

Complaints re: The Flying Monk Ground and Malmesbury Victoria Football Club

1. Purpose of the report

- 1.1. To bring to the attention of the Committee that five complaints have been made in connection with the Flying Monk Ground and Malmesbury Victoria Football Club, of action which has already been taken and to recommend further actions.

2. Background

- 2.1. The Town Council own The Flying Monk Ground, which is leased to three different organisations for community use, being Athelstan Players, The Malmesbury Boxing Club and The Malmesbury Victoria Football Club. The ground is also registered as a Queen Elizabeth II Field in Trust.
- 2.2. Complaints have been received concerning the Flying Monk Ground and about certain aspects of the running of the Malmesbury Victoria Football Club, of which Councillors should be made aware as custodians of this resource, and also with regard to our remit in respect of community safety.

3. Complaints and Actions

3.1. Resident A Complaint - main issues raised by complainant:

- 3.1.1. Non-football related scrap is being stored on site on the Flying Monk Ground some being of a hazardous and unsafe nature.
- 3.1.2. Alleged use of the ground for private business and incorrect use of common areas especially re parking.
- 3.1.3. Other matters raised in the complaint in connection with the running of the Club, which are outside the remit of the Council.

Action taken to date:

3.1.1. *The Town Clerk has inspected the Flying Monk Ground and advised the Football Club that:*

- *a number of items presenting a serious risk of injury should either be properly disposed of or stored safely. (Freezers with doors, a gas cylinder and sharp metal fencing left outside of the club house in the open)*
- *other items from the grounds and also two vehicles, a white commercial vehicle and another untaxed van should be removed*
- *that alternative arrangements need to be made in respect of a wooden shed erected to accept deliveries of alcohol at times when nobody is available to receive them.*

*N.B. The Football Club Trustees have also been notified of the issues described above.*

*I am now very pleased to report that the Football Club has taken action to remove most of the items mentioned above, including the freezers and gas bottle and one of the vehicles.*

*At the time of writing, the large untaxed van and the fencing are still to be removed or securely stored, but hopefully this will take place in the near future. I am awaiting an update regarding the shed.*

*3.1.2 On looking into this part of the complaint, the Town Clerk could find no evidence to support the alleged claim that the ground is being used for private business. The Town Clerk is still looking into the terms of the lease re use of the common areas and will report on the same in due course.*

*3.1.3 Resident A has been advised that some of the issues raised are outside the remit of the Town Council.*

### 3.2. Resident B Complaint - main issues raised by complainant:

3.2.1. Unacceptably high noise levels, disturbance to peace and anti-social behaviour are negatively impacting on nearby residents and their children. Particular mention was made of the effect of the noise preventing both children and residents from sleeping and also the negative effect on their family lives. Outside drinking, swearing and shouting at 00:30am specifically complained about in one example.

3.2.2. Exceeding permitted licence hours.

#### Action taken to date:

##### *3.2.1 and 3.2.2*

- *Resident A has made reports of anti-social behaviour to the Police on different occasions from Summer 2013 onwards and these have also been referred to Wiltshire Council Licensing and Environmental Health Depts. Other residents have also made similar complaints.*
- *Additionally a Public Protection Officer is dealing with the complaints re noise levels at Wiltshire Council Environmental Health Dept. Their investigations are ongoing.*
- *A meeting was held with a representative of the Football Club, Wiltshire Council Licensing Dept. and the Police to discuss the complaints made to them by residents. This was followed with an advisory letter from the Public Protection Officer (Licensing) of Wiltshire Council to the Football Club. Three issues in particular were mentioned:
  - a) *“recent issues and complaints regarding noise nuisance and antisocial behaviour at the premises”,*
  - b) *“Club Premises Certificate permissions and conditions” (i.e. licensable activities) “,*
  - c) *club rules including the guests/non-members.**

*The advisory letter also detailed some management measures which should be adhered to and which are the responsibility of the licence holder at the Football Club.*

*A copy of this advisory letter was sent to Wiltshire Council Environmental Health Dept., the Police and also ourselves.*

*Currently, Wiltshire Council Licensing Dept. are reviewing this situation with regards to any follow up action and will advise in due course.*

3.2.3. *Monitoring equipment was recently used to take noise level readings in the vicinity of the grounds. At the time of writing, Wiltshire Council Environmental Health Dept. are still analysing the readings and will advise in due course.*

3.3. Resident C Complaint - main issues raised by complainant:

- 3.3.1. Unacceptably high noise levels, disturbance to peace and anti-social behaviour are negatively impacting on nearby residents and their children.
- 3.3.2. Outdoor events are especially troublesome because of loud noise and often foul language which can be heard from a distance, and on occasion which has been made even more audible through the use of a microphone.
- 3.3.3. Exceeding permitted licence hours.

Action taken to date:

*See 3.2.1 and 3.2.2 above.*

3.4. Resident D Complaint - main issues raised by complainant:

- 3.4.1. Unacceptably high noise levels, disturbance to peace and anti-social behaviour are negatively impacting on residents and their children, especially after midnight. Outdoor events with the sale of alcohol are specifically mentioned as troublesome.
- 3.4.2. Noise is causing disturbed /lack of sleep for all family members and negatively impacting on the resident's existing health problem.
- 3.4.3. Exceeding permitted licence hours.

Action taken to date:

*See 3.2.1 and 3.2.2 above*

3.5. Resident E Complaint - main issues raised by complainant:

- 3.5.1. Unacceptably high noise levels, disturbance to peace and anti-social behaviour are negatively impacting on residents and their children, especially after midnight. Outdoor events are specifically mentioned as being troublesome.
- 3.5.2. Noise particularly caused by use of microphone and music is so loud in the evenings, that it is causing disturbed /lack of sleep for all family members, particularly children, and residents are unable to have their windows open or sit outdoors in warmer weather.
- 3.5.3. Particular mention made of concerns re the level of loud swearing and foul language, both at events and at training sessions and the effect of this on a child.
- 3.5.4. Exceeding permitted licence hours.

Action taken to date:

*See 3.2.1 and 3.2.2 above.*

#### 4. Summary

- 4.1. The authorities (Police, Wiltshire Council Licensing and Environmental Health) are currently reviewing and taking action re the above complaints and are updating us. Where any complaints are directly related to the lease conditions in particular, then the Town Clerk is investigating these.
- 4.2. In their complaints, the five residents have complained to us in much more detail, and with examples, of what they perceive to be very serious issues and the negative effects on them and their families.
- 4.3. Most residents have mentioned in their complaints, that it is not the football games or associated activities which are giving them cause to complain per se, (apart from the one mention of foul language used at training), but the outdoor events with high noise levels and anti-social behaviour (possibly drink related) which result from them.

#### 5. Proposals

The Town Council are the landlords (lessors) of the Flying Monk Ground and also have the remit to assist with the prevention of crime and support community safety, under the Crime and Disorder Act 1998. Therefore the following proposals are put forward for agreement:

- 5.1. That the Committee notes the content of this report and receives regular updates from the Town Clerk (or deputy) with regard to the issues and ongoing investigations relating to the lease, usage and maintenance of The Flying Monk Ground and reports the same to Full Council.
- 5.2. That the Town Clerk (or deputy), the Chair of Policy and Resources and the Wiltshire Councillor continue to liaise with both Wiltshire Council and the Police and any other party considered appropriate in respect of investigating these complaints and other issues relating to licensing, ASB and public nuisance and report an update to Full Council.
- 5.3. That the Town Clerk (or deputy), the Chair of Policy and Resources and the Wiltshire Councillor, arrange a meeting with the Trustees of the Malmesbury Victoria Football Club who are the responsible lessees of the Flying Monk Ground, to discuss the situation. Also to pass on redacted copies of the residents' complaints to the Club Trustees for consideration in confidence, but only with the agreement of those residents who have made the complaints. Also to attend any meetings with the Football Club Committee or others, should this be requested. Reports of these meetings are to be made to Full Council.

#### 6. Financial implications and risks

- 6.1. There are/ have been direct risks associated with health and safety at the Flying Monk Ground.
- 6.2. There are risks associated with alleged non-compliance to the lease by the Football Club, which the Town Clerk is currently investigating.
- 6.3. Financial risks are unknown.

#### 7. Recommendations

Members are requested to agree the actions proposed.

Cllr. K. Power  
(Ch. P & R) 10/09/2014