

The Arc  
High Street  
Clowne  
S43 4JY

To: Chair & Members of the Licensing &  
Gambling Acts Sub Committee

Contact: Lindsay Harshaw  
Telephone: 01246 242276  
Email: [lindsay.harshaw@bolsover.gov.uk](mailto:lindsay.harshaw@bolsover.gov.uk)

Friday 1<sup>st</sup> September 2023

Dear Councillor

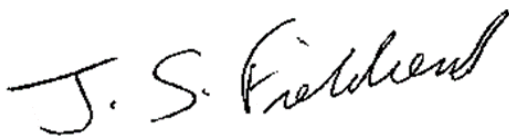
**LICENSING & GAMBLING ACTS SUB COMMITTEE**

You are hereby summoned to attend a meeting of the Licensing & Gambling Acts Sub Committee of the Bolsover District Council to be held in Committee Room 1, The Arc, Clowne on Tuesday, 12th September, 2023 at 10:00 hours.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 3.

Yours faithfully



Solicitor to the Council & Monitoring Officer

## **Equalities Statement**

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

### **Access for All statement**

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone:** [01246 242424](tel:01246242424)
- **Email:** [enquiries@bolsover.gov.uk](mailto:enquiries@bolsover.gov.uk)
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need WiFi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

**LICENSING & GAMBLING ACTS SUB COMMITTEE  
AGENDA**

***Tuesday, 12th September, 2023 at 10:00 hours taking place in Committee Room 1,  
The Arc, Clowne***

<b>Item No.</b>		<b>Page No.(s)</b>
<b>1.</b>	<b>Election of Chair for the meeting</b>	
<b>2.</b>	<b>Apologies for Absence</b>	
<b>3.</b>	<b>Urgent Items of Business</b>	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
<b>4.</b>	<b>Declarations of Interest</b>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
<b>5.</b>	<b>Minutes</b>	4 - 5
	To consider the minutes of the Licensing & Gambling Acts Sub Committee meeting held on 23 <sup>rd</sup> November, 2022.	
<b>6.</b>	<b>To hear representations made under the Licensing Act 2003 - Variation of a Club Premises Certificate</b>	6 - 28

# Agenda Item 5

## LICENSING & GAMBLING ACTS SUB COMMITTEE

Minutes of a meeting of the Licensing & Gambling Acts Sub Committee of the Bolsover District Council held Committee Room 1, The Arc, on Wednesday 23<sup>rd</sup> November 2022 at 10:30 hours.

### PRESENT:-

Members:-

Councillor Ray Heffer in the Chair

Councillors Maxine Dixon and Andrew Joesbury.

Officers:- Louise Arnold (Solicitor - Contentious Team), Charmaine Terry (Environmental Health Team Manager - Licensing), Sian Harpham (Licensing and Enforcement Officer) and Hannah Douthwaite (Governance and Civic Officer).

### LGASC01-22/23      APOLOGIES FOR ABSENCE

There were no apologies for absence.

### LGASC02-22/23      URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

### LGASC03-22/23      DECLARATIONS OF INTEREST

There were no declarations of interest.

### LGASC04-22/23      MINUTES

Moved by Councillor Ray Heffer and seconded by Councillor Andrew Joesbury  
**RESOLVED** that the minutes of a meeting of the Licensing & Gambling Acts Sub Committee held on 3<sup>rd</sup> March 2022 be approved as a true and correct record.

### LGASC05-22/23      TO CONSIDER WHETHER TO SUSPEND OR REVOKE A PERSONAL LICENCE, UNDER THE LICENSING ACT 2003

The Licensing and Enforcement Officer presented the report.

The Licensing and Gambling Acts Hearing Procedure was followed.

The Environmental Health Team Manager – Licensing, and the Licensing and Enforcement Officer, left the meeting whilst Committee deliberated and returned to the

## LICENSING & GAMBLING ACTS SUB COMMITTEE

meeting for the announcement of the decision.

Moved by Councillor Andrew Joesbury and seconded by Councillor Maxine Dixon

**RESOLVED** that the Personal Licence be revoked.

(Licensing and Enforcement Officer)

The meeting concluded at 11:20 hours.

**Bolsover District Council**

**Meeting of the Licensing and Gambling Acts Sub-Committee**

**12th September 2023**

**To hear representations made under the Licensing Act 2003**

**Report of the Environmental Health Team Manager (Licensing)**

<b>Classification</b>	This report is public
<b>Contact Officer</b>	Lindsey Delamore, Licensing and Enforcement Officer

**PURPOSE/SUMMARY OF REPORT**

To hear representations made under the Licensing Act 2003 and determine whether to grant an application for a variation of a club premises certificate

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**REPORT DETAILS**

**1. Background**

1.1 Bolsover District Council is responsible for the licensing and regulation of Club Premises Certificates under the Licensing Act 2003. As part of those responsibilities the Licensing and Gambling Acts Sub-Committee is required to consider any application for a club premises certificate where valid representations have been received and not withdrawn.

1.2 The Licensing Act 2003 is clear that four statutory objectives, each of equal importance, must be addressed by the Council when discharging its functions under the legislation.

Those licensing objectives are:

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

1.3 In addition to the legislation, the Council must have regard to the Revised Guidance issued under section 182 of the Licensing Act 2003 and to the Council's own licensing policy.

- 1.4 The legislation and statutory guidance are clear that each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.
- 1.5 A premises may only undertake licensable activities where it holds both planning permission and a Club Premises Certificate to enable it to do so. Planning and Licensing are separate systems of regulatory control; planning deals with the use of the land, and licensing with the detailed operation of a premises where licensable activities take place. Similar considerations are likely to arise in both and there is overlap between the two, but each regime involves consideration of different, albeit related matters and each operate independently. The guidance provides that licensing committees are not bound by decisions made by a planning committee and vice versa.
- 1.6 In September 2018 the Council adopted a revised Licensing Act 2003 Policy. A number of paragraphs within the policy are relevant in this case. These paragraphs are set out below:
- 2.2 *In carrying out its licensing functions, the Licensing Authority must also have regard to the licensing objectives, its Policy Statement and any statutory guidance under the Act and is bound by The Human Rights Act 1998. The Council must also fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in Bolsover.*
- 2.4 *Guidance on the Licensing Objectives is available on the Government's website at: <https://www.gov.uk/guidance/alcohol-licensing>*
- 2.5 *Licensing law is not the primary mechanism for the general control of antisocial behaviour by individuals once they are beyond the direct control of the individual club, or business holding the licence, certificate or permission concerned. Licensing is about the management of licensed premises and activities within the terms of the Act and conditions attached to various authorisations will be focused on matters which are within the control of the individual licence holder and others.*

4.2 *The granting of a licence, certificate or provisional statement will not override any requirement of the planning system or vice-versa. The licensing system will provide for the detailed control of operational matters, which are unlikely to be addressed through planning processes. However there will be overlapping issues of interest e.g. disturbance, which will remain material considerations for planning purposes as well as being relevant in terms of the licensing objectives. Applicants should also ensure that they have due regard to any planning restrictions on the use of premises when applying for licence/certification to avoid any possible enforcement action. Equally any planning approval for a premises does not imply that approval will be giving under the Licensing regime.*

Further information can be found in the Council's Licensing Act 2003 Policy.

## 2. **Details of Proposal or Information**

2.1 On 18<sup>th</sup> July 2023, an application to vary a Club Premises Certificate for **Whitwell Social Club, 38 Butt Hill, Whitwell, Worksop, S80 4RP** was received by Bolsover District Council from **Poppleston Allen Solicitors** acting on behalf of **Whitwell Social Club and Institute Limited**. A copy of the current Club Premises Certificate is attached as **Appendix 1** and a copy of the application is attached as **Appendix 2**.

2.2 The application seeks to vary the operating schedule to the Club Premises Certificate as outlined below:

<b>Licensable activity</b>	<b>Details of Variation</b>
<b>Supply Of Alcohol</b>	<b>To increase the hours for the supply of alcohol for consumption on and off the premises to 11:00 to 01:00 hours the following day, seven days per week.</b>

2.3 The application has been processed in line with the legislation and all Responsible Authorities were notified of this application.

2.4 The Licensing Team did not receive any formal representations from Responsible Authorities.

2.5 The consultation deadline for this application was the 15<sup>th</sup> August 2023. By this time the Licensing Team had received two valid representations from members of the public, both of which relate to the prevention of public nuisance. Ms Jill Rafferty's representation is attached as **Appendix 3** and Mr Gareth McGregor and Mrs Lynn McGregor's (also known as Lynn Cottingham) representation is attached as **Appendix 4**.



- 2.6 On 1 August 2023, a further email was received from Mr and Mrs McGregor with additional information to support their representation. The additional information is attached with their original representation as **Appendix 4.**
- 2.7 These parties have a legal right to make a representation.
- 2.8 During the consultation the applicant engaged in mediation with the objectors and offered the following compromise;
- *The removal of the piano*
  - *Garden area will be restricted from 10pm*
  - *Entrance to the Garden Area will be restricted from 10pm*
  - *Members will leave via the main entrance at the front of the building to minimise disruption*
  - *Signage will be erected reminding members to respect their neighbours and minimise disruption*

Details of the proposal are attached as **Appendix 5.**

- 2.9 Following this proposal, the applicant's agent confirmed that Mrs Rafferty was happy with the proposals and was withdrawing her representation. However, at the time of this report, the Licensing Section have still not received confirmation of this from Mrs Rafferty.
- 2.10 Following receipt of the objection from Mr and Mrs McGregor, Mrs McGregor has contacted the Licensing Section to indicate they will be entering into mediation with the applicant. However, at the time of this report, the Licensing Section have not received notification that an agreement has been reached.
- 2.11 At the time of the report, both representations remain valid and unresolved.

### **3. Reasons for Recommendation**

- 3.1 None

### **4 Alternative Options and Reasons for Rejection**

- 4.1 None
-

**RECOMMENDATION(S)**

1. That the Licensing and Gambling Acts Sub-Committee considers the request for a variation to the current club premises certificate.
2. That the Licensing and Gambling Acts Sub-Committee:
  1. Grant the variation application as applied for;
  2. Grant the variation application, modified to such an extent as the Authority considers appropriate for the promotion of the licensing objectives and any mandatory conditions; or
  3. Refuse the application.

**IMPLICATIONS:**

**Finance and Risk:**            Yes             No

**Details:**

An appeal against this decision would incur costs in preparing a defence case and to attend Court. Costs may be recovered at the discretion of the Magistrates in the event that the application is dismissed. Costs could be awarded against the Authority in the event that the appeal is successful. In the event that a licence is granted other than in accordance with the Council’s Licensing Policy, the reasons for departing from Policy could be subject to scrutiny and the Council’s reputation harmed if the decision is not reasonable.

On behalf of the Section 151 Officer

**Legal (including Data Protection):**            Yes             No

**Details:**

The parties have the right to make an appeal to the Magistrates’ Court if they are not satisfied with the outcome of the hearing.

On behalf of the Solicitor to the Council

**Staffing:**            Yes             No

**Details:**

On behalf of the Head of Paid Service

## DECISION INFORMATION

<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><b>BDC:</b>  Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/></p> <p><b>NEDDC:</b>  Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	No

<b>District Wards Significantly Affected</b>	None
<p><b>Consultation:</b>  Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/>  SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/>  Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	<p>No</p> <p>Details:</p>

<p><b>Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.</b></p>
All

DOCUMENT INFORMATION	
Appendix No	Title
1	Current Club Premises Certificate
2	Variation Application Form
3	Ms Rafferty's Representation
4	Mr and Mrs McGregor's Representation
5	Applicant's Proposal

<b>Background Papers</b>
<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</i>
<b>Application Form and Supporting documentation</b>

General enquiries - 01246 242424  
 Licensing Section - 01246 242417 (direct line)  
 e-mail: [licensing@bolsover.gov.uk](mailto:licensing@bolsover.gov.uk)  
 fax - 01246 242423  
 20 March, 2006



Sherwood Lodge  
 Bolsover  
 Derbyshire  
 S44 6NF

Licensing Act 2003

## Club Premises Certificate

# CP0006

### Club Details

#### NAME OF CLUB IN WHOSE NAME THIS CERTIFICATE IS GRANTED AND RELEVANT POSTAL ADDRESS OF CLUB

**Whitwell Social Club and Institute Limited**

38 Butt Hill, Whitwell, Worksop, Nottinghamshire, S43 4RT.

Telephone 01900 720459

#### IF DIFFERENT FROM ABOVE THE POSTAL ADDRESS OF CLUB PREMISES TO WHICH THE CERTIFICATE RELATES, OR IF NONE, ORDINANCE SURVEY MAP REFERENCE OR DESCRIPTION

Not applicable

#### WHERE THE CLUB PREMISES CERTIFICATE IS TIME LIMITED THE DATES

Commences **24/11/2005**

Expires **Not Applicable**

#### QUALIFYING CLUB ACTIVITIES AUTHORIZED BY THE CERTIFICATE

- an indoor sporting event
- a performance of live music
- the supply of alcohol
- the supply of alcohol

#### THE TIMES THE CERTIFICATE AUTHORIZES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
D. Indoor sporting event	Monday to Sunday Fixed by the board of directors and posted in the club		
E. Performance of live music (Indoors)	Monday to Sunday Fixed by the board of directors and posted in the club		
L. The supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON and OFF the premises	Monday to Saturday Sunday Christmas Day Christmas Day Good Friday New Years Eve From the end on supply of alcohol times on New Years Eve to the start of supply of alcohol times on New Years Day	11:00am Noon Noon 7:00pm Noon	11:00pm 10:30pm 3:00pm 10:30pm 10:30pm
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	Monday to Saturday Sunday Christmas Day	11:00am Noon Noon	11:00pm 10:30pm 3:00pm

General enquiries - 01246 242424  
 Licensing Section - 01246 242417 (direct line)  
 e-mail: [licensing@bolsover.gov.uk](mailto:licensing@bolsover.gov.uk)  
 fax:- 01246 242423  
 20 March, 2005



Sherwood Lodge  
 Bolsover  
 Derbyshire  
 S44 6NF

## Licensing Act 2003 Club Premises Certificate

# CP0006

### THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES - continued ...

Activity (and Area if applicable)	Description	Time From	Time To
L. The 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 - continued ...			
	Christmas Day	7:00pm	10:30pm
	Good Friday	None	10:30pm
	New Years Eve		
	From the end on supply of alcohol times on New Years Eve to the start of supply of alcohol times on New Years Day		

### THE OPENING HOURS OF THE CLUB

Description	Time From	Time To
Monday to Sunday		
Fixed by the board of directors and posted in the club		

### WHERE THE CERTIFICATE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

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

### ANNEXES

#### ANNEX 1 - MANDATORY CONDITIONS

None

#### ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

The club shall be operated in accordance with the club rule book, a copy of which is appended, submitted with the application to convert the club registration certificate.

#### ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None



**Bolsover**  
**Application for a variation to a club premises**  
**certificate**  
**Licensing Act 2003**

For help contact  
[licensing@bolsover.gov.uk](mailto:licensing@bolsover.gov.uk)  
 Telephone: 01246 217884

\* required information

#### Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="JHA/17583/1"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

#### Applicant Details

* First name	<input type="text" value="Whitwell Social Club and Institute Limited"/>	
* Family name	<input type="text" value="Whitwell Social Club and Institute Limited"/>	
* E-mail	<input type="text" value="j.harvey@popall.co.uk"/>	
Main telephone number	<input type="text" value="0115 8538500"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if the applicant would prefer not to be contacted by telephone		

Is the applicant:

<input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader	A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.
<input type="radio"/> Applying as an individual	

#### Applicant Business

* Is the applicant's business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	
* Registration number	<input type="text" value="00111487"/>	
* Business name	<input type="text" value="Whitwell Social Club and Institute Limited"/>	If the applicant's business is registered, use its registered name.
* VAT number	<input type="text" value="GB"/> <input type="text" value="Unknown"/>	Put "none" if the applicant is not registered for VAT.
* Legal status	<input type="text" value="Private Limited Company"/>	

Appendix 2 (Page 2 of 11)

Continued from previous page...

\* Applicant's position in the business

Home country  The country where the applicant's headquarters are.

**Registered Address** Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

**Agent Business**

\* Is your business registered in the UK with Companies House?  Yes  No

\* Is your business registered outside the UK?  Yes  No

\* Business name  If your business is registered, use its registered name.

\* VAT number   Put "none" if you are not registered for VAT.

\* Legal status



Appendix 2 (Page 3 of 11)

Continued from previous page...	
* Your position in the business	Solicitor
Home country	United Kingdom
The country where the headquarters of your business is located.	
<b>Agent Business Address</b>	
If you have one, this should be your official address - that is an address required of you by law for receiving communications.	
* Building number or name	37
* Street	Stoney Street
District	
* City or town	Nottingham
County or administrative area	
* Postcode	NG1 1LS
* Country	United Kingdom
<b>Section 2 of 18</b>	
<b>APPLICATION DETAILS</b>	
Club premises certificate number	CP0006
Name of club	Whitwell Social Club
The above named club applies for a club premises certificate under section 84 of the Licensing Act 2003 for the premises named in this section 2 below.	
<b>Club Premises Address</b>	
<input checked="" type="radio"/> Address <input type="radio"/> OS map reference <input type="radio"/> Description	
Building number or name	38
Street	Butt Hill
District	
City or town	Whitwell
County or administrative area	Nottinghamshire
Postcode	S80 4RP
Country	United Kingdom

Continued from previous page...	
<b>Club Premises Contact Details</b>	
Are the contact details the same as (or similar to) those given in section one?	If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.
<input checked="" type="radio"/> Yes	<input type="radio"/> No
E-mail	<input type="text" value="j.harvey@popall.co.uk"/>
Telephone number	<input type="text" value="0115 9538500"/>
Other telephone number	<input type="text"/>
<b>Name Of Person Performing Duties Of A Secretary To The Club</b>	
First name	<input type="text" value="Joseph"/>
Family name	<input type="text" value="Turner"/>
<b>Address Of Person Performing Duties Of A Secretary To The Club</b>	
Building number or name	<input type="text" value="38"/>
Street	<input type="text" value="Butt Hill"/>
District	<input type="text" value="Whitwell"/>
City or town	<input type="text" value="Worksop"/>
County or administrative area	<input type="text" value="Nottinghamshire"/>
Postcode	<input type="text" value="S80 4RP"/>
Country	<input type="text" value="United Kingdom"/>
<b>Secretary Contact Details</b>	
E-mail	<input type="text" value="Whitwell.s.o@hotmail.co.uk"/>
Telephone number	<input type="text" value="07828800518"/>
Other telephone number	<input type="text" value="01909 720459"/>
<b>Section 3 of 18</b>	
<b>VARIATION</b>	
Do you want the proposed variation to have effect as soon as possible?	
<input checked="" type="radio"/> Yes	<input type="radio"/> No
Do you want the proposed variation to have effect in relation to the introduction of the late night levy?	
<input type="radio"/> Yes	<input checked="" type="radio"/> No
You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.	

## Appendix 2 (Page 5 of 11)

Continued from previous page...
If the club's proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend
<input type="text"/>
<b>Describe Briefly The Nature Of The Proposed Variation</b>
Describe the premises, For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for people to consume these off-supplies, please include a description of where this will be and its proximity to the premises.
To vary the hours for the supply of alcohol for consumption on and off the premises to 11:00 to 01:00 the following day 7 days per week.
<b>Section 4 of 18</b>
<b>PROVISION OF PLAYS</b>
<a href="#">See guidance on regulated entertainment</a>
Will there be a change to the provision of plays?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 5 of 18</b>
<b>PROVISION OF FILMS</b>
<a href="#">See guidance on regulated entertainment</a>
Will there be a change to the provision of films?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 6 of 18</b>
<b>PROVISION OF INDOOR SPORTING EVENTS</b>
<a href="#">See guidance on regulated entertainment</a>
Will there be a change to the provision of indoor sporting events?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 7 of 18</b>
<b>PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS</b>
<a href="#">See guidance on regulated entertainment</a>
Will there be a change to the provision of boxing or wrestling entertainments?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 8 of 18</b>
<b>PROVISION OF LIVE MUSIC</b>
<a href="#">See guidance on regulated entertainment</a>

Appendix 2 (Page 6 of 11)

Continued from previous page...	
Will there be a change to the provision of live music?	
<input type="radio"/> Yes	<input checked="" type="radio"/> No
<b>Section 9 of 18</b>	
<b>PROVISION OF RECORDED MUSIC</b>	
<a href="#">See guidance on regulated entertainment</a>	
Will there be a change to the provision of recorded music?	
<input type="radio"/> Yes	<input checked="" type="radio"/> No
<b>Section 10 of 18</b>	
<b>PROVISION OF PERFORMANCES OF DANCE</b>	
<a href="#">See guidance on regulated entertainment</a>	
Will there be a change to the provision of performances of dance?	
<input type="radio"/> Yes	<input checked="" type="radio"/> No
<b>Section 11 of 18</b>	
<b>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</b>	
<a href="#">See guidance on regulated entertainment</a>	
Will there be a change to the provision of anything similar to live music, recorded music or performances of dance?	
<input type="radio"/> Yes	<input checked="" type="radio"/> No
<b>Section 12 of 18</b>	
<b>SUPPLY OF ALCOHOL</b>	
Will there be changes to the supply of alcohol by or on behalf of a club to, or to the order of a member of the club?	
<input checked="" type="radio"/> Yes	<input type="radio"/> No
<b>Standard Days And Timings</b>	
<b>MONDAY</b>	
Start <input type="text" value="11:00"/>	End <input type="text" value="01:00"/>
Start <input type="text"/>	End <input type="text"/>
<b>TUESDAY</b>	
Start <input type="text" value="11:00"/>	End <input type="text" value="01:00"/>
Start <input type="text"/>	End <input type="text"/>
<b>WEDNESDAY</b>	
Start <input type="text" value="11:00"/>	End <input type="text" value="01:00"/>
Start <input type="text"/>	End <input type="text"/>
<b>THURSDAY</b>	
Start <input type="text" value="11:00"/>	End <input type="text" value="01:00"/>
Start <input type="text"/>	End <input type="text"/>

Give timings in 24 hour clock.  
(e.g. 18:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

FRIDAY	
Start	11:00
End	01:00
Start	
End	
SATURDAY	
Start	11:00
End	01:00
Start	
End	
SUNDAY	
Start	11:00
End	01:00
Start	
End	

Will the supply of alcohol be for consumption?

On the premises    
 Off the premises    
 Both

If the club wishes members and their guests to be able to consume alcohol on the premises tick on, if the club wishes people to be able to purchase alcohol to consume away from the premises tick off. If the club wishes people to be able to do both tick both

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

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, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 13 of 18**

**HOURS CLUB PREMISES ARE OPEN TO THE MEMBERS AND GUESTS**

Will there be changes to 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?

Yes    
 No

**Section 14 of 18**

**ADULT ENTERTAINMENT**

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.

## Appendix 2 (Page 8 of 11)

<p>Continued from previous page...</p> <p>Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.</p> <p>n/a</p>
<b>Section 15 of 18</b>
<b>CURRENT CONDITIONS</b>
<p>Identify those conditions currently imposed on the certificate which you believe could be removed as a consequence of the proposed variation you are seeking</p> <p>Give details here.</p> <p>n/a</p>
<p><input checked="" type="checkbox"/> I will be submitting the club premises certificate</p> <p><input type="checkbox"/> I will be submitting the relevant part of the club premises certificate</p>
<b>Section 16 of 18</b>
<b>LICENSING OBJECTIVES</b>
<p>Describe the steps you intend to take to promote the four licensing objectives:</p> <p>a) General – all four licensing objectives (b,c,d,e)</p> <p>see b) to e) below</p>
<p>b) The prevention of crime and disorder</p> <p>The applicant believes that no further measures are necessary to promoted the licensing objectives</p>
<p>c) Public safety</p> <p>The applicant believes that no further measures are necessary to promoted the licensing objectives</p>
<p>d) The prevention of public nuisance</p> <p>The applicant believes that no further measures are necessary to promoted the licensing objectives</p>

Continued from previous page...
e) The protection of children from harm
The applicant believes that no further measures are necessary to promoted the licensing objectives
<b>Section 17 of 18</b>
<b>NOTES ON REGULATED ENTERTAINMENT</b>
In terms of specific <b>regulated entertainments</b> please note that:
<ul style="list-style-type: none"> <li>• Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.</li> <li>• Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.</li> <li>• Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.</li> <li>• Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.</li> <li>• Live music: no licence permission is required for: <ul style="list-style-type: none"> <li>o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.</li> <li>o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.</li> <li>o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.</li> <li>o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.</li> <li>o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.</li> </ul> </li> <li>• Recorded Music: no licence permission is required for: <ul style="list-style-type: none"> <li>o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.</li> <li>o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.</li> <li>o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.</li> </ul> </li> </ul>



Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 17 of 18****PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

Note: Credit Cards are NOT acceptable for payment. Debit Cards only.

\* Fee amount (£)

**DECLARATION**

I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date

 /  / 

dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/club-licensing/bolsover/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.



Continued from previous page...	
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.	
<b>OFFICE USE ONLY</b>	
Applicant reference number	<input type="text" value="JHA/17583/1"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>
<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> <a href="#">4</a> <a href="#">5</a> <a href="#">6</a> <a href="#">7</a> <a href="#">8</a> <a href="#">9</a> <a href="#">10</a> <a href="#">11</a> <a href="#">12</a> <a href="#">13</a> <a href="#">14</a> <a href="#">15</a> <a href="#">16</a> <a href="#">17</a> <a href="#">18</a> <a href="#">Next &gt;</a>	

Appendix 3 (Page 1 of 1)

**From:** jiiil rafferty <\*\*\*\*\*>  
**Sent:** 30 July 2023 17:32  
**To:** Licensing <Licensing@ne-derbyshire.gov.uk>  
**Subject:** Whitwell social club

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**Warning External**

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Hello,

I'm writing to object to the proposed extension of licensing opening hours for "Whitwell Social club" . Butt Hill, Whitwell , Derbyshire, S804RP.

My family and I live on \*\*\*\* which backs onto the social club . It has become a very busy venue over the last couple of years . Predominately the noise is coming from the outside seating area which is often extremely loud and raucous especially during the spring and summer months The noise goes on until late at night ( last night well past midnight) and vile language can often be heard being shouted by customers of the club.,this happens during day and night opening hours and is not pleasant to listen to when you are in your own garden minding your own business All this has now been topped off by a Piano being put outside in the club garden, for people to play ,or should I say plonk ,and when people are leaving the club late at night after having several drinks they seem to feel the need to "plonk" the keys just for a laugh !! . We are a family who all ( 4 people) work full time and 3 members in the healthcare service , we are all up early in the morning to go to work ,we feel the extended proposal would impact dramatically on our sleep . This already happens as one of the bedrooms is located approximately 15 metres from the outside seating area of the club ,and since the piano was put outside my daughter as been woken up several times. Please consider this club is surrounded by residential living and consider the impact on those people who live in the immediate area .

Thank you for your time

Kind regards

Mrs J Rafferty

Appendix 4 (Page 1 of 1)

**From:** Lynn Cottingham <\*\*\*\*\*>

**Sent:** 01 August 2023 09:35

**To:** Licensing <Licensing@ne-derbyshire.gov.uk>

**Subject:** Objection to application to extension of opening hours Whitwell Club

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**Warning External**

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Dear Sir /Madam

In addition to the email below sent 31st July 2023 at 16.24 hours . I would like to add that the club has a television in their beer garden which as stated in the previous email is adjacent to our garden . They play sports ,mainly football and music. This appears to encourage and exacerbate the loud ,foul and abusive language when in use ,this is already a problem and could have the potential to be a greater problem with the extension of hours. I have been unable to view the application posted outside the club properly due to its poor positioning but I hope I have covered the main points in their application.

Kind Regards

Lynn & Gareth McGregor

Dear Sir/Madam

We wish to appeal against the application made by Whitwell Social Club , 38 Butt Hill , Whitwell to extend their opening hours, on the grounds of public nuisance.

Our property is next door to the club and our garden runs adjacently to their beer garden. We have already complained to members of the committee about the loud ,foul and abusive language used by both their male and female clients, which we can hear whilst trying to relax in our garden. We have on numerous occasions had to move back indoors, as sitting in our garden has become unpleasant and quite stressful. Unfortunately the language does not improve when children can be heard in the area and there appears to be no effort made by the staff or committee members to challenge their customers' behaviour. They have now placed a piano in the garden which can be played by children and adults at any time ,unfortunately they are unable to actually play the piano . The continuous playing of the same notes can be like torture. The club presently closes at midnight and as well as the foul and abusive language it can be extremely noisy at clearing out time . We already struggle to sleep before then due to being woken, and are concerned about ours and other local residents, well being with potentially another seven hours a week lack of sleep. When the club is not in use it is a very peaceful and pleasant area to live .

Thank you for your consideration in this matter

Lynn & Gareth McGregor

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Appendix 5 ( Page 1 of 1)

**From:** Joe Harvey <\*\*\*\*\*>  
**Sent:** 16 August 2023 09:41  
**To:** Lindsey Delamore <Lindsey.Delamore@bolsover.gov.uk>  
**Cc:** Joe Harvey <\*\*\*\*\*>;  
**Subject:** Whitwell Social Club PCX:000106000000786

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**Warning External**

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Good morning,

I am Joe Harvey, a solicitor from Poppleston Allen Licensing Solicitors in Nottingham. I have been instructed to submit the application to vary the Club Premises Certificate on behalf of Whitwell Social Club. I have been informed by Bolsover District Council that you have submitted a representation against this application. From looking at your representation, it is clear that you are concerned about the increase in nuisance noise that might be caused by an increase in licensing hours.

I understand that the Club have contacted you directly to discuss the application with you but have been unable to set up a meeting. We would welcome the opportunity to discuss this application with you and hopefully alleviate the concerns that you have going forward.

I understand my the Club that a number of measures are being take which are hoped to go a long way to putting your mind at ease. I understand that these measures are:

The removal of the piano

- Garden area will be restricted from 10pm
- Entrance to the Garden Area will be restricted from 10pm
- Members will leave via the main entrance at the front of the building to minimise disruption
- Signage will be erected reminding members to respect their neighbours and minimise disruption

If you feel that these measures are sufficient to address your concerns, I would be grateful if you could let me and Lindsey Delamore (Lindsey Delamore [Lindsey.Delamore@bolsover.gov.uk](mailto:Lindsey.Delamore@bolsover.gov.uk)) at Bolsover District Council know as this will help avoid a hearing. If there is anything else that we might be able to do which would put your mind at ease, I would be more than happy to discuss this with you.

Best wishes,

Joe

Joe Harvey |Associate Solicitor

**Poppleston Allen**