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John Gaunt
& Partners

Licensing Solicitors

Our Ref: PJR/MAR/16686/32

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LICENSING

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

20th October 2016

Dear Sirs

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

We act for [REDACTED] relating to [REDACTED] and the managers of that premises [REDACTED]. This representation is submitted on their behalf.

[REDACTED] 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.

The following summary table sets out the licensable activities sought and their proposed hours.

Activity	Hours
Plays	08.00 - 00.00 daily
Films	08.00 - 00.00 daily
Indoor sports	08.00 - 00.00 daily
Live music	08.00 - 00.00 daily
Recorded music	08.00 - 00.00 daily
Performance of dance	08.00 - 00.00 daily
Sale of alcohol	10.00 - 00.00 daily
Opening hours	08.00 - 00.30 daily

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 serious 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 insufficient. There is great concern that the applicant intends to hire

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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 at midnight. 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 midnight daily is excessive in this residential area for the style of premises in question.

Deficient Noise Management Plan

The noise management plan submitted with application is very light in detail when considering the premises requests entertainment until midnight. Further, it is the same noise management plan that accompanied the application originally rejected so has not been revised or re-assessed and suggests that outdoor events are still intended.

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. 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 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.

The single track car entrance is also a significant issue in that this will prevent appropriate access for emergency services such as ambulances.

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.

Accordingly, it is requested that:

- The hours sought should be restricted to no later than 23.00 for any licensable activity.
- There should be a prohibition on 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 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 in the vicinity 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.'*
- *'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.'*
- *'No open containers of alcohol allowed into premises or allowed to be taken from the premises'* (NB this was offered by the applicant in the premises licence application rejected earlier this year but is not offered in the current application).

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.*

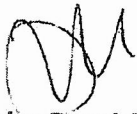
However, if the Licensing Committee is minded to permit licensable activities for non-club members (e.g. for third party hire of the club) then the following conditions are requested as being appropriate to promote the licensing objectives:

- *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.*

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 Patrick Robson.

Yours faithfully



John-Gaunt & Partners
Email: probson@john-gaunt.co.uk

Emma Marriott

From: Carron Mather <CMather@john-gaunt.co.uk> on behalf of Patrick Robson <PRobson@john-gaunt.co.uk>
Sent: 21 October 2016 13:18
To: Chesterfield Licensing
Subject: Objection to Brampton Rovers Football Club premises licence application
Attachments: 2362_001.pdf

Good morning,

[REDACTED], the holder of the Premises Licence relating to [REDACTED]
[REDACTED] 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 our representation and that it is accepted.

Please kindly ensure that all correspondence relating to this matter is forwarded to us in the first instance.

Deficient Public Notices

You will recall that this particular applicant made a Premises Licence Application some months ago and it was determined to strike the application out as it was not advertised properly in accordance with Regulation 25 Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

Without prejudice to the current representation attached, we do not believe that the Premises Licence Application has been adequately advertised in accordance with that Regulation.

You will be aware that the Regulation states that Notices must be prominently displayed at or on the premises which we do not believe is the case here as the only Notices that Julie Wood was able to locate were those located near the traffic lights set back from the pavement.

Further, the applicant has not placed Notices every 50 metres along the external perimeter of the premises abutting the highway – in fact there are no Notices placed down the B6150 southbound as it passes the Olde House.

As per the points previously raised in my e-mail of 14th June 2016 (submitting the original representation against the first application) there is no slip rule in relation to this Regulation and so the application is currently deficient and the application must be rejected or the consultation period re-started. Whether some local residents have seen the current Notice or not is irrelevant for the failure to meet the criteria required in Regulation 25.

There is nowhere 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 Patrick Robson.

We 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

Patrick Robson
Solicitor
Sent by Carron Mather

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From: Patrick Robson
Sent: 18 October 2016 16:51
To: 'licensing@chesterfield.gov.uk' <licensing@chesterfield.gov.uk>
Subject: Brampton Rovers premises licence application
Importance: High

Good afternoon

We act for [REDACTED], the holder of the Premises Licence relating to [REDACTED]
[REDACTED] as well as the Managers of that premises [REDACTED]

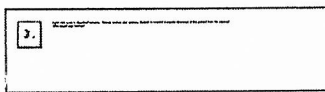
Further to the premises licence application for the Brampton Rovers AFC, Newbold Back Lane, Newbold, please might we have a copy of the noise management plan referenced in the application (Box M (d)).

Many thanks.

Kind Regards

Patrick Robson
Solicitor

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