



FYLDE BOROUGH COUNCIL
Decision Notice

Date	22 January 2009
Applicant	AFC Fylde, Kellamergh Park, Warton
Reason for Hearing	<p>Receipt of an application for the for the grant of a Premises Licence at AFC Fylde, Kellamergh Park, Warton</p> <p>There has been a representation from the Environmental Protection Department who are a Responsible Authority under the Act</p> <p>There have also been objections from persons living in the vicinity of the premises.</p>
Parties in attendance	<p>Panel – Councillors Susan Fazackerley, (Convenor) Brenda Ackers and Angela Jacques</p> <p>For the applicant: David Aird, Blackhursts LLP, Martin Booker</p> <p>Responsible Authorities Phil Dent, Environmental Protection</p> <p>Interested Parties: J & M Pendlbury, Mr & Mrs White, Mr Ashworth, Mr Guest.</p>

This is an application by AFC Fylde for the grant of a premises licence at Kellamergh Park, Warton.

The application has been referred to the panel because relevant representations have been received from a Responsible Authority and from interested parties

We heard from Phillip Dent who represented the environmental health authority.

We also heard evidence from Miss Pendlebury, Mr. White, Mr. Benson, Mr. Ashworth and from Mr. Guest.

The panel also took into account representations made by Mr. and Mrs. Dovey and Mrs. Wharton who were unable to be at the hearing.

Mr. David Aird spoke on behalf of the applicants.

The panel noted that the representations were concerned mainly with noise nuisance. There were also representations concerning the lack of need for further licensed premises and the speed of vehicles in the narrow lane leading to the premises and across the car park of the Birley Arms. However, the guidance issued by the secretary of state is clear that need is not an issue that the panel can take into account, and vehicle speeds are not considered to be a licensing matter.

We considered that the concerns of the interested parties were, by and large, warranted when considered against the application, which would have enabled the whole of the premises to be used for the sale and supply of alcohol until 1.a.m. on six days of the week and midnight on the other, and for specified forms of regulated entertainment to take place during the same hours.

However, it became clear during the hearing, that the real intentions of the football club were limited to (1) selling and supplying alcohol and providing regulated entertainment in two specific areas of the premises, those being the corporate and directors' hospitality suites to be erected on either side of the main stand, and (2) providing of regulated entertainment at the whole of the premises. Further, we understood that it was not the intention of the club to allow access to the corporate and directors' hospitality suites to the general public, but only to club officials, sponsors and such like.

As we have said, this appeared to be the club's intention. We considered that, despite the relatively isolated location of Kellamergh Park, restrictions of that kind were necessary for the promotion of the licensing objective of the prevention of public nuisance. We have therefore decided to attach conditions to the licence to enforce those intentions.

We have also decided to impose conditions to limit the hours during which licensable activities could take place to 11.pm on Sunday to Wednesday and midnight on Thursdays to Saturdays. Again, we feel that such a condition is necessary to for the prevention of public nuisance.

We will also attach the conditions put forward by the environmental health authority, for the same reasons.

Accordingly, our decision was to:

DECISION

Grant the licence subject to (1) conditions reflecting the operating schedule; (2) the mandatory conditions and (3) the following additional conditions:

- The applicant will inform the environmental health authority of any regulated entertainment intended to take place outside any building (including in a tent or marquee) and adhere to any recommendations made by the authority
- All windows and doors must remain closed during the performance of any regulated entertainment within a building
- No sale or supply of alcohol shall take place other than in the corporate and directors' hospitality suites to be erected to either side of the main stand
- Within those structures, no sale or supply of alcohol is to be made other than to club directors (including those of visiting teams) and their bona fide guests, club sponsors or their representatives and their bona fide guests or those attending specifically-booked functions.

- No licensable activity shall take place later than 11.p.m on Sunday to Wednesday and midnight on Thursdays to Saturdays.
- No drink shall be removed from the corporate and directors' hospitality suites to be erected to either side of the main stand