

## **For publication**

### **Application for a New Premises Licence by Craig Botham, in respect of Brampton Rovers, Newbold Back Lane, Chesterfield, Derbyshire, S40 4RW. (LC170)**

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Meeting: Licensing Committee

Date: Wednesday 6<sup>th</sup> July 2016

Cabinet portfolio: Health and Wellbeing

Report by: Mick Bargh, Licensing Enforcement Officer

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### **1.0 Purpose of report**

- 1.1 For Members to determine the application made by Craig Botham on behalf of Brampton Rovers Holdings Limited for a new premises licence in respect of Brampton Rovers, Newbold Back Lane, Chesterfield, Derbyshire, S40 4RW.
- 1.2 Because relevant representations have been made and not withdrawn, the application cannot be granted or refused under officer delegated authority.

### **2.0 Recommendations**

- 2.1 That the Committee determine whether the application for a new Premises Licence made by Mr Craig Botham, c/o 17 Bank Wood Close, Newbold, Chesterfield, Derbyshire, S41 8XQ be heard before committee at this time due to alleged irregularity regarding provision of notices around the site. (A solicitor's letter is included at appendix 6 which raises issue with the provision of notices).

2.2 That if so heard, the Committee determine whether this licence application be

- Granted
- granted with conditions
- or refused.

2.3 Copies of the Application Form, Location Plan and Noise Management Plan are attached to this report at Appendix 1.

### 3.0 **Report Details.**

3.1 The premise is a single storey club house on a large playing field incorporating football pitches. There are existing residential properties adjacent to this location and also an open area which was previously the site of Newbold Community School.

This open area has now been identified for development as further residential housing.

3.2 The Brampton Rovers site is owned by Derbyshire County Council and leased to the football club.  
Chesterfield Borough Council holds the freehold for the site and the adjacent cleared school site.

When Derbyshire County Council became aware of the application they wrote to the football club identifying that permission had not been sought for the premises licence application. The letter further identified that activities reasonably expected to arise from the application could lead to a breach of the lease conditions, specifically around clause 5.8 relating to use of the site and nuisance thereon:-

- Section 5.8.1 refers to the premises being used only for recreational and sporting purposes of a non-profit making nature.
- Section 5.8.2 refers to tenants of the premises avoiding activity that might result in nuisance or disturbance.

3.3 A copy of the letter from Derbyshire County Council which includes a site plan is attached at Appendix 2.

At the time of writing, the club and Council have engaged in discussion regarding the lease but no conclusions have been reached.

The situation is not currently being progressed further, pending the result of the Licensing Committee hearing this application.

3.4 The application received in Licensing on 17<sup>th</sup> May 2016 was for a Premises Licence which included the entire site (clubhouse and sports fields) and sought multiple activities including:-

- provision of films and plays, indoor sporting events, live music, recorded music and dance between 08.00 hours – 02.00 hours Monday to Sunday
- Supply of alcohol on and off the premises between 10.00 hours – 02.00 hours Monday to Sunday
- Late night refreshment between 23.00 hours - 03.00 hours Monday to Sunday.
- Opening hours of the premises from 08.00 hours – 03.00 hours.

The application also sought extended non-standard timings of

- 1000 to 1000 hours for alcohol
- 0800 to 0600 hours for recorded music
- opening hours of 0800 to 0800 hours

in respect of for televised sporting events and UK public holidays

- and 2300 to 0500 hours for late night refreshment

in respect of televised sporting events, UK public holidays and after floodlit evening matches.

3.5 Due to the representations made, primarily by residents in relation to noise issues and nuisance, and in discussion with Miss Marriott, Licensing Officer, the applicant has sent an e-mail to the Licensing department offering to amend the application as below:-

- A reduction in the terminal hour for music and alcohol sales to midnight from Sunday to Thursday and 1am on Friday and Saturday.
- A reduction in the terminal opening hour of the premises to 12.30 am from Sunday to Thursday and 1.30 am on Friday and Saturday.
- A removal of the non-standard timings application.

A further conversation took place between the applicant and Miss Marriott in relation to the scope of the original application which sought a licence for the entire sports ground.

To address the concerns raised by residents the applicant stated an intention to reduce the licensed area to a 60 metre radius from the club house. This proposal has not been received in a written format at the time of writing this report.

- 3.6 Applications for a new Premises Licence are required to be advertised by way of site notice displayed at the premises, an advert in the local press, and copies of the application submitted to all Responsible Authorities.

Licensing enforcement staff had been directed to attend the premises on 20<sup>th</sup> May 2016 to check the notice content and no issues were reported.

Concerns were subsequently raised that the notices were not displayed at locations every 50 metres along the perimeter of the premises, in accordance with the Licensing Act 2003.

The applicant stated that notices were displayed around the perimeter of the premises, especially along the footpath at the side of the playing field.

The applicant was advised on Thursday 9<sup>th</sup> June 2016 to display additional notices around the perimeter, in response to that concern raised by an interested business party.

This was not carried out by the applicant as he was unsure whether the application was going ahead due to the receipt of objections from residents.

When licensing enforcement staff carried out a further inspection of the premises on 14<sup>th</sup> June 2016 there were no notices displayed on the perimeter which runs parallel to the footpath, although there was no information to refute the applicant's claims that they had been there previously.

The details of the application appear to be well known in the locality, evidenced by the number of representations submitted to the Council.

Consequently the Licensing Authority was reluctant to reject the application based on the lack of additional notices being displayed, when it was apparent that news of the application had reached a broad audience.

- 3.7 The statutory deadline for objections was 14th June 2016 but the advertisement submitted by the applicant states that any objections need to be submitted to the Council by 15th June 2016. The deadline date for objections was therefore extended to 15th June 2016.

Responsible Authorities and Interested Parties are entitled to make representations to the Licensing Authority provided they are relevant.

20 objections were received between 8th June – 15<sup>th</sup> June 2016 from local residents and interested parties in relation to one or more of the licensing objectives which are:-

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- protection of children from harm

No representations were received from the Responsible Authorities.

The letters of representation are shown at Appendices numbered 3 to 21.

- 3.8 The representations received regarding this application predominantly express concerns over:-
- Excessive proposed hours of operation
  - Excessive non-standard timings
  - Inappropriate / excessive external licensable activities
  - Deficient noise management plan and noise nuisance
  - Disorderly behaviour and criminal damage offences
  - An increase in traffic and parking issues

And to a lesser degree expressing concerns over:-

- Devaluation of nearby properties and land
- An increase in the local use of controlled drugs
- Lack of public notification
- The ability to properly supervise the entire proposed licence area.

3.9 As part of the application process the applicant is required to describe in the operating schedule the additional steps that are intended to be taken in order to promote the licensing objectives for the new premises licence that has been requested.

3.10 These volunteered proposed steps will under the Licensing Act 2003 be attached to the premises licence as conditions which must be complied with. These are set out in section 18 of the application form

#### 4.0 **Options**

4.1 When carrying out its licensing functions, the Licensing Authority must do so with a view to promoting the 4 licensing objectives and also with regard to its Statement of Licensing Policy and the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

4.2 The Licensing Committee may decide not to hear the application or to determine it by granting the application as requested, granting it subject to conditions, or refusing the application.

4.3 Where either the applicant or a person who made relevant representations is aggrieved by the decision of the Licensing Authority, appeal is to the Magistrates' Court.

#### 5.0 **Recommendations**

5.1 That the Committee determine whether the application for a new Premises Licence made by Mr Craig Botham, c/o 17 Bank Wood Close, Newbold, Chesterfield, Derbyshire, S41 8XQ be heard before committee at this time due to alleged irregularity regarding provision of notices around the site.

- 5.2 That if so heard, the Committee determine whether this licence application be
- Granted
  - granted with conditions
  - or refused.

LICENSING OFFICER

For more information on this report please contact the author,  
Mick Bargh on 01246 345453, email [mick.bargh@chesterfield.gov.uk](mailto:mick.bargh@chesterfield.gov.uk)