

**For publication**

**Application for a New Premises Licence**  
**by**  
**Brampton Manor Pub & Dining Ltd**  
**in respect of**  
**Brampton Manor, Chesterfield, Derbyshire, S40 3QR. (LC170)**

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Meeting: Licensing Committee

Date: Wednesday 2<sup>nd</sup> January 2019

Cabinet portfolio: Health and Wellbeing

Report by: Steve Ashby, Licensing Officer

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**1.0 Purpose of report**

- 1.1 For Members to determine the application made by Brampton Manor Pub & Dining Ltd for a new premises licence in respect of Brampton Manor  
Chesterfield,  
Derbyshire,  
S40 3QR.
- 1.2 Relevant representations have been made in respect of the application and not withdrawn. Consequently the application cannot be granted or refused under officer delegated authority.

**2.0 Recommendation**

That the Committee hear details of this licence application and determine whether it is

- Granted
- granted with conditions
- or refused.

2.1 Copies of the Application Form, premises plan and an aerial view of the site are attached to this report at Appendix A.

### **3.0 Premises Details**

3.1 The venue is currently licensed as a public house with extended hours for indoor permitted licensable activities. As well as functioning as a public house the venue also hosts functions, celebrations and occasional larger outdoor events.

3.2 As can be seen in the aerial view at Appendix A, the venue is situated in a residential suburb and a significant proportion of the representations against the application come from concerned neighbours.

### **4.0 Application**

4.1 The application accepted in the Licensing Department on 5<sup>th</sup> November 2018 is for a premises alcohol licence at Brampton Manor. This is a separate and distinct licence from the one that is already granted for the premises.

4.2 The venue is currently licensed as Brampton Manor Country Club. The holder of the current licence Mr Lynch intends to withdraw the use of that licence should this application be granted. The venue would then operate under the newly granted licence, as Brampton Manor.

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

4.3 A copy of the local press advert taken from the Derbyshire Times on Thursday 8<sup>th</sup> November 2018 is attached at Appendix B. This advertisement meets the required standards for content and submission.

4.4 The site notices displayed on the premises, advertising the application were viewed by licensing enforcement staff on several occasions during the mandatory consultation period between 5<sup>th</sup>

November and 3<sup>rd</sup> December 2018 and were found to be displayed correctly and completed appropriately.

4.5 The application was submitted on line through the internet and as such, the Chesterfield Borough Council Licensing Authority circulated a copy of the application to the responsible Authorities.

4.6 The statutory deadline for representation was Monday 3<sup>rd</sup> December 2018.

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

4.8 A number of representations have been made in relation to this application.

## 5.0 Scope of Application

5.1 The application is similar in many respects to the current premises licence.

5.2 A copy of the current premises licence is shown at Appendix C.

5.3 The following table shows the extent of the current licence and identifies the scope of the new application.

<b>Licensable activity</b>	<b>Current premises licence – Brampton manor Country Club</b>	<b>New application – Brampton Manor</b>
<b>Live Music (Indoors)</b>	Mon to Sat 1000 to 0200 Sun 1000 to 2230	Mon to Wed 0900 to 2300 Thurs to Sun 0900 to 0200
<b>Live Music (Outdoors)</b>	None	Mon to Sun 0900 to 2300
<b>Recorded Music (Indoors)</b>	None	Mon to Wed 0900 to 2300 Thurs to Sun 0900 to 0200
<b>Recorded Music (Outdoors)</b>	None	Mon to Sun 0900 to 2300
<b>Performance of dance (indoors)</b>	Mon to Sat 1000 to 0200 Sun 1000 to 2230	Mon to Wed 0900 to 2300 Thurs to Sun 0900 to 0200
<b>Performance of dance (outdoors)</b>	None	Mon to Sun 0900 to 2300
<b>Entertainment of a</b>	Mon to Sat 1000 to 0200	Mon to Wed 0900 to 2300

<b>similar description to music and dance (Indoors)</b>	Sun 1000 to 2230	Thurs to Sun 0900 to 0200
<b>Entertainment of a similar description to music and dance (outdoors)</b>	None	Mon to Sun 0900 to 2300
<b>Provision of facilities for making music (Indoors)</b>	Mon to Sat 1000 to 0200 Sun 1000 to 2230	None
<b>Provision of facilities for dancing (Indoors)</b>	Mon to Sat 1000 to 0200 Sun 1000 to 2230	None
<b>Provision of facilities for entertainment of a similar description to making music or dancing (Indoors)</b>	Mon to Sat 1000 to 0200 Sun 1000 to 2230	None
<b>Late night refreshment (Indoors)</b>	Mon to Sat 23:00 to 23:30	Mon to Sun 23:00 to 0200
<b>The sale by retail of alcohol for consumption ON and OFF the premises</b>	Mon to Sat 1000 to 0200 Sun 1200 to 2230	Mon to Sun 0900 to 0200
<b>Opening hours</b>	Mon to Sat 0900 to 0230 Sun 0900 to 2300	Mon to Sun 0830 to 0230
<b>Non-standard timings</b>	To permit the sale of alcohol until 2am on days preceding a Bank Holiday and on Christmas Eve, Christmas Day and New Year's Day if those days fall on a Sunday.	For all activities – Until 0200 on days preceding a bank holiday and in Christmas Eve, Christmas Day and New Year's Day if those days fall on a Sunday.

## 6.0 Representations

6.1 56 separate representations have been received and accepted from local residents, local councillors and Chesterfield Borough

Council's Environmental Health Department 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

6.2 One of these representations is a petition from 36 individuals who live in close proximity to the venue.

6.3 Two further representations were rejected as they were submitted after the consultation period.

6.4 A summary of each representation is shown at appendix D.

6.5 Redacted copies of the letters and forms of representation are shown at Appendix E and are numbered from 1 to 56. All personal identification details have been removed, leaving only the details of any concerns that were raised.

6.6 The representations received from local residents regarding this application predominantly express concerns over residential property, longer licensing hours permitted, noise nuisance and loud music, crime and antisocial behaviour, child welfare, traffic concerns, health and safety concerns and outdoor events and can be summarised as below:

- **Residential property owner concerns**
  - Live and recorded music proposed will create a nuisance to local residents in this quiet residential area.
  - Reduction in value of nearby properties.
- **The effect of longer licensing hours being permitted**
  - May lead to an increase in rowdiness, late night noise and antisocial behaviour.
  - Heavy drinking at functions, particularly outside, leading to antisocial behaviour
  - Allowing a 2.00 am alcohol licence will change the purpose of the premises and could give a nightclub feel.
  - Proposed opening times not suitable for a residential area.
  - Inappropriate bank holiday timings.

- **Noise nuisance and loud music**
  - Loud music being a magnet for antisocial behaviour and groups of young people
  - Nightly music leading to more alcohol consumption resulting in vandalism and antisocial behaviour.
  - Loud indoor and outdoor music impacting on nearby residential properties, disturbing residents and families and affecting sleep quality; particularly in summer.
  - Current music from Brampton manor is always loud and can be heard even through closed windows, disturbing children and adults. Often so loud as to be heard above the sound of one's own TV and even rattle ornaments within the property.
  
- **Crime / Antisocial behaviour**
  - The measures on the proposed licence schedule are reactive rather than proactive
  - Previous experience of noise nuisance, pollution (litter, glasses and bottles), antisocial behaviour, violent incidents, vomiting and urinating in the street which impact upon public disorder and child safety and have never been addressed properly.
  - Experience of a boxing event at the premises where fights have broken out in the audience and as customers have made their way home from the event.
  - Fears of increased drug issues from Inkerman Park which is next to the venue and regularly suffers from underage and public drinking, drug and substance abuse, arson, fighting and antisocial behaviour.
  - Extension of hours increasing opportunity for crime and disorder with drunken customers leaving the venue at all hours and opportunistic criminals using the early morning disruption from the premises to cover their activities.
  - Previous events have seen patrons throwing rubbish into neighbouring gardens, allowing more events will have a detrimental effect.
  - Personal experience of damage to cars in manor Crescent, presumably after an event at the premises. (2004)
  - Drunken behaviour in street seen on 301118 where a hedge was damaged.

- **Child welfare**
  - Drunken people departing, passing a children's playground and coming into contact with children
  - Music and drunken revellers will disturb children's sleep. The children could be frightened.
  - Path at side of venue is used for school children to and from school. The path will be spoiled by early hour use of those intoxicated patrons leaving the venue and the children will have to see it.
  - One incident of underage drinking and a report of an ambulance being called to the premises for a teenager unconscious due to alcohol consumption.
  
- **Traffic concerns**
  - Increase in danger from speeding traffic.
  - Excessive alcohol consumption leading to drink driving and resulting in injury and damage in the locality.
  - Events cause significant parking issues. Overspill of Brampton Manor customers vehicles onto surrounding streets, causing gridlock. Customers park on surrounding roads. Belligerent venue customers abuse anyone who asks them to move their car.
  
- **Health and safety concerns**
  - Where polycarbonate glasses not used outside.
  - An insecure site boundary and the poor state of repair of venue grounds
  - Poorly lit public footpath is adjacent to the premises with a risk of harm to the public from revellers.
  - Broken glass in the street. Experience of glass and drinking vessels discarded around perimeter of the venue. Often following an event at the venue.
  
- **Outdoor events**
  - Bonfire nights cause problems in relation to noise, smoke and nuisance.
  - Problems with existing events throughout the year with music extending passed terminal hours allowed.
  - Summer outdoor events impact on neighbours who are more likely to be outside

6.7 Some of the representations suggest possible amendments and queries including

- It is unreasonable to have outdoor music every day of the week in a suburb. Local residents already subjected to several of the club's outdoor functions through the year but the possibility of every day is excessive.
- One off celebratory occasions are acceptable but loud music on a regular basis is not.
- Number of extensions should be limited and identified.
- The hours sought are too open ended and need control and clarification.
- A suggested 10.00 pm curfew for outside music.
- Who will monitor noise levels after 11.00 pm?
- Less alcohol consumption leads to less crime and disorder and sets a good example to children.

6.8 The Local Councillor representations refer to similar issues raised by the residents.

6.9 The Environmental Health department representation relates to noise disturbance to neighbouring dwellings.

6.10 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.

6.11 Under the Licensing Act 2003 these volunteered proposed steps will be attached to the premises licence as conditions which must be complied with. These are set out in Part M of the application form at Appendix A.

## **7.0 Conclusion**

7.1 When carrying out its licensing functions, the Licensing Authority must do so with a view to promoting the four 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.

7.2 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.

- 7.3 As relevant representations have been made in respect of the application and not withdrawn, the application cannot be granted or refused under officer delegated authority.
- 7.4 The Licensing Committee is therefore asked to give consideration to the application and determine it by
- granting it as requested
  - granting it subject to conditions
  - or refusing the application.



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18.12.18

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