

From: [REDACTED]
Sent: 14 June 2016 13:05
To: Chesterfield Licensing
Subject: Objection to Brampton Rovers Football Club Premises Licence application

Good afternoon

We act for Marston's PLC, the holder of the Premises Licence [REDACTED] Road, Chesterfield as well as the Managers of that premises [REDACTED]

Please find attached representation against the Premises Licence application for Brampton Rovers AFC, Newbold Back Lane, Newbold.

Please will you kindly acknowledge safe receipt of the representation and that it is accepted. Please ensure all correspondence relating to this matter is forwarded to us in the first instance.

Deficient Public Notices

Following a telephone conversation last week and without prejudice to the current representation attached, we confirm that the Premises Licence application cannot be valid as it has not been properly advertised in accordance with *Regulation 25 Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005*.

That Regulation confirms that a relevant public notice must be displayed for at least 28 consecutive days at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises and the case of a premises covering an area of more than 50m², a further notice is required every 50 metres along the external perimeter of the premises abutting any highway .

We are instructed that only one public notice has been displayed at the premises despite the fact the application clearly seeks to license a very large area, i.e. all the football pitches as well as the club house.

Not only should public notices therefore be displayed every 50 metres along Loundsley Green Road, there would also be a requirement to display notices alongside Newbold Back Lane, which covers numerous sides of the premises.

As there is no slip rule in relation to this Regulation then the application is currently deficient and the application must be rejected or at the least any consultation period restarted.

Whether some local residents have seen the current notice is irrelevant for the failure to meet the criteria required in Regulation 25. There is no way to quantify how many locals may have been prejudiced by the failure to properly advertise the application on site.

Should you have any queries, please telephone our [REDACTED]

I look forward to hearing from you shortly that you are in possession of the attached representation and that you consider the application not properly made until issues over the public notice are rectified.

Kind Regards

[REDACTED]
[REDACTED]
[REDACTED]

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We use the word "partner" to refer either to a partner of John Gaunt & Partners (the "firm"); an office holder in a partner; or an employee of the firm with equivalent standing and qualifications.

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Our Ref: [REDACTED]

Licensing Department
Chesterfield Borough Council
Customer Service Centre
85 New Square
Chesterfield
Derbyshire
S40 1AH

13th June 2016

Dear Sirs

**Objection to Premises Licence application
Brampton Rovers, Newbold Back Lane, Newbold, Chesterfield, S40 4RW**

We act for Marston's PLC, the holder of premises licence [REDACTED] relating to [REDACTED] Chesterfield and the managers of that premises [REDACTED]. This representation is submitted on their behalf.

The Olde House has the benefit of twelve letting bedrooms, which are regularly at full capacity and the managers also reside at the premises.

Our clients are extremely concerned by the Premises Licence application submitted by Brampton Rovers Holdings Limited seeking to license not only the associated buildings at the club's address provided on the application but also the entirety of the fields for alcohol sales and regulated entertainment for excessively long hours. Further, excessive non-standard timings are also sought for recorded music and sale of alcohol.

The following summary table sets out the licensable activities sought, their proposed location, proposed hours and if there are any relevant non-standard timings requested.

Activity	Indoors/ Outdoors	Hours	Non-standard timings
Plays	both	08.00-02.00 daily	None
Films	both	08.00-02.00 daily	None
Indoor sports	Indoor	08.00-02.00 daily	None
Boxing, wrestling, MMA	both	08.00-02.00 daily	None
Recorded music	both	08.00-02.00 daily	During the broadcasting of live televised sporting events and/or recognised UK Bank Holidays 08.00-06.00

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Activity	Indoors/ Outdoors	Hours	Non-standard timings
Performance of dance	both	08.00-02.00 daily	None
Late night refreshment	both	23.00-03.00 daily	None
Sale of alcohol	both	10.00-02.00 daily	During televised sporting events and/or recognised UK Public Holidays 10.00-10.00 (i.e. 24 hours)
Opening hours	n/a	08.00-03.00 daily	During televised sporting events and/or recognised UK Public Holidays 08.00-08.00 (i.e. 24 hours)

The activities and hours sought in their current form will undermine the promotion of the licensing objectives, particularly the prevention of crime and disorder and prevention of public nuisance. There are also public safety concerns over parking. The application is entirely deficient in explaining for what purposes licensable activities are sought and the measures offered by the applicant are entirely insufficient. There is great concern that the applicant intends to hire out the premises for third party functions and that there are not proper measures in place to promote the licensing objectives for such events.

Excessive proposed hours of operation

As summarised in the above table, the application requests numerous licensable activities to terminate between 02:00 and 03:00 daily as part of the standard timings sought. Although the applicant will likely state that such hours are not intended to be traded regularly, if the application was granted on those terms then the premises would have the ability to trade those hours every day if necessary.

It would be more appropriate and reasonable to request hours in keeping with what is actually proposed to be traded. Further trading hours could have been applied for with non-standard timings or Temporary Event Notices. This is not the case here and so this application must be treated on what it actually seeks to potentially trade.

Seeking to operate licensable activities to 02:00/03:00 daily is excessive in this residential area. Further, the noise management plan submitted with the application is misleading as it states there are no residential properties in a 100 metre vicinity of the proposed premises but this is incorrect and will be addressed further below.

Excessive non-standard timings

Not only are the standard timings sought excessive, the applicant also seeks non-standard timings for recorded music and sale of alcohol in order that automatic

extended hours can be used during the broadcast of live televised sporting events and recognised UK Bank Holidays.

The application requests permitted hours until 06:00 for recorded music and 10:00 -10:00 for sale of alcohol, i.e. 24 hour licence for alcohol sales when the non-standard timing is triggered. These are incredibly excessive and inappropriate in a residential area, whether the premises is being hired out for third parties functions (as is anticipated to be the case) or not and no explanation is provided as to why such long hours are sought.

In addition, the non-standard timing does not specify which type of televised sporting events it considers to trigger the later hours and in this modern age there is always something on in some part of the world which will be televised on terrestrial or satellite television meaning the premises would regularly be able to take the benefit of these excessively late hours.

Furthermore, 'UK Public Holidays' are not just restricted to those bank/public holidays in England and Wales as the UK also encompasses Northern Ireland and Scotland. The premises would therefore be able to automatically trade these later hours on St Andrew's Day, St Patrick's Day and Orangemen's Day.

Inappropriate /excessive external licensable activities

Of serious concern, is that not only does the applicant seek licensable activities until 02:00/03:00 within the internal buildings but also throughout the entirety of the external areas shown on the licensing plan deposited with the application i.e. all the surrounding fields. This means all the forms of entertainment sought (including live and recorded music) can be held throughout all the fields until 02.00 daily. Recorded music also has the aforementioned proposed non-standard timing until 06.00 meaning the premises could have DJs outside until that time.

Any measures stated in the application to address the licensing objectives are absolutely inadequate to address the provision of live and/or recorded music to the hours requested. The surrounding area is flat and noise travels a great distance and would certainly lead to public nuisance not only to those residing at the Olde House but also to other local residents.

Deficient Noise Management Plan

The noise management plan submitted with application is very light in detail when considering the premises requests entertainment very late both internally and externally.

The management plan is rather misleading in that it states the nearest residential property is over 100 metres away. This is not correct as the proposed premises is the red lined area on the plan (this is the case in law as that is the requested area for licensable activities). On that basis, there is a significant number of residential properties within 100m (including the Olde House).

The noise management plan is not binding and will not result in robust licensing conditions being imposed on any granted licence. The steps proposed are patently

insufficient for the hours sought, particularly considering proposed external music. For example, a very basic step to have offered would have been monitoring noise at the boundary of nearby properties and this is not suggested either as a condition of the application nor indeed in the noise management plan.

It is suggested that neighbours will be informed and kept in touch with in relation to "*loud outdoor events*" so clearly loud outdoor events are envisaged, however, neighbours is identified as "x3" whereas again taking the premises to be the red lined area it is incredibly disappointing that the applicant believes that there are only three neighbours in question that will need to be notified of "*loud outdoor events*". The size of the area proposed for licensable activities together with the hours sought could easily mean a festival could be accommodated and steps should be taken to prevent this from being a possibility.

It is further disappointing in the noise management plan additional noise control measures section that nothing at all has been offered and this reflects the absolute lack of conditions offered in the application in respect of prevention of public nuisance commensurate to the activities and hours sought.

Parking

Currently, patrons of the club already use the car park of the Olde House without permission so clearly parking provision is already inadequate. Our clients believe that the advent of a premises licence for the club will exacerbate this position due to an increase in the number of cars for those attending the new club and cause further nuisance to the Olde House, particularly as cars arrive and depart late at night as well as public safety issues when cars inevitably start parking on nearby roads due to lack of adequate parking.

Requests

Our client's view is the application in its current form is wholly inappropriate for the area in which the premises is located and measures/condition offered are nowhere near robust enough for a premises operating beyond 23.00 let alone one seeking to trade to 02.00/03.00 daily.

Accordingly, it is requested that:

- The hours sought should be restricted to no later than 23.00 for any licensable activity.
- No non-standard timings should be permitted that are linked to televised sporting events.
- No non-standard timings should be permitted that are linked to non-English bank holidays.
- Regulated entertainment should not be permitted in external areas.
- There should be a prohibition use of external areas after 22.00 other than for smokers.

In order to assist in the promotion of the licensing objectives, our clients request the imposition of the following conditions on the premises licence should it be granted:

- *'External areas may not be used for licensable activities or the consumption of alcohol after 22.00.'*
- *'All doors and windows will be kept closed after 22:00 except for the purposes of access and egress and in the event of an emergency.'*
- *'Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby noise sensitive premises.'*
- *'Music noise levels shall not exceed the background noise level by more than 15dB(A) over a 15 minute period at 1 metre from the façade of any noise sensitive premises.'* (NB this is in keeping with the Noise Council's code of practice).
- *'Every 30 minutes after 22.00, a nominated responsible person will make external sweeps at the boundary of all noise sensitive premises that are within 100 metres of the licensed area to check that noise from the premises is not audible. A log of those checks will be kept on the premises and be made available to the Responsible Authorities on demand.'*
- *'All noise sensitive premises that are within 100 metres of the licensed area will be notified at least 2 weeks in advance of any intention to provide licensable activities externally that will terminate beyond 21.00.'*
- *'The DPS shall be present when licensable activities are to be provided after 22.00.'*
- *'No attendees shall be permitted entry or re-entry to the premises after 22.00.'*

Further, it is requested that use of the club for licensable activities be restricted to members or visiting teams only as per the following:

- *Licensable activities shall only be provided to members of the club and their bona fide guests or visiting teams and their bona fide guests.*

However, if the Licensing Committee is minded to permit licensable activities for non-club members (e.g. for third party hire of the club) then the following conditions are requested as being appropriate to promote the licensing objectives:

- *'When licensable activities are provided at an event when non-club members are in attendance then:*
 - *Any such event will be restricted to no more than 12 times per calendar year.*
 - *The DPS shall be present at all times during the event until at least 30 minutes after the cessation of licensable activities.*
 - *SIA registered security staff will be deployed at a ratio of 1 per 75 attendees or part thereof from 21.00 until 30 minutes after the cessation of licensable activities.*
 - *No more than 200 persons will be permitted on the licensed premises.*

Please will correspondence associated with this representation be provided to us in the first instance.

Should you have any queries, or require further detail, please contact our [REDACTED]
[REDACTED]

Yours faithfully

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]