where the club intends to use the premises for the provision of facilities for making music at different times from those listed in the column on the left, please list</u> (please read guidance note 5)	

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Please give a description of the type of facilities for dancing that the club will be providing FUNCTION ROOM UPSTAIRS, DANCE FLOOR DOWNSTAIRS		
Day	Start	Finish	Will the facilities for dancing be 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"/>
Mon	20.00	23.30	Please give further details here (please read guidance note 3)		
Tue	11	11			
Wed	11	11	State any seasonal variations for the provision of dancing facilities (please read guidance note 4)		
Thur	11	11			
Fri	11	11	Non-standard timings. Where the club intends to use the premises for the provision of dancing facilities at different times from those listed in the column on the left, please list (please read guidance note 5)		
Sat	11	11			
Sun	11	11			

K

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

L

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for <u>consumption (Please tick box)</u> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	11.00	00.00	<u>State any seasonal variations</u> (please read guidance note 4) CHRISTMAS EVE 11.00 - 00.00 NEW YEARS EVE FROM THE END OF PERMITTED HOURS TO THE START OF PERMITTED HOURS. (IF ANY) ON FOLLOWING DAY	Both	<input type="checkbox"/>
Tue	11	11			
Wed	11	11			
Thur	11	11			
Fri	11	11			
Sat	11	11			
Sun	12.00	23.30			
			<u>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</u> (please read guidance note 5)		

M

Hours club premises are open to the members and guests Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11-00	00-00	
Tue	11	11	
Wed	11	11	
Thur	11	11	
Fri	11	11	
Sat	11	11	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 5) CHRISTMAS EVE 11-00 - 00.00 NEW YEARS EVE FROM END OF PERMITTED HOURS TO START OF PERMITTED HOURS.
Sun	12-00	23-30	

N

Please highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the club premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

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

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

SIR CLUB RULES AND
OPERATING SCHEDULE

b) The prevention of crime and disorder

AS ABOVE

c) Public safety

AS ABOVE

d) The prevention of public nuisance

AS ABOVE

e) The protection of children from harm

AS ABOVE

Please tick yes

- 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 plan to the responsible authorities
- I have completed and enclosed the club declaration and enclose a copy of the club rules
- 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 CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 10)

I ELEANOR MURCOTT

(Insert full name)

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

Signature	
Date	10 th June 2012
Capacity	 SECRETARY

Address for correspondence associated with this application (please read guidance note 11)			
THE NORTHCOFT SOCIAL CLUB 1, The Croft Sudbury			
Post town	Sudbury	Post code	CO10 1HN
Telephone number (if any)	01787 313765		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Northcroft Social Club

OPERATING SCHEDULE CONDITIONS:

- 2.1 There shall be no supplies of alcohol for consumption OFF the licensed premises.
- 2.2 The club rules and conditions (as may from time to time be modified) shall continue to apply to the operation of the Club. These should be maintained and updated as necessary to ensure they are compatible with Licensing Act 2003 requirements.
- 2.3 The consumption of alcohol shall be restricted to the areas identified on the plan attached as Annex 4.
- 2.4 The Club shall operate a 'Challenge 25' photo identity proof of age scheme and prominently display and maintain notices at the Club premises relating to this policy.
- 2.5 All Club members shall be required to carry their membership card at all times whilst they are using the Club facilities, and the Club management shall conduct spot-checks to enforce/maintain this requirement.
- 2.6 Guests shall have their identity and proof of age checked whilst being signed-in by the Club management/staff on duty.
- 2.7 The Club shall operate a disciplinary process to ensure that members and their guests are banned/excluded from the Club premises where the Club consider it to be necessary. All bannings, whether on a permanent or temporary basis, shall be reported promptly to any local Pub Watch/Club Watch scheme in operation.
- 2.8 Any individual guest of a member, or the Club as a whole, may only be signed-in on one occasion per calendar month. Where guests wish to frequent the Club premises more often than this then the Club Management shall expect the individual to apply for/be nominated for membership.
- 2.9 A signing-in book shall be held behind the bar and used at all times whilst the Club premises are open and being used for licensable activities. This signing-in book shall be made available upon request to an authorised officer of the Local Authority or Police.
- 2.10 There shall be a minimum of 2 (two) Club committee members supervising the entrance to the Club premises for every function, including member function. Door supervisors shall liaise with bar staff regarding identity checks made on members and guests, so as to prevent underage sales.
- 2.11 If underage drinking is found to be occurring at a member function then the function shall be closed down with immediate effect. If it is established that a Club member is responsible for the offender then the Club member shall face Club disciplinary proceedings.
- 2.12 Suitable and sufficient signage shall be displayed and maintained on the Club premises in relation to anti-drugs policy and general drugs awareness.
- 2.13 Signage shall be prominently displayed and maintained on the licensed club premises requesting that club members and guests leave the premises and area quietly and respect the rights of neighbouring properties.

Northcroft Social Club

MANDATORY CONDITIONS:

1.1 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

1.2 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

1.3 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

1.4 (a) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(b) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

1.5 The responsible person shall ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

**Declaration for a club premises certificate to be granted
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING
DECLARATION**

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.

Club Premises details

Name of club NORTHCROFT SOCIAL CLUB	
Postal address of club, if any, or, if none, ordnance survey map reference or description 1 THE CROFT	
Post Town SUDBURY	Postcode CO10 1HN
Telephone number (if any) 01787 313 765	
E-mail (optional)	

CLUB DECLARATION AS TO QUALIFYING CLUB STATUS

NORTHCROFT SOCIAL CLUB

(Insert name of club)

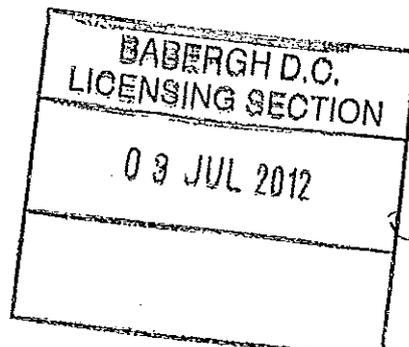
club makes the following declarations

- 1) Where the club to which this application relates is:
a registered society within the meaning of the Industrial and Provident Societies Act 1965, a registered society within the meaning of the Friendly Societies Act 1974 or a registered friendly society within the meaning of the Friendly Societies Act,

the club declares that the club satisfies:

Please tick Yes

Condition 1 in section 62(2) of the Licensing Act 2003



Please give relevant club rule number(s)

~~RULE 2, RULE 16, RULE 19, RULE 23, RULE 24, RULE 27,
RULE 28, RULE 29, RULE 7~~

Condition 2 in section 62(3) of the Licensing Act 2003

Please give relevant club rule number(s)

RULE 7

Condition 4 in section 62(5) of the Licensing Act 2003

THE CLUB HAS AROUND 200 MEMBERS

Does the club wish to supply alcohol to members and guests?

If yes the club declares that -

The purchase of alcohol for the club and the supply of alcohol by the club is under the control of the members or of a committee appointed by the members

Please give relevant club rule number(s), if any

RULE 17

2) Where the club to which this application relates is:
an association organised for the social well-being and recreation of
persons employed in or about coal mines, the club declares that the club
satisfies:

Please tick Yes

Condition 1 in section 62(2) of the Licensing Act 2003

Please give relevant club rule number(s)

Condition 2 in section 62(3) of the Licensing Act 2003

Please give relevant club rule number(s)

Does the club wish to supply alcohol to members and guests?

If yes the club declares that it satisfies -

First condition in section 66(4) of the Licensing Act 2003

Please give relevant club rule number(s), if any

Second condition in section 66(5) of the Licensing Act 2003

Please give relevant club rule number(s), if any

3) Where the club to which this application relates does not fall into the categories in 1 or 2 above, the club declares that the club satisfies:

Please tick Yes

Condition 1 in section 62(2) of the Licensing Act 2003

Please give relevant club rule number(s)

Condition 2 in section 62(3) of the Licensing Act 2003

Please give relevant club rule number(s)

Condition 3 in section 62(4) of the Licensing Act 2003

The club's arrangements for restricting the club's freedom of purchase of alcohol are:

(a) contained in club rule number(s),

(b) or, as follows

(please provide a short description)

The club's provisions by which money or property of the club or any gain arising from the carrying on of the club is or may be applied for charitable benevolent or political purposes are:

(a) contained in club rule number(s),

(b) or, as follows

(please provide a short description)

The arrangements for giving members information about the finances of the club are:

(a) contained in club rule number(s),

or, as follows

(please provide a short description)

Please describe details of the books of account and other records kept to ensure the accuracy of the information about finances given to members of the club or give the relevant rule number(s)

Please tick Yes

Condition 4 in section 62(5) of the Licensing Act 2003

Condition 5 in section 62(6) of the Licensing Act 2003

The club proposes to supply alcohol to members and guests

and declares that the club satisfies:

additional condition 1 in section 64(2) of the Licensing Act 2003

Please give relevant club rule number(s), if any

additional condition 2 in section 64(3) of the Licensing Act 2003

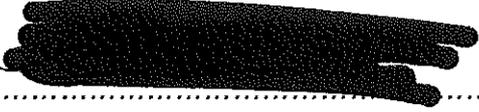
Please give relevant rule number(s), if any

additional condition 3 in section 64(4) of the Licensing Act 2003

Please give relevant club rule number(s), if any

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

I ELEANOR MURCOTT
make this declaration on behalf of the club and have authority to bind the club

Signature 
.....

Date 10th June 2012
.....

Capacity SECRETARY
.....

INDUSTRIAL & PROVIDENT SOCIETIES ACTS
REGISTER No: 10951R

**RULES
OF THE
NORTHCROFT
SOCIAL CLUB
SUDBURY (SUFFOLK)
LIMITED**

BABERGH D.C. LICENSING SECTION
03 JUL 2012

Registered under the Industrial and
Provident Societies Acts 1965 to 1968.

INDUSTRIAL AND PROVIDENT SOCIETIES ACT 1965
Acknowledgment of Registration of Amendment of Rules

RULES OF THE NORTHCROFT SOCIAL CLUB
SUDBURY (SUFFOLK)

Register No. 10951 R

LIMITED.

The amendment of the rules of Northcroft Social Club Sudbury (Suffolk) Limited to which this acknowledgment is attached, is this day registered under the Industrial and Provident Societies Act 1965.

Date: 2 January 1997

Registry of Friendly Societies
15 Great Marlborough Street
London W1V 2LL

1.- Name and Objects

The society (hereinafter called "the club") shall be called the "Northcroft Social Club Sudbury (Suffolk) Limited". Its objects are to carry on the business of a club by providing for the use of its members, the means of social intercourse, mutual helpfulness, mental and moral improvement, rational recreation and the other advantages of a club.

2.- Office

The registered office of the club shall be at 1, The Croft, Sudbury, Suffolk, England CO10 6HN. Notice of any change in the situation of the registered office shall be sent by the secretary within fourteen days thereafter to the Registrar of Friendly Societies in the manner and form provided by the Treasury regulations.

3.- Seal of the Club

The Club shall have its name engraved in legible characters upon a Seal. The Seal shall be in the custody of the Secretary or such other officer as the Committee appoint, and shall be used only under the authority of a resolution of the Committee; the date thereof shall be mentioned on the instrument to which the Seal is attached, and shall be attested by the signatures of two members of the Committee and the Secretary.

4.- Use of Name

The registered name of the Club shall be kept painted or affixed on the outside of every office or place in which the business of the Club is carried on, in a conspicuous position in letters easily



legible, and shall be engraved in legible characters on its Seal, and shall be mentioned in legible characters in all business letters, notices, advertisements, and other official publications of the Club and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods, purporting to be signed by or on behalf of the Club, and on all bills, invoices, receipts and letters of credit of the Club.

5.- Powers

The Club shall have full power to do all things necessary or expedient for the accomplishment of all objects specified in its rules, including the power to purchase, hold, sell, mortgage, rent, lease or sub-lease, lands of any tenure, and to erect, lease, sub-lease, pull down, repair, alter or otherwise deal with any building thereon.

6.- Shares

Shares shall not be withdrawable or transferable and shall be of the value of £1. No member shall hold more than one share and no interest or dividend shall be paid on it. A member shall forfeit the share value of £1 on ceasing from whatever cause to be a member.

7.- Admission of Members

A candidate for election must sign an application for membership and deposit the full amount payable for one share. The amount deposited shall be returned in the event of non-acceptance as a member. The candidate must be proposed and seconded by two financial members, able from personal knowledge to vouch for his/her respectability and fitness to be a member, and must sign such (if any) declaration of his/her concurrence with, and adherence to, the purposes of the club as shall be required by the Committee. The election shall be by the Committee and no candidate shall be elected who is under 18 years of age. The name, address and occupation of the candidate, with the names of his proposer and seconder shall be prominently displayed in the principal club premises in a part frequented by the members, for at least seven days before the day on which his/her name is submitted for election. Every member on election shall be supplied with a copy of the rules at a charge (if any) of no more than 10p.

premises may be hired to non-members for private functions. Non-members, at such times, may purchase intoxicating liquor for consumption on the premises. All such private hirings of the club premises will be subject to prior review and acceptance by the committee. The committee reserve the right to refuse admission to any non-member attending such functions at their own absolute discretion.

35.- Hours of Opening and Closing of the Club Premises

The club shall be open and closed at such hours as may from time to time be fixed by the Committee, and as posted in the club.

36.- Permitted hours for supply of Intoxicants

The permitted hours shall be such as may from time to time be determined by the committee in accordance with the provisions of the Licensing Act 1964, and as notified to the Magistrates Clerk. Provided that if an order is made under section 60 sub-sections (3) or (4) of the said Act the provisions of section 62 sub-section (2) shall apply.

32.- Introduction of Guests

A member may personally introduce friends as his/her guests but no member may introduce more than two guests at any one time. The guest and the member introducing him/her shall sign their names in a book kept for that purpose. These conditions shall not apply to the introduction by any member of his wife/her husband or other lady/man, the admission of whom shall be subject to such regulations as may from time to time be made by the committee. The following shall not be admitted as guests:-

- (a) Former members who have been expelled.
 - (b) Former members who have ceased to be members through non-payment of subscriptions.
 - (c) Persons who, having been nominated for membership have been rejected.
 - (d) Members who are under suspension.
- Members must accompany guests introduced by them during the period of their stay in the club and no guest shall be permitted to make any payments for intoxicating liquor directly or indirectly. The Committee may debar a member introducing any particular person as a guest if they think so fit and may prohibit a member introducing guests during the hours when licensed premises in the locality are not open for the sale of intoxicants to the public.

33.- Guests and Excisable Articles

Should any guest introduced by a member pay for intoxicating liquor, he/she shall at once be removed from the club premises and the member introducing such a guest may be expelled from membership on the fact being duly proved, and it shall be the duty of any officer or member of the club, becoming aware of such a breach of the rules, to report it at once to the Secretary or Committee.

34.- Visitors

- (1) Members of visiting sports teams competing in events against club teams, and their supporters shall, on the day of such events, be permitted entry to the club premises. While on the club premises, they may purchase intoxicating liquor. The Committee reserve the right to refuse admission to any such visitor or supporter at their own absolute discretion.
- (2) On a maximum of 12 occasions in any one year (or such number as may be indicated by the Licensing Justices) the club

8.- Subscriptions

Every member shall pay to the funds of the club a subscription which shall become due as soon as he/she is elected to membership. The subscription must be paid before the member is entitled to any of the privileges of the club. The amount of the subscription, which shall be paid annually, shall be determined from time to time by the members at the Annual General Meeting. Temporary members shall pay a proportion of the annual subscription appropriate to the duration of their membership.

The subscription for a complete year becomes due as soon as an applicant is admitted to membership and subsequently by the last day of April.

9.- Arrears of Subscription

Any member who has not paid his/her subscription 28 days after it has become due shall be considered in arrear, and if it be not paid within 28 days thereafter he/she shall cease to be a member. No member in arrear shall be permitted use of the club, or be considered a financial member for the purposes of these rules.

10.- Register of Members

The club shall keep at its registered office a register of members in which the Secretary shall enter the following particulars:-

- (a) The names and addresses of the members.
 - (b) A statement of the number and value of shares held by members.
 - (c) A statement of other property in the club, whether in loans, deposits or otherwise, held by each member.
 - (d) The date at which each person was entered in the register as a member, and the date at which any person ceased to be a member.
 - (e) The names and addresses of the officers of the club, with the offices held by them respectively and the dates on which they assumed office.
- For the purpose of this rule "an officer" includes every member of the managing committee.
- The club shall so construct the register of members that it is possible to open to inspection the particulars entered therein mentioned in paragraphs (a), (d) and (e) thereof without so opening to inspection the other particulars entered therein.
- Every member shall, within 14 days, give notice to the Secretary of any change in his/her address.

11.- Cessation of Membership

Members shall cease to be members:-

- (a) By non-payment of subscription. Any person whose membership has ceased from this cause shall not again be nominated for membership unless he /she previously pays all arrears due from him/her at the time of his/her ceasing to be a member and applies for a new share in accordance with rule 7. Upon cessation of membership the share holding will immediately revert to the ownership of the club.
- (b) By expulsion.
- (c) By resignation, but any member wishing to resign must send written notice to the Secretary.
- (d) By death.

12.- Misconduct of Members

The Secretary or Chairman or other person authorised by the committee shall have power to order the withdrawal from the club's premises of any member who misconducts himself/herself, and such members shall have no right of re-entry to the club premises until summoned to meet the Committee as provided in Rule 13. If the next ordinary meeting of the committee be within less than three days, such member may claim to appear before them and to have his/her case dealt with, waiving the length of notice required by the said Rule 13.

13.- Expulsion of Members

The committee shall have power to reprimand, suspend (for a period not exceeding 3 months) or expel any member who shall infringe any Rule or Byelaw, or whose conduct, whether within the club-house, or elsewhere, shall, in their opinion, render himself/herself unfit for membership; but no member, unless convicted of an offence by a court of summary jurisdiction or other court shall be reprimanded, suspended or expelled without first being summoned before the committee and full opportunity afforded for him/her to advance a defence, nor unless two-thirds at least of the members of the managing committee then present and entitled to vote shall vote for his/her suspension or expulsion. Every member so summoned shall (unless he/she shall elect to waive his/her right to receive notice) receive at least three clear days notice in writing from the Secretary. Such notice shall contain a statement of the

recording the number of votes polled by each candidate and indicating which of the candidates are elected.

(4) Who May Vote

Each financial member shall have one vote for each vacancy but no member may give more than one vote to any one candidate.

(5) Tie

The candidate receiving the highest number of votes shall be declared elected. In the event of two or more candidates receiving an equal number of votes for the last vacancy or vacancies, the names of such candidates shall be written on slips of paper which shall be placed so that the names are concealed, and the chairman, or in his absence, some person appointed by the scrutineers, shall then draw as many slips as there are vacancies to be filled, and the members whose names are so drawn shall be declared duly elected.

(6) Scrutiny

The scrutineers shall, at the conclusion of the ballot seal up the ballot papers and hand them to the Secretary, who shall retain them for seven days. A scrutiny shall take place if a written demand be presented to the Secretary within seven days from the close of the ballot, signed by not less than one tenth of the financial members and the scrutiny shall be carried out by three fresh scrutineers, to be named by the committee and their decision shall be final.

31.- Settlement of Disputes

(1) Disputes between a member and an officer of the club.

All disputes between a member and an officer of the club shall, unless the committee elect to refer the matter to a special general meeting, be settled by the committee. The decision of the committee shall be final unless any party aggrieved thereby shall within seven days, produce to the Secretary a requisition satisfying the conditions mentioned in rule 15 (2) (b), whereupon the decision shall be reviewed by special meeting.

(2) Disputes between a member and the club.

All disputes between a member or person aggrieved who has not for more than six months ceased to be a member, or any person claiming through such member or person aggrieved, or under the rules, and the club or committee, shall be referred for arbitration to three arbitrators, who shall be appointed by the Town Mayor or the time being of Sudbury, Suffolk, on application by the Committee and the decision of the arbitrators or of a majority of them shall be final.

- (a) Apply for the appointment of an inspector or inspectors to examine into the affairs of the club and to report thereon, or
- (b) Apply for the calling of a special meeting of the club.

29.- Dissolution

The club may at any time be dissolved by the consent of three-fourths of the members, testified by their signatures to an instrument of dissolution in the form provided by the Treasury Regulations, or by winding up in a manner provided by the Industrial & Provident Societies Acts.

30.- Conduct of Elections

(1) Nominations

The election of officers and members of the committee shall be by ballot. At least three weeks before the day fixed for any ballot a nomination sheet shall be posted in the club by the secretary on which the names of all candidates for any office must be entered, and such sheet shall remain open until the expiration of at least twenty-four hours prior to the annual general meeting. No member shall be eligible for nomination unless he/she has been a financial member for at least six calendar months prior to nominations closing, and has been proposed and seconded by two financial members who must themselves sign the sheet. No member under suspension at the date of closing of the nomination sheet shall be eligible for nomination. No candidate shall be nominated for more than one position. No member of the managing committee whose term of office is not about to expire may become a candidate unless he first resigns from the position he holds.

(2) Scrutineers

The ballot shall be carried out under the direction of the committee by three scrutineers, appointed by the annual general meeting who shall not be candidates, members of the committee or officers.

(3) Ballot When Held

- Ballots shall be held either:-
- (a) During the annual general meeting or
- (b) During the week following the annual general meeting or in the succeeding week. Ballots shall remain open during not less than three hours on the evenings of not less than two consecutive days to be fixed by the committee, and the result shall be made known by the posting of a notice in the club signed by the scrutineers

charge brought against him/her.

A suspended member shall not be entitled to use the club premises nor to attend any general meeting nor vote at any election nor hold any office during suspension but shall remain liable to pay his/her subscription.

14.- Right of Appeal

The decision of the committee under Rule 13 shall be final, unless any member who is punished under this rule shall, within 21 days of having been notified in writing of the decision of the committee, lodge an appeal in writing to the Secretary. The matter shall then be decided by a special general meeting in accordance with Rule 15 (2).

15.- General Meetings

(1) Annual General Meeting

The Annual General Meeting of the members shall be held in the month of March in each year, on a date to be fixed by the committee. The date and the time of the meeting together with an agenda of the business to be conducted shall be posted by the Secretary at least 10 days prior to the date of the meeting. The business of such meeting shall be to receive a report by the Committee for the previous financial year, to receive a Statement of Accounts and Balance Sheet, and the report of the Auditor for the previous twelve months, to appoint the Auditor and such other business as may be included in the Agenda. Notice of Motion in writing submitted by any member at least five days before the date of such meeting shall be added to the Agenda by the Secretary.

(2) Special General Meeting

(a) How to be called:

A Special General Meeting shall be called by the Secretary in the following circumstances: -

- (i) Upon the direction of the Committee and in accordance with such direction.
- (ii) On a requisition signed by one-fifth of the financial members or thirty such members, whichever is the less, stating the special objects thereof. Such meeting shall be held within not less than fourteen days and not more than twenty-one days from the date of the receipt by the Secretary of the requisition.
- (iii) As mentioned in Rule 17.

(b) Notice to be given:-

Notice of any special general meeting, and of the object for which it is called shall be posted by the Secretary in the club at least ten days prior to the date of the meeting. Should the Secretary not give notice of a special general meeting in the manner required within ten clear days after a duly signed requisition has been delivered to him, any of the requisitionists may call such a meeting giving such notice as is provided by this rule.

(c) Business

No business other than that named in the notice shall be brought before a special general meeting.

(3) Quorum

A general meeting may proceed to business if ten members are present within an hour after the time fixed for the meeting, otherwise the meeting, if convened on the requisition of the members, shall be dissolved, but if a meeting convened by order of the Committee it shall be adjourned to the week following at the same time, and the meeting so adjourned may proceed to business whatever the number of members present. No meeting shall become incompetent to transact business from the want of a quorum arising after the Chair has been taken.

(4) Adjournment

Any general meeting duly constituted, may adjourn to such time as the members direct and may continue any such adjournment from time to time. No business shall be brought on at any adjourned meeting which could not have been transacted at the original meeting.

(5) Voting

Each financial member present shall be entitled to one vote on each motion.

(6) Rescinding Resolutions

No resolution passed by a general meeting shall be rescinded, except by another general meeting called in accordance with rule 15 (2).

16.- Rules

(1) Supply

The Secretary shall be supplied by the Committee with copies of the Rules and shall be bound to deliver a copy to any person on demand, on such payment (not exceeding 10p) as the Committee may from time to time determine.

the full value of the property comprised in the nomination to the person entitled thereunder.

25.- Application of Profits

The profits of the club may be applied in any of the following ways:-

- (a) For providing for the redemption of the loan capital.
- (b) In promoting mutual intercourse and united actions between members.
- (c) For any other lawful purpose subject to rule (26).

26.- Application of Funds

Except by dissolution of the club, no profits or funds of the club shall be distributed amongst the members.

27.- Investments

The committee may invest funds of the club at such rate of interest and on such terms as they see fit in any of the following investments:-

- (a) With its members or others upon the security of real property.
- (b) In the shares or in the security of any society registered under the Industrial & Provident Societies Act, or under the Building Societies Act, or of any company registered under the Companies Acts or incorporated by Act of Parliament or by Charter provided that such Society or Company has its liability limited.
- (c) In any investment in which trustees are, for the time being by law, authorised to invest funds.

28.- Statutory Applications to the Registrar

- (1) Any ten members of the club, each of whom has been a member for not less than twelve months immediately preceding the date of application, may apply to the Registrar in the form prescribed by the Treasury Regulations to appoint an actuary or accountant to inspect the books of the club and to report thereon pursuant to section 47 (1) of the Industrial & Provident Societies Act 1965.
- (2) One tenth of the whole number of members, of if the number of members shall at any time exceed one thousand then 100 members may by an application in writing to the Chief Registrar signed by them in the forms respectively prescribed by the Treasury Regulations:-

viding expressly that a retiring auditor shall not be re-appointed shall not be effective unless notice of the intention to move it has been given to the club not less than twenty-eight days before the meeting at which it is moved. On receipt by the club of notice of the intention to move any such resolution the club shall give notice of the resolution to the members and to the retiring auditor in accordance with section 6 of the Friendly & Industrial & Provident Societies Act 1968 and shall give notice to the members in accordance with that section of any representation made or intended to be made by the retiring auditor.

(6) None of the following persons shall be appointed as auditor of the club:-

(a) An officer or servant of the club.
(b) A person who is a partner of or in the employment of or who employs an officer or servants of the club.

(7) The auditor shall in accordance with section 9 of the Friendly & Industrial & Provident Societies Act 1968 make a report to the club on the accounts examined by him and on the revenue account or accounts and the balance sheet of the club for the year of account in respect of which he is appointed.

(8) The auditor shall have a right of access at all times to the books, deeds and accounts of the club and to all other documents relating to its affairs, and shall be entitled to require from the officers of the club such information and explanations as he/she thinks necessary for the performance of the duties of the auditors.

24.- Nominations and Proceedings on Death or Bankruptcy

Upon a claim being made by the personal representative of a deceased member or the trustee in bankruptcy of a bankrupt member to any property in the club belonging to the deceased or bankrupt member the club shall transfer or pay such property to which the personal representative or trustee in bankruptcy has become entitled as the personal representative or trustee in bankruptcy may direct them.

A member may in accordance with the Industrial & Provident Societies Act, 1965, nominate any person or persons to whom (subject to the provisions of the Act as to the amount and the persons to whom a valid nomination may be made) any of his/her property in the club at the time of his/her death shall be transferred on receiving satisfactory proof of death of a member who has made a nomination the club shall if and to the extent that the nomination is valid under the said Act either transfer or pay in accordance with the Act

(2) Amendments

These Rules may be amended only at a general meeting called for that purpose. Notice of any proposed amendment shall be posted in the club for at least 10 days previous to the meeting to which the amendment is to be submitted. Any amendment shall require the votes of at least two thirds of the members present at such meeting. No amendments of rules is valid until registered in accordance with The Industrial and Provident Societies Acts.

Written notice of any amendment of rules must be given by the Secretary to The Chief Officer of Police and to The Clerk of the Local Authority within twenty-eight days of the registration of the amendment in accordance with the Industrial & Provident Societies Acts.

(3) Byelaws

The Committee shall have power to make such byelaws as it may consider necessary for the good government and order of the club, providing that no such byelaws shall conflict with any of the rules. A copy of all such byelaws shall be posted in a conspicuous place in the club-house.

17.- Committee

(1) Powers of Committee

The Managing Committee shall consist of the Chairman, Vice-Chairman, Treasurer, Secretary and between 5 and 10 financial members, all of whom shall be above the age of majority and shall be elected annually. The Committee shall control the management of the club and shall have exclusive power to engage or dismiss a steward and other servants. It shall have power to purchase such articles and do all such things as it may deem necessary for the carrying out of the objects of the club. It shall have due regard to these rules and any resolution or recommendation of a general meeting. Nothing in these rules shall enable the Committee to declare any dividend or make any monetary grants to the members, or to apply the club's funds except such as is consistent with the purposes for which the club was established. It shall meet once a month for general business and not less than one-third of the total membership of the Committee shall form a quorum. No resolution of the Committee shall be rescinded unless notice to rescind has been given at the previous meeting of the committee.

(2) **The Chairman**

The Chairman, or in his absence, the Vice-Chairman, or in the absence of both such officers, an elected Chairman shall take the chair at all general meetings and managing committee meetings of the club, and in the event of equality of voting at managing committee meetings shall have an additional or casting vote.

(3) **Treasurer**

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

(4) **Secretary**

The Secretary shall keep upon the club premises a register of the names and addresses of the club members and a subscription book, in which shall be recorded the payments of such members. The Secretary shall carry out the directions of the committee, and, subject to such directions shall receive monies on account of the club and pay them to the Treasurer, and keep such accounts as the Committee may direct. He/she shall attend all meetings of the committee and finance committee or any other sub-committee if so directed, take minutes of the proceedings, prepare accounts and balance sheets and submit them to the auditor.

19. Annual returns to the Registrar

(1) The Secretary shall send to the Registrar once in every year, not later than the date provided for by the Act an annual return of the club's affairs for the period required by the Industrial & Provident Societies Acts, to be included in the return, together with a copy of the report of the auditor of the club's accounts for the period included in the return and a copy of each balance sheet made during that period and of any report of the auditor on that balance sheet. The annual return shall be made up for the period beginning with the date to which the club's last annual return was made up and ending with the date of the last balance sheet published by the club before 31st March in the following year or if the date of that balance sheet is earlier than 31st August or later than 31st January, with 31st December. The annual return must be made in the form prescribed by the Chief Registrar and contain such particulars as

may from time to time be required by the return.

(2) **Copies to Members**

A copy of the last annual return, together with a copy of the report of the auditor on the accounts and balance sheet contained in the return shall be supplied gratuitously on demand to every member or person having an interest in the funds of the club.

(3) **Balance Sheet**

A copy of the account or accounts and balance sheets covering the period included in an annual return, as audited, and the report of the auditor on the balance sheet and accounts, shall be posted in the registered office and shall be kept always hung up in a conspicuous place in the said office.

20. Inspection of Books by Members

Any member or person having an interest in the club funds, may at all reasonable times inspect the books and accounts including the particulars in the register of members except those mentioned in paragraphs (b) and (c) of rule 10 at the registered office or any place where they are kept, and it shall be the duty of the Secretary to produce them for inspection; but no person unless an officer of the club or specially authorised by a resolution thereof, may inspect the loan or deposit account of any other member without his written consent.

21. Borrowing Powers

(1) The club shall have power to borrow money for the purposes of the club and to issue loan stock and to secure the repayment of any money borrowed by mortgaging or charging any of its property, provided that the amount of money borrowed for the time being remaining undischarged shall not exceed £50,000.00 and that the interest paid or to be paid in respect of any money borrowed (except money borrowed by way of bank overdraft, or by way of mortgage of the club's premises) shall not exceed five per cent per annum or one per cent per annum above the National Westminster Bank Plc base rate, whichever is the greater.

(2) Subject to the provisions relating to loan stock contained in the following rule, the committee shall have power to determine from time to time the terms and conditions upon which money is borrowed or loan stock is issued and to vary such terms and conditions.

**NORTHCROFT SOCIAL CLUB
KEY COMMITTEE CONTACTS**

Provided to Licensing Team 01 July 2012 via email

Chairman - Martin Kibble

Secretary - Eleanor Murcott

Vice Chairperson - Sheila Dreyer

Treasurer - David Dreyer

Bookings Officer - Stuart Hume

Bar Manager - Eddie Brown

(The Club has around 200 members according to application 007846)

Northcroft Social Club
1 The Croft
Sudbury
CO10 1HN
01787 313765

To Babergh District Council,

Dear Sirs,

Regarding our enclosed application for a new licence. Since our licence was terminated we have undergone a root and branch review of how the club operates. In particular we have concentrated on the following:

Preventing the admittance of non members.
Please see the enclosed operating schedule for details.

Reviewing any application for an event in our function room.
The present booking form has been found to be inadequate. A new procedure and booking form will be produced to ensure that the organiser of any event is fully aware of the club rules regarding such events. The booking form will need to be approved by two committee members.

Noise issues.
The emergency exit in the function room is frequently left open causing noise. We are unable to lock this door. Therefore a device will be fitted to the door that will attenuate the volume of any amplified music or mute it completely, when the door is opened.

Committee.
New members have been added to the committee who have previous experience with running a social club. These new and experienced members will mentor existing members where necessary to achieve the new standards set out in these documents.

Signed



John Parr

Committee member.

**REPRESENTATION FROM RESPONSIBLE AUTHORITY – ENVIRONMENTAL HEALTH
RECEIVED 16 JULY 2012**

From: Buckingham, James (Corporate Manager – Environmental Protection)
To: Licensing Authority

Subject: NEW Club Premises Certificate application 007846
Northcroft Social Club, Sudbury CO10 1HN

I wish to make a representation against this application on the following grounds:

Prevention of Public Nuisance

Following a number of complaints from local residents and the failure of negotiations with Northcroft Social Club to rectify the problem, a Noise Abatement Notice was served on the Club on 4 April 2012. The nuisance arose from the playing of amplified music. A copy of the Abatement Notice, which remains in force, is attached, together with a covering letter.

It is my opinion that management controls of noise levels would not be sufficient to prevent further public nuisance from the playing of amplified music in the Ground Floor area marked on the plan submitted with the application. Structural sound-proofing works would be required to the building to enable this licensable activity to occur. Strict management controls would also be required to adequately control noise breakout from the building (both floors). However, no noise control measures whatsoever have been specified in the application.

All Licensing Objectives

1. Section O of the application states “See Club Rules and Operating Schedule”. A copy of the Operating Schedule was incorporated with the copy of the application I received from the Club. However, the Club Rules were not incorporated. I am therefore unable to comment on whether or not the Club Rules would afford adequate controls to achieve the Licensing Objectives.

2. Much of the evidence submitted to the recent hearing of the Licensing Sub-Committee which withdrew the Club’s Premises Certificate, focussed on inadequate management controls. I am therefore dismayed that the Club Chairman appears to have remained in post, despite (as I understand it) two recent calls of no-confidence by Club members. I note that the Club Secretary also appears to have remained in post. Given the complete failure to address the noise nuisance in the licence application, I have no confidence whatsoever in the current Club Committee to manage the premises properly.

3. The Club’s Rules in place at the time of the withdrawal of the previous Premises Certificate were dated 2 January 1997. They referred to previous licensing legislation and the restrictions there under. The requirements on Club Premises changed as a result of the Licensing Act 2003, notably restrictions on the “opening up” of such premises to the general public. I would hope that the Club has revised it’s own Rules and that they place appropriate restrictions on how/when non-Club members may be admitted.

James Buckingham
Corporate Manager - Environmental Protection
Babergh & Mid District Councils - Working Together
t: 01473 825880
e: james.buckingham@babergh.gov.uk
w: www.babergh.gov.uk www.midsuffolk.gov.uk

Place Directorate



The Secretary
Northcroft Social Club
1 The Croft
SUDBURY
Suffolk
CO10 1HN

Please ask for: James Buckingham
Direct line: 01473 825880
Fax number: 01473 825738
Your reference:
Our reference: WK/125954
E-mail: james.buckingham@babergh.gov.uk
Please reply to: Babergh District Council

4 April 2012

Dear Sir/Madam

**ENVIRONMENTAL PROTECTION ACT 1990 LICENSING ACT 2003
NORTHCROFT SOCIAL CLUB, 1 THE CROFT, SUDBURY, CO10 1JD**

I write further to my letters to Mr D Dreyer, Club Treasurer, of 2 September 2011 and 15 December 2011 regarding noise and licensing issues at the Northcroft Social Club.

Noise Issues

In my letter of 15 December 2011, I advised that I had witnessed a Statutory Noise Nuisance from the playing of music on the ground floor of the premises and that I therefore had a legal obligation to serve a Noise Abatement Notice. Service of this notice was held in abeyance following your Club's undertaking (Mr Dreyer's letter and email of 21 December 2012) to 'brick up' windows and vents in the room where music is played and to implement certain other noise control measures.

Your Club undertook to carry out the noise control measures by 31 January 2012. However, this deadline passed and Mr Dreyer asked for an extension of time for the Club to come forward with alternative proposals. Two extensions of time were given – until the 3 March 2012 to allow your committee to meet, and then until your AGM on 27 March 2012 to allow any new committee members to be involved in the decision making process. I have received no further communication from the Club and I am not prepared to defer my decision any longer, particularly as I have a legal obligation to secure a resolution. **I therefore enclose a Noise Abatement Notice, which requires your attention.**

Licensing Issues

It has come to my attention that music events to be held at your Club are being advertised as being open to the general public. **I must advise that the Council would treat any such events as a serious contravention of your Club Premises Certificate.**

Yours sincerely

James Buckingham
Principal Environmental Protection Officer

Babergh District Council
Council Offices, Corks Lane, Hadleigh, Ipswich, IP7 6SJ
Telephone (01473) 822801
Facsimile (01473) 825742
Minicom (01473) 825878
www.babergh.gov.uk

Mid Suffolk District Council
Council Offices, High Street, Needham Market, Ipswich, IP6 8DL
Telephone (01449) 724500
Facsimile (01449) 724627
SMS Text Mobile (07827) 842833
www.midsuffolk.gov.uk



**ENVIRONMENTAL PROTECTION ACT 1990, Section 80
Abatement Notice in respect of Statutory Noise
Nuisance**

To: The Secretary

Of: Northcroft Social Club, 1 The Croft, Sudbury, Suffolk, CO10 1HN

TAKE NOTICE that under the provision of the Environmental Protection Act 1990 the Babergh District Council, being satisfied of the likely recurrence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at Northcroft Social Club, 1 The Croft, Sudbury, Suffolk, CO10 1HN, within the district of the Council, arising from the playing of amplified music

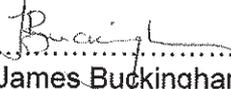
HEREBY REQUIRE YOU as the person responsible for the said nuisance, to **RESTRICT** the recurrence of the same **forthwith** and for that purpose require you to ensure that the level of noise emanating from the building and premises is kept at such a level so as not to cause a nuisance at neighbouring premises.

THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall **NOT** be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of Babergh District Council the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale up to £5000 together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

Babergh District Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated: 4 April 2012

Signed: 
James Buckingham
Principal Environmental Protection Officer

Address for all communications:

Babergh District Council, Environmental Protection, Corks Lane, Hadleigh, Ipswich, Suffolk, IP7 6SJ

NB. The person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning with the date of service of the notice. See notes below.

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:

APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

2 Appeals under section 80(3) of the 1990 Act

(1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case—

(a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);

(b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);

(c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;

(d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;

(e) where the nuisance to which the notice relates—

(i) is a nuisance falling within section 79(1)(a), (d), (e), (f), (fa)] or (g) of the 1990 Act and arises on industrial, trade, or business premises, or

(ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or

(iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, [or

(iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and—

(aa) the artificial light is emitted from industrial, trade or business premises, or

(bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act,]

that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;

(f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of—

(i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or

(ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or

(iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);

(g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);

(h) that the abatement notice should have been served on some person instead of the appellant, being—

(i) the person responsible for the nuisance, or

(ii) the person responsible for the vehicle, machinery or equipment, or

(iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or

(iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

(i) that the abatement notice might lawfully have been served on some person instead of the appellant being—

(i) in the case where the appellant is the owner of the premises, the occupier of the premises, or

(ii) in the case where the appellant is the occupier of the premises, the owner of the premises,

and that it would have been equitable for it to have been so served;

(j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being—

(i) a person also responsible for the nuisance, or

(ii) a person who is also owner of the premises, or

(iii) a person who is also an occupier of the premises, or

(iv) a person who is also the person responsible for the vehicle, machinery or equipment,

and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may—

(a) quash the abatement notice to which the appeal relates, or

(b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or

(c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit—

(a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or

(b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the court—

(a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and

(b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

3 Suspension of notice

(1) Where—

(a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and—

(b) either—

(i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or

(ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

(c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,

the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where—

(a) the nuisance to which the abatement notice relates—

(i) is injurious to health, or

(ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice—

(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

8 Croft Road
SUDBURY
Suffolk CO10 1JD

23 July 2012

Dear Mr Carvell

Northcroft Social Club Premises Certificate Application No 007846

I write to you in connection with the above, and would like to register my objection to the club being granted this certificate.

My main reason for this is the loud music being played in parts of the premises where there is absolutely no sound proofing at all. Babergh District Council's Environmental Health Department are aware of this.

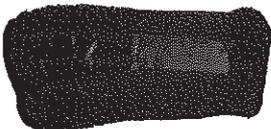
On our side of the road opposite where I live all the houses are built on a bank which makes them above Northcroft Social Club premises and as you know sound rises.

Both my living room and bedroom face the area from where the music emanates from and I get the full force of this noise and end up having to sleep in my bathroom on a camp bed because I am unable to use my bedroom, which can be 1 or 2 nights per week.

My neighbour Mr Richard Mower wrote directly to the Club last year regarding the noise pollution suggesting ways to control this, and was told that they were running a business and were not really responsible for any problems that occurred. He also wrote direct to you on the 25th June covering the many other problems regarding the activities of the Northcroft Social club and I wholeheartedly agree with his comments.

Lastly I feel that as the club is in financial difficulties and the same management committee who through their non actions lost the licence in the first place and are still running the club that they will use the music side of the certificate to have more functions of this nature, and carry on the same old manner as they did in the past to the detriment of us local residents.

Yours Sincerely



A.Gilham (Mr)

BABERGH D.C. LICENSING SECTION
24 JUL 2012

From: Richard Mower
Sent: 25 July 2012 10:59
To: NaBE - Licensing
Subject: club licence application for Northcroft Social Club

Following our recent telephone conversation, I write to raise objections to the licence application submitted by Northcroft Social Club.

I know you are aware of the difficulties raised by the activities of this club and the effects upon residents. It seems that the controlling committee has not seen fit to obey the conditions of the club licence awarded to it and that, as a result, loud music and poor behaviour exhibited by people leaving the premises have had a dramatic and unwelcome impact upon the lives of near neighbours. I find it difficult to believe that members, who must be aware of the enormous problems faced by the club as a direct result of the withdrawal of the premises licence, can endorse the continued leadership of the committee which led the club into such difficulty. Such decisions suggest that members do not wish to address the obvious failings of these people and that they do not wish the club to modify its behaviour. Should this be so, the future looks bleak for residents who fear that, should the licence application be successful, more noise nuisance and anti-social behaviour will continue to blight their lives.

For more than a year, we have had to tolerate, as a captive audience, music so loud that doors and windows inside our properties vibrate. Events which involve loud music are frequent; almost every Saturday and often Friday nights see us battenning down the hatches and preparing for the Blitz. London may have been able to take it, but we are not so willing!

Noise from within the club premises is only part of the story; poor behaviour as a direct result of excessive consumption of alcohol also causes nuisance. As people leave the club, there are often loud arguments and sometimes fights in the area immediately outside the club and these may continue for some time. On one occasion, I remember a car parked nearby being extensively damaged as a direct result of an altercation between groups of people who had been drinking in the club. Beer bottles and cigarette ends are often littering the grass area in front of the building causing concerns to parents of small children who cross the area on their way to church or to the Croft.

Since smoking inside the building is banned, smokers leave the premises and are often to be found smoking while sitting on our doorsteps. It is not beyond possibility that residents could open their front door and immediately fall over young people! Again, cigarette ends are left where they are thrown because people simply do not know how to behave decently and see no reason why our paths, steps or gardens should not provide receptacles for their unwanted materials. Urine is often another gift bestowed upon us.

I note from articles in local newspapers that the committee is in denial. No problems seem to exist. Underage people do not buy or consume alcohol on the premises. No fights occur. An ideal world exists! I suggest the committee needs to wake up to reality and begin to accept that all is not well with the club because it is not until such realisation occurs that progress is made. I do not accuse the club of serving alcohol to underage people because I cannot prove this is the case, but I have worked in education all my adult life and I am aware of how young people appear at various stages of their development and I have seen people who appear to be underage entering and leaving the club. Their behaviour suggests they have consumed alcohol, but I cannot say categorically that this is true, only that it appears to be the case. I fail to understand how the committee can deny these possibilities since it appears no one checks people entering the club; non members seem to have carte blanche to enter and leave at will, so how does the committee know that underage drinking does not occur?

It seems to me that members of the committee are incompetent and not fit to be responsible for the successful running of a club. Further, It seems to me that, since that very same committee has ben re-elected, further difficulties are likely to arise and I strongly recommend that the licence application be denied.

Yours sincerely

Richard Mower
5, Croft Road
Sudbury



Licensing Authority
Place Directorate
Babergh District Council
 Corks Lane, Hadleigh, Ipswich IP7 6SJ
 DX NO: 85055 Exchange: Babergh
 Main Switchboard: **01473 822801**
 website: www.babergh.gov.uk

IMMEDIATE ATTENTION REQUIRED
The Club Management Committee
Northcroft Social Club
1 The Croft
SUDBURY
Suffolk CO10 1HN

Your Ref:
 My Ref: M13/BCP0020

Please ask for: **Licensing Team**
 Phone Direct Line ☎: **01473 825719**
 Fax 📠: **01473 825738**
 e-mail 📧: licensingsection@babbergh.gov.uk

07 May 2012

Dear Sirs,

RE: NOTICE OF WITHDRAWAL OF CLUB PREMISES CERTIFICATE BCP0020
LICENSING ACT 2003 (SECTION 90)
LICENSING AND APPEALS COMMITTEE DECISION NOTICE

Babergh District Council hereby confirms its decision in respect of the Licensing Sub-Committee hearing to consider the withdrawal of Club Premises Certificate BCP0020 held by Northcroft Social Club for the club premises at 1 The Croft, SUDBURY, Suffolk CO10 1HN.

Firstly the Authority wishes to thank Mr David Dreyer (Treasurer), Mr Stuart Hume (Membership Secretary) and Mr Eddie Cribb (Committee Member) for their attendance and submissions to the Panel on 03 May 2012 (Report M13 refers). The Authority notes that Mr Dreyer advised that the Club Chairman and Club Secretary were not able to attend the hearing due to work commitments.

Having carefully considered the issues necessitating the hearing, the submissions made, and the Authority's duties under section 90 of the Licensing Act 2003, the Sub-Committee has resolved to:

HEREBY GIVE NOTICE to the Northcroft Social Club WITHDRAWING Club Premises Certificate BCP0020 - for Northcroft Social Club, 1 The Croft, SUDBURY, Suffolk CO10 1HN - as far as it relates to the supply of alcohol and regulated entertainment activities as specified on the Club Premises Certificate and summary of it.

In reaching this unanimous decision, the Committee Chairman confirmed that the reasons for this decision are as follows:

- A: The Sub-Committee is satisfied that the Northcroft Social Club is not being conducted in good faith as a club and is therefore not meeting the qualifying conditions of Section 62 of the Licensing Act 2003.
- B: It is not a defence for the Club to say that it didn't know what was going on – it is the responsibility of the Club to know and to find out what the Club's facilities are being used for and how.
- C: As a general observation, there is no adequate control or supervision of the premises.
- D: In reaching this decision, the Sub-Committee has had due regard to the Statutory Guidance (April 2012 revision) issued under section 182 of the Licensing Act 2003, which (at paragraph 6.8) states that a point may be reached where a club is providing commercial services to the general public in a way that is contrary to its qualifying club status. It is at this point that the club would no longer be conducted in 'good faith' and would no longer meet 'general condition 3' for qualifying clubs in section 62 of the 2003 Act.

Continued overleaf ⇒

- E: The advertising, open access to club facilities, sale of alcohol without challenge, absence of signing-in procedure, and other evidence given by the Enforcement Officers at the hearing all point to commercial activity offered to the general public rather than activities exclusively for club members and bona fide guests.
- F: No regard appears to have been had by the Club to promotion of the four licensing objectives – the prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm.
- G In arriving at this decision the Sub-Committee has had due regard to human rights implications and the impact this decision may have on Club members, but has balanced this with the need to protect the public. It has also noted its duties under section 90 of the Licensing Act 2003 and to promotion of the licensing objectives. It has concluded that it is satisfied that the Northcroft Social Club is not being conducted in good faith and it is therefore a necessary and proportionate course of action to withdraw the Club Premises Certificate (number BCP0020).

RIGHT TO APPEAL THIS DECISION

Where the relevant licensing authority gives notice withdrawing a club premises certificate under section 90, the club which holds or held the certificate may appeal against the decision to withdraw it.

We hereby advise the Club of its right to appeal this decision, taken by Babergh District Council, to the magistrate's court within 21 days of the date of this Notice. You have also been advised of this decision verbally at the hearing. Contact West Suffolk Magistrates' Court (Tel: 01284 778000) should you wish to exercise this right.

For the avoidance of any doubt it should be noted that the determination of the Licensing Sub-Committee takes effect IMMEDIATELY from the service of this Notice confirming the withdrawal of the certificate.

This decision does also not override the Club's right to apply for any licence permission in the future - whether a premises licence, club premises certificate or temporary event notice - and have such application considered on its individual merits and in accordance with the requirements of the Licensing Act 2003.

We trust that this decision is clear.

Yours faithfully

Licensing Authority
Babergh District Council

BABERGH DISTRICT COUNCIL

From: Place Directorate	Report Number: M13
To: Licensing Sub-Committee	Date of meeting: 03 MAY 2012

LICENSING ACT 2003 – CONSIDERATION OF THE WITHDRAWAL OF A CLUB PREMISES CERTIFICATE PURSUANT TO SECTION 90

1. Purpose of Report

- 1.1 To report information to the Sub-Committee to enable consideration of whether to give notice of the Licensing Authority's intention to withdraw Club Premises Certificate (number BCP0020) currently on issue to Northcroft Social Club, 1 The Croft, SUDBURY, Suffolk CO10 1HN.

2. Recommendations

- 2.1 That the Sub-Committee consider the matter and if satisfied that the Northcroft Social Club has ceased to meet the requirements specified by general condition 3 of section 62 of the Licensing Act 2003 – to be established and conducted in good faith as a club - to issue the Club with a Notice pursuant to section 90 of the Licensing Act 2003 to withdraw Club Premises Certificate BCP0020.
- 2.2 The Sub-Committee is able to resolve this matter.

3. Financial Implications

- 3.1 There is a statutory right of appeal to the magistrates' court for the removal of a club premises certificate.

4. Risk Management

- 4.1 None, other than those that inherently apply to the Licensing Authority when carrying out its licensing functions. The four licensing objectives are prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm.

5. Consultations

- 5.1 Not applicable.

6. Equality Analysis

- 6.1 Not applicable.

7. Shared Service / Partnership Implications

- 7.1 Not applicable.

8. Key Information

- 8.1 Northcroft Social Club has held a club premises certificate issued by Babergh District Council since implementation of the Licensing Act 2003 in 2005. Prior to then it held a club registration with the magistrates' court under the provisions of the Licensing Act 1964.
- 8.2 Section 62 of the 2003 Act sets out five general conditions which a relevant club must meet to be a qualifying club. The third general condition (Section 62(4)) is that a club should be established and conducted in 'good faith' as a club. This is expanded upon by Section 63 which sets out specific matters for licensing authorities to consider in determining whether the 'good faith' condition is met. It is suggested that the element of particular relevance here is 63(2)(e) "the nature of the premises occupied by the club". Section 63 is reproduced as Appendix A. Section 64 sets out additional conditions which only need to be met by clubs intending to supply alcohol to members and guests.
- 8.3 Section 90 of the 2003 Act gives powers to the Licensing Authority to issue a notice to a club withdrawing its certificate where it appears that it has ceased to meet the qualifying conditions. There is a right of appeal against such a decision.
- 8.4 The club premises certificate permission only permits the club to sell and supply alcohol, or provide other regulated activity, to its members and bona fide guests. Any qualifying club may choose to obtain a premises licence where it wishes to offer its facilities commercially for use by the general public. The temporary event notice (TEN) system may also be used to authorise one-off occasions.
- 8.5 The Council has had cause to contact the Northcroft Social Club in December 2011 about various matters including licensing issues. Clear advice has been given in writing to the club management, and since acknowledged, which made clear reference to licensing requirements. This correspondence is attached as Appendix B.
- 8.6 The Council received a further complaint on 02 April 2012 alleging the club were to imminently operate a 'public' event, as being advertised on a social networking site, which would be contrary to its current licence permission. The Licensing Team duly checked the Council's licensing register and found no record of any temporary event notice in place for that date/event. The matter was referred accordingly to the Council's enforcement team.
- 8.7 Upon further investigation, officers of the Council's enforcement team established that a drum'n'bass type event to be held at the Northcroft Social Club on Sunday 08 April 2012 was being advertised as being open to the general public to attend. The Council's Principal Environmental Protection Officer wrote to the Club on 04 April 2012 giving a further warning that the Council would treat any such events as a serious contravention of its club premises certificate. This correspondence is attached as Appendix C.

- 8.8 Members of the Council's Enforcement Team attended the Northcroft Social Club premises on the evening of Sunday 08 April 2012 and found the club facilities to be open to the general public and a drum'n'bass type event taking place, with a pay bar in operation, for around 120 persons including members of the public. Many of the attendees appeared to be in the 20-30 year old age range. The Council's Principal Environmental Protection Officer, who attended the club on 08 April 2012, will attend the hearing and produce his findings to the Sub-Committee.
- 8.9 Only 'qualifying' clubs may hold club premises certificates and be entitled to the benefits permitted by such an authorisation. Where it appears to the Licensing Authority that the club has ceased to meet the qualifying conditions, section 90 of the Licensing Act 2003 gives it the power to give notice to the club withdrawing the certificate.
- 8.10 Section 6.8 of the statutory guidance issued under section 182 of the Licensing Act 2003 advises that a point may be reached where a club is providing commercial services to the general public in a way that is contrary to its qualifying club status, at which point the club would no longer be conducted in 'good faith' and would no longer meet general condition 3 for qualifying clubs in section 62 of the 2003 Act.

9. Appendices

Title	Location
A: Section 63 of the Licensing Act 2003	Attached
B: Correspondence dated 15 December 2011 between the Council's Principal Environmental Protection Officer and Northcroft Social Club	Attached
C: Correspondence dated 04 April 2012 between the Council's Principal Environmental Protection Officer and Northcroft Social Club	Attached

10. Background Documents

- 10.1 Guidance issued under section 182 of the Licensing Act 2003 (October 2010 revision)

Authorship:

Lee Carvell
Licensing Officer to the Council

01473 825719
lee.carvell@babergh.gov.uk

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

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

Financial Services Authority

Marianne.smith@fsa.gov.uk
020 7066 2784



Mr J Parr
Northcroft Social Club Sudbury (Suffolk) Ltd
c/o 11 Weavers Lane
Sudbury
Suffolk
CO10 2EZ

Date: 09 July 2012

Our Ref: 19051R/Mutuals/ms

Dear Mr Parr

Northcroft Social Club Sudbury (Suffolk) Limited – 19050R – partial amendment to rules

Thank you for your recent letter regarding the above, together with attachments.

I have examined the application and found some issues which need addressing before we may continue to registration:

- You will need to complete the appropriate rule amendment application form. You can find this form, together with notes to help complete it, on our website at:

http://www.fsa.gov.uk/doing/small_firms/msr/societies

- Every society must adhere to the legislation under which it is registered. In addition, every society must adhere to its rule book. However, should conflict between the two ever arise, the legislation would always take precedence. Given this, it is not wholly correct to state that the legislation dictates that members must always adhere to any particular rule book: it may therefore be appropriate to omit this statement from the front cover.
- Rule 7 – you intend to charge members for copies of the rule book. The Legislative Reform Order 2011 clarifies that Members will receive the first copy of their society's/club's rule book – plus any amendments to those rules – free of charge. Any further copies required by members and any copies of rules given to non-members may be charged for at no more than the specified amount; currently the specified amount is £5.00. Given this, the club should not charge their members for their first copy of the rules (rule amendments), therefore this proposed amendment to rule 7 will need correcting.

I am returning the application paperwork and look forward to receiving your re-submission once the above issues have been resolved.

Yours sincerely,

M. Smith

Marianne Smith
MUTUALS TEAM
Encs. CA appl returned

NB. THE ACTUAL AMENDMENT SHOULD BE IN DUPLICATE: EA COPY BEARING ORIGINAL SIGNATURES OF 3 MEMBERS PLUS THE SECRETARY: SEE OUR ADVICE ON THE WEB (COMPOSITE THE FORM) FOR FURTHER HELP IN COMPLETING THE APPLICATION.

THERE IS NO CHARGE

Partial Amendment of Rules Of
Northcroft Social Club
1 The Croft
Sudbury
Suffolk

Register Number 10951 R

Front cover, under "Rules of the Northcroft Social Club Sudbury (Suffolk) Ltd" insert:
These Rules are binding in law to all members.

Rule 7, line 14

Delete all from "Every member" and substitute with:

Every member on election shall be issued with a membership card and will be required to carry this at all times whilst using club facilities. A copy of the club rules will be available to every member for a nominal fee.

Rule 17, line 8

After "objectives of the club." Insert the line:

The purchase of alcohol for the club, and the supply of alcohol by the club shall be managed by the committee.

Rule 32, line 3

After the word "time." insert the following sentence.

Any individual guest of a member, or the club as a whole, may only be signed in on one occasion per month.

Rule 34, line 7

After (2) delete three lines up to the words "private functions." And insert the following:

On a maximum of twelve occasions in any one year, and for a period of not more than twenty one days, the club may apply for temporary event notices for any licensable activities carried on beyond the entitlements of the club premises certificate. This would include events such as those for the general public or non members functions. These events shall require an application to the council for a temporary event notice, unless the club holds a premises licence.

Rule 36, line three

Change "Licensing Act 1964" to:

Licensing Act 2003

Signatures of three members:

And

Signature of Secretary

Place Directorate



IMMEDIATE ATTENTION REQUIRED

Northcroft Social Club
Attn: Mr Eddie Brown – Club Chairman
1 The Croft
SUDBURY
Suffolk CO10 1HN

Please ask for: **Licensing Team (Babergh)**
Direct line ☎: 01473 825719/826658
Fax number 📠: 01473 825738
Your reference:
Our reference: 007846-BCP0020/M65
E-mail 📧: licensingsection@babergh.gov.uk
Please reply to: **Babergh Office** (see footer)

03 September 2012
First Class Recorded

Dear Sirs,

RE: LICENSING ACT 2003 - CLUB PREMISES CERTIFICATE APPLICATION 007846
NOTIFICATION OF ADJOURNMENT
Northcroft Social Club, 1 The Croft, SUDBURY, Suffolk CO10 1HN

Thank you to the Club for sending representation to the Licensing Sub-Committee hearing at Babergh District Council Offices in Hadleigh which opened on 03 September 2012 (Report M65 refers). A hearing is necessary following the Licensing Authority's receipt of relevant representations against application 007846 which have not been withdrawn.

After hearing the case between 10:30am and 12:40pm the Licensing Sub-Committee has ADJOURNED the licensing hearing, in the public interest, to the specified date/time of:

Thursday 04 October 2012 | 10:30am start

The venue will again be the Council Chamber at Babergh District Council offices in Hadleigh.

The Sub-Committee Chairman announced with the adjournment notification that the Northcroft Social Club should consider the following matters ahead of a reconvened hearing on 04 October 2012, and provide additional information to the Sub-Committee at that time. The application, as submitted, is considered to be deficient in certainty and detail to allow a balanced determination to be made. The following matters should therefore be helpfully addressed by the Northcroft Social Club in the intervening period:

1. Updated club rules, constitution and arrangements for hirings/functions. Any further confirmation on club rules from the FSA should be provided.
2. Evidence (minutes) from the Club EGM/AGM concerning adoption of updated rules and associated club arrangements (including booking forms/vetting procedures/supervision for member functions and non-member functions or hirings).

Continued overleaf ⇒

Babergh District Council
Council Offices, Corks Lane, Hadleigh, Ipswich, IP7 6SJ
Telephone (01473) 822801
Facsimile (01473) 825742
Minicom (01473) 825878
www.babergh.gov.uk

Mid Suffolk District Council
Council Offices, High Street, Needham Market, Ipswich, IP6 8DL
Telephone (01449) 724500
Facsimile (01449) 724627
SMS Text Mobile (07827) 842833
www.midsuffolk.gov.uk

Acting Strategic Director (Place): Mike Hammond
Head of Economy: Peter Burrows **Head of Environment:** Chris Fry

3. Taking the opportunity to discuss and implement a noise control plan with the local Environmental Health Officer – carrying out any remedial works necessary or providing firm proposals/deadlines for completion of such works (including any structural soundproofing to reduce or prevent noise breakout to Croft Road in particular).
4. The local Environmental Health Officer should be afforded co-operation by the Club in relation to compliance checking the Club's noise management steps and drafting effective proposed conditions to prevent public nuisance. A statement from the Club relating to any updated steps to promote the licensing objectives in its operating schedule should be provided to the Sub-Committee at the reconvened hearing (for example specific noise management steps and collection of glasses).

We trust that this information is clear. The Council's Committee Services Team shall send an agenda regarding the reconvened hearing in due course.

The Club may again send representation of its choosing although the continued attendance of Mr Brown (Chairman) and Mr Parr (Committee Member) would be helpful for continuity. The Licensing Committee shall endeavour to provide the same three elected members on the Sub-Committee – being Councillors Holbrook, Ward and Cave.

Yours faithfully

Lee Carvell (Corporate Manager - Licensing)
For Babergh District Council Licensing Authority

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