



FYLDE BOROUGH COUNCIL



## Meeting Agenda

**Licensing Hearing  
Studio Room, Lowther Pavilion  
Thursday 22 January 2009, 10:00am**

# LICENSING PANEL

## MEMBERSHIP

Convenor Councillor Susan Fazackerley

Councillor Angela Jacques

Councillor Brenda Ackers

Contact: Peter Welsh, St. Annes (01253) 658502, Email:  
[peterw@fylde.gov.uk](mailto:peterw@fylde.gov.uk)



## Licensing Objectives

Fylde Borough Council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives.

The licensing objectives are:

- 1. The prevention of crime and disorder;**
- 2. Public safety;**
- 3. The prevention of public nuisance; and**
- 4. The protection of children from harm.**

In carrying out its licensing functions, Fylde Borough Council must also have regard to:

- 1. Our licensing statement published under section 5 of the Licensing Act, and**
- 2. Any guidance issued by the Secretary of State under section 182 of the Licensing Act**



## A G E N D A

### PART I - MATTERS DELEGATED

ITEM	PAGE
<b>1. DECLARATIONS OF INTEREST:</b> <i>If a member requires advice on Declarations of Interest he/she is advised to contact the Monitoring Officer in advance of the meeting. (For the assistance of Members an extract from the Councils Code of Conduct is attached).</i>	4
<b>2. APPLICATION FOR GRANT OF A PREMISES LICENCE: AFC FYLDE, KELLAMERGH PARK, WARTON</b>	9 – 40

**Personal interests**

8.—(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—
  - (aa) exercising functions of a public nature;
  - (bb) directed to charitable purposes; or
  - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (i) any employment or business carried on by you;
  - (ii) any person or body who employs or has appointed you;
  - (iii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
  - (iv) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
  - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
  - (vi) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - (vii) any land in your authority's area in which you have a beneficial interest;
  - (viii) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
  - (ix) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision;

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

**Disclosure of personal interests**

9.—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(d).

**Prejudicial interest generally**

- 10.—**(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
  - (c) relates to the functions of your authority in respect of—
    - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
    - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
    - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
    - (iv) an allowance, payment or indemnity given to members;
    - (v) any ceremonial honour given to members; and
    - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

**Prejudicial interests arising in relation to overview and scrutiny committees**

- 11.—** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

**Effect of prejudicial interests on participation**

- 12.—**(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee;
  - (b) you must not exercise executive functions in relation to that business; and
  - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

## LICENSING ACT 2003

### THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

#### PROCEDURE FOR THE CONDUCT OF HEARINGS

##### 1. *Preliminary*

- 1.1. Under the regulations, the Licensing Authority is required to determine the procedure that it proposes to follow at any hearing under the Act. This document sets out the procedure that Fylde will normally follow.
- 1.2. A panel may decide to follow a different procedure at any hearing. If it does, it will specifically draw attention to any departures from the procedures set out in this document and the reasons for them.
- 1.3. Please refer to the regulations for other rules about procedure

##### 2. *Interpretation*

In this procedure, the following words or phrases have the following meanings:

applicant	an applicant for a licence or any person who has a licence which may be reviewed or revoked as a result of the hearing
act	The Licensing Act 2003
licence	Includes any consent or permission under the act
panel	A sub-committee established by Fylde Borough Council under section 10 of the act
regulations	The Licensing Act 2003 (Hearings) Regulations 2003, and any reference to a numbered regulation is to the regulation so numbered in that statutory instrument
witness	A person given permission to appear at the hearing under regulation 8(2)

##### 3. *Before the hearing*

- 3.1. At least ten days before the hearing, the panel will meet to consider:
  - 3.1.1. If the circumstances set out in regulation 9(1) apply, whether to dispense with holding a hearing;
  - 3.1.2. What, if any, particular points it considers it will want clarification on at the hearing from a party under regulation 7(1)(d), and
  - 3.1.3. What time limit to set under regulation 24.
- 3.2. If it is not practicable for the panel to meet to consider these matters, the convenor may ascertain the views of panel members separately and give effect to the majority view as if it had been reached in a meeting of the panel.

##### 4. *Opening the hearing*

- 4.1. The convenor will identify all parties to the hearing who are present. The convenor will also identify any persons who are present who intend to assist or represent any party and any witnesses.
- 4.2. The convenor will then explain to the parties the procedure to be followed at the hearing, specifically drawing attention to any departures from the procedures set out in this document

and the reasons for them. The convenor will also inform the parties that the proceedings will be recorded.

- 4.3. The panel will then consider any request by a party under regulation 8(2) for another person to appear at the hearing. The convenor will give any party who has made such a request (or their representative) which the panel proposes to deny an opportunity to address the panel about their request. The panel will then re-consider the request.
- 4.4. The convenor may invite any officer to carry out any functions under this paragraph.

## **5. *Listening to the parties***

- 5.1. Each of the parties will then be invited to:
  - 5.1.1. Open their case by addressing the panel;
  - 5.1.2. Give any further information requested by the panel under regulation 7(1)(d);
  - 5.1.3. Present the evidence of any witness; and
  - 5.1.4. Conclude their case by addressing the panel.
- 5.2. The order in which the parties will be invited to put their cases will be in the discretion of the panel, except that a party who is an applicant will be invited to put their case last.

## **6. *Questioning the parties***

- 6.1. Members of the panel may, following the conclusion of the case of each party, ask questions of that party or any witness appearing for them.
- 6.2. A party or their representative may only question another party if they have asked for permission from the panel after the panel members have finished questioning that party or their witness. The panel will only give permission if it is satisfied that the questioning will provide useful information about a matter relevant to their determination which is unlikely to be placed before the panel without such questioning

## **7. *Time limits***

Each party will be limited to the time set by the panel under regulation 24 in which to exercise their rights provided in paragraphs 5 and 6.2. The convenor will require the party or their representative to close their case or cease their questioning immediately this time limit is reached.

## **8. *Considering the decision***

- 8.1. The panel will consider their decision in private.
- 8.2. No officers will retire with the panel except for the committee administrator. The committee administrator may, if requested to do so, provide procedural, but not legal or technical, advice to the panel. The committee administrator will also assist the panel by drafting and finalising the wording of the panel's decision, if requested by the panel.
- 8.3. The panel may, while it is considering its decision, seek advice from legal or licensing officers. Officers will limit their advice to the specific issue identified by the panel and will leave the room where the panel is considering its decision as soon as that advice has been given and understood.

## **9. *Announcing the decision***

- 9.1. When the panel has made its decision, the public part of the meeting will resume.
- 9.2. The convenor will read out the decision of the panel, or may invite the committee administrator to do so. The meeting will then close or move on to the next business.



# REPORT



REPORT OF	MEETING	DATE	ITEM NO
COMMUNITY SERVICES DIRECTORATE	LICENSING PANEL	22 <sup>ND</sup> JANUARY 2009	2

## APPLICATION FOR GRANT OF A PREMISES LICENCE: AFC FYLDE, KELLAMERGH PARK, WARTON

### Summary

The Licensing Authority has received an application for the grant of a Premises Licence at Kellamergh Park, Warton

There has been a representation from the Environmental Protection department, a responsible authority under the Act and from persons living in the vicinity of the premises.

This means that the committee must consider the application.

### Report

#### Application

1. The application is for the grant of a premises licence at Kellamergh Park, Warton.
2. The application has been referred to the panel because relevant representations have been received from a responsible authority and interested parties.

#### Papers

3. The following papers are relevant and have been made available to panel members:
  - The application, including the plan and the operating schedule
  - The statutory guidance for licensing authorities issued by the secretary of state under section 182 of the Licensing Act 2003
  - The council's statement of licensing policy

- Copies of relevant representations made by the following responsible authorities:

Environmental Protection

- Copies of relevant representations made by the following interested parties

1	J & M Pendlebury
2	Mr T Amphlett
3	Mr & Mrs J Dovey
4	Mr and Mrs N J White
5	Mrs J R Wharton
6	Mr I Benson
7	Mr J H Ashworth
8	Mr T Guest

## **Consideration**

4. The licensing objectives are:

- The prevention of crime and disorder;
- Public safety
- The prevention of public nuisance; and
- The protection of children from harm

5. As relevant representations have been made, it is the duty of the panel to take such of the steps set out below as it considers necessary for the promotion of the licensing objectives. The steps are:

- (a) grant the licence subject to the conditions specified in the operating schedule modified to such extent as the panel considers necessary for the promotion of the licensing objectives, and any mandatory condition,
- (b) exclude from the scope of the licence any of the licensable activities to which the application relates,
- (c) refuse to specify a person in the licence as the premises supervisor, and
- (d) reject the application.

6. The guidance issued by the secretary of state and the council's statement of licensing policy will be material in considering the application, but cannot override the licensing objectives.
7. The following parts of the secretary of state's guidance appear to be particularly relevant to the application and the relevant representations:

2.1 – 18	Crime and Disorder
2.32- 9	Public Nuisance
9.4 – 6	Determining Applications - Vicinity
9.19 – 28	Hearings
Annex D, Part 4	Conditions relating to the Prevention of Public Nuisance

However, the parties appearing in the hearing may wish to draw the panel's attention to other parts of the guidance.

8. The following parts of the council's statement of licensing policy appear to be particularly relevant to the application and the relevant representations:

17	Licence Conditions
19.7	Crime, Disorder and Nuisance around licensed premises
21	Prevention of Public Nuisance
25	Vicinity
27	Hearings

However, the parties appearing in the hearing may wish to draw the panel's attention to other parts of the policy.

### Procedure

9. The applicant and the makers of the relevant representations have been invited to attend or be represented at the hearing.
10. The panel is asked to use the attached procedure in the hearing.

REPORT AUTHOR	TEL	DATE	DOC ID
Ian Curtis and Chris Hambly	(01253) 658406/648422	5 <sup>th</sup> January 2009	

**Attached documents**

Application for Grant of a Premises Licence

Representations

Area Plan

FYLDE BOROUGH COUNCIL

**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

**We AFC Fylde Ltd. apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 - Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description	
Kellamergh Park, Warton, Lancashire, PR4 1TN	
Post town WARTON	Post code PR4 1TN

Telephone number of premises (if any)

01253 794555

Non-domestic rateable value of premises

£ 1,150.00

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick ✓

- |    |   |                                     |                             |
|----|---|-------------------------------------|-----------------------------|
| a) | An individual or individuals*                   | <input type="checkbox"/>            | please complete section (A) |
| b) | a person other than an individual*              |                                     |                             |
|    | i. as a limited company                         | <input checked="" type="checkbox"/> | please complete section (B) |
|    | ii. as a partnership                            | <input type="checkbox"/>            | please complete section (B) |
|    | iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
|    | iv. other (for example a statutory corporation) | <input type="checkbox"/>            | please complete section (B) |
| c) | a recognised club                               | <input type="checkbox"/>            | please complete section (B) |
| d) | a charity                                       | <input type="checkbox"/>            | please complete section (B) |

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  Please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm:

Please tick ✓ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharge by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

Surname  First names

please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

E-mail address (optional)

**SECOND INDIVIDUAL APPLICANT (IF APPLICABLE)**

Mr

Mrs

Miss

Ms

Other title   
(for example, Rev)

Surname

First names

I am 18 years old or over

please tick

✓ Yes

Current postal  
address  
if different from  
premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address  
(optional)

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned

Name
AFC Fylde Ltd
Address
Boundary Road, Lytham, FY8 5LT
Registered number (where applicable)
05916248
Description of applicant (for example partnership, company, unincorporated association etc)
Limited liability company
Telephone number (if any)
01253 794555
E-mail addresses (optional)
martin@afcfylde.co.uk

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
15	12	2008

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

Please give a general description of the premises (please read guidance note 1)

The premises to be Licenced are the ground and related sports facilities occupied by the Applicant Company comprising the football pitch, car park, training ground, small grandstand, supporter's club and changing facilities owned by the Applicant Company and utilised by AFC Fyde Ltd. The ground and buildings are located at the end of the private road behind the Burleigh Arms. It is intended to licence the whole of the ground for licensable activities although the sale and supply of intoxicants will be confined to the corporate and directors' hospitality suites which are to be erected and/or installed on either side of the main stand.

Copies of the plan of the site and premises are attached. Copies are also attached of the proposed units and floor plans relating to both the directors' suite and the related corporate hospitality suite. A plan of the layout showing the location of the two facilities from which the sales and supply of intoxicants are to take place are attached and shaded orange.

It is also intended that from time to time it may be the case that certain licenceable activities will take place outside the confines of the two units but such licenceable activities including the sale of intoxicants will not take place during the course of football matches or other designated sporting events taking place at the premises.

4 emises.



What licensable activities do you intend to carry on from the premises?  
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

Please tick ✓ yes

- |  |                                     |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A)   | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)   | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)  | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)   | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)  | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)  | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)   | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

**Provision of entertainment facilities for:**

- |  |                                     |
|--|-------------------------------------|
| i) making music (if ticking yes, fill in box I)  | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J)   | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)<br>(if ticking yes, fill in box K) | <input checked="" type="checkbox"/> |

**Provision of late night refreshment** (if ticking yes, fill in box L)

**Supply of alcohol** (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

## A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick [✓] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both		
Tue						
Wed				<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur						
Fri						
Sat				<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun						

## B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick [✓] (please read guidance note 2)	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	10.00 am	1.00 am	<b>Please give further details here</b> (please read guidance note 3) It is intended that from time to time as part of the overall provision of facilities to directors, corporate sponsors and other users of the premises that permission may be sought from time to time to exhibit films of either a promotional commercial or recreational nature.	Both	
Tue	10.00 am	1.00 am			
Wed	10.00 am	1.00 am	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4) Not Applicable		
Thur	10.00 am	1.00 am			
Fri	10.00 am	1.00 am	<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times those listed in the column on the left, please list</b> (please read guidance note 5) Not Applicable		
Sat	10.00 am	1.00 am			
Sun	12 noon	12.00 am			

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details here</b> (please read guidance note 3) As part of the provision of overall facilities it is intended that the premises may be used for occasional indoor sporting events such as darts, snooker or other similar types of entertainment.
Day	Start	Finish	
Mon	10.00 am	1.00 am	<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4) There will be no seasonal variations
Tue	10.00 am	1.00 am	
Wed	10.00 am	1.00 am	
Thur	10.00 am	1.00 am	<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5) It is not anticipated that any of these activities will take place outside standard timings
Fri	10.00 am	1.00 am	
Sat	10.00 am	1.00 am	
Sun	12 noon	12.00 am	

**D**

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick [✓] (please read guidance note 2)</b>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	
Tue					
Wed				<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)	
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

## E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both - please tick [✓] (please read guidance note 2).</b>	Indoors	
Day	Start	Finish		Outdoors	
Mon	10.00 am	1.00 am	<p><b>Please give further details here (please read guidance note 3)</b></p> <p>From time to time it may be that as part of the Operating Schedule the Applicant wishes to provide live music either in the facilities themselves or possibly outdoors on odd occasions for example in the event of a barbeque, or pre-arranged event using external marquee or a musical concert</p> <p><b>State any seasonal variations for the performance of live music (please read guidance note 4)</b></p> <p>There will be no seasonal variations</p> <p><b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</b></p> <p>It is not anticipated that any of these activities will take place outside standard timings</p>	Both	✓
Tue	10.00 am	1.00 am			
Wed	10.00 am	1.00 am			
Thur	10.00 am	1.00 am			
Fri	10.00 am	1.00 am			
Sat	10.00 am	1.00 am			
Sun	12 noon	12.00 am			

## F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both - please tick [✓] (please read guidance note 2).</b>	Indoors	
Day	Start	Finish		Outdoors	
Mon	10.00 am	1.00 am	<p><b>Please give further details here (please read guidance note 3)</b></p> <p>Again from time to time and in the course of the Applicant's operation of the premises, it may well be that recorded music will be played within the units. It is also anticipated that from time to time recorded music may be played outside the units if, for example, a marquee, barbeque or other facility have been erected for a specific event</p> <p><b>State any seasonal variations for playing recorded music (please read guidance note 4)</b></p> <p>There will be no seasonal variations. It is not anticipated that these activities will take place normally outside standard timings although in relation to events of national importance and in respect of which extended times are applied for in relation to the supply of alcohol, recorded music may be played and ancillary thereto if and when appropriate.</p> <p><b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</b></p> <p>It is not anticipated that any of these activities will take place outside standard timings</p>	Both	✓
Tue	10.00 am	1.00 am			
Wed	10.00 am	1.00 am			
Thur	10.00 am	1.00 am			
Fri	10.00 am	1.00 am			
Sat	10.00 am	1.00 am			
Sun	12 noon	12.00 am			

## G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick [ <input checked="" type="checkbox"/> ] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	10.00 am	1.00 am	Please give further details here (please read guidance note 3) Again, and depending on the requirements of individual events, it may be that some form of dance takes place within the premises	Both	
Tue	10.00 am	1.00 am			
Wed	10.00 am	1.00 am	State any seasonal variations for the performance of dance (please read guidance note 4)  There will be no seasonal variations		
Thur	10.00 am	1.00 am			
Fri	10.00 am	1.00 am	Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)  It is not anticipated that any of these activities will take place outside standard timings		
Sat	10.00 am	1.00 am			
Sun	12 noon	12.00 am			

## H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick [ <input checked="" type="checkbox"/> ] (please read guidance note 2).	Indoors	
Mon	10.00 am	1.00 am			Outdoors
Tue	10.00 am	1.00 am	Both		<input checked="" type="checkbox"/>
Wed	10.00 am	1.00 am	Please give further details here (please read guidance note 3) Entertainment that may take place depending on the needs of the business		
Thur	10.00 am	1.00 am			
Fri	10.00 am	1.00 am	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)  There will be no seasonal variation		
Sat	10.00 am	1.00 am			
Sun	12 noon	12.00 am	Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)  It is not anticipated that any of these activities will take place outside standard timings		

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the facilities for making music you will be providing</b>		
			<b>Will the facilities for making music be indoors or outdoors or both - please tick [✓] (please read guidance note 2).</b>	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish			
Mon	10.00 am	1.00 am	<b>Please give further details here (please read guidance note 3)</b> From time to time and in the course of its operation, the Applicants may wish to provide facilities for making music to either live music or entertainer, for example in the event of a barbeque or other event using an external marquee. It is anticipated that this will form a very modest part of the Operating Schedule		
Tue	10.00 am	1.00 am			
Wed	10.00 am	1.00 am	<b>State any seasonal variations for the provision of facilities for making music (please read guidance note 4)</b> There will be no seasonal variations		
Thur	10.00 am	1.00 am			
Fri	10.00 am	1.00 am	<b>Non standard timings. Where you intend to use the premises for the provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sat	10.00 am	1.00 am			
Sun	12 noon	12.00 am	It is not anticipated that any of these activities will take place outside standard timings		

**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both - please tick [✓] (please read guidance note 2)</b>	
			Indoors	
			Outdoors	
			Both	✓
Day	Start	Finish		
			<b>Please give a description of the facilities for dancing you will be providing</b> A small dance floor or area will be designated, but again it is felt unlikely that this will form any substantial part of the Operating Schedule.	
Mon	10.00 am	1.00 am		
Tue	10.00 am	1.00 am	<b>Please give further details here (please read guidance note 3)</b>	
Wed	10.00 am	1.00 am		
Thur	10.00 am	1.00 am	<b>State any seasonal variations for providing dancing facilities (please read guidance note 4)</b> There will be no seasonal variation	
Fri	10.00 am	1.00 am		
Sat	10.00 am	1.00 am	<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</b>	
Sun	12 noon	12.00 am		
			It is not anticipated that any of these activities will take place outside standard timings	

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within I or J</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
Day	Start	Finish	Will this entertainment facility be indoors or outdoors or both - please tick [ <input checked="" type="checkbox"/> ] (please read guidance note 2).	Indoors	
				Outdoors	
Mon	10.00 am	1.00 am		Both	✓
Tue	10.00 am	1.00 am	Please give further details here (please read guidance note 3)		
Wed	10.00 am	1.00 am			
Thur	10.00 am	1.00 am	State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or K (please read guidance note 4)		
ri	10.00 am	1.00 am	There will be no seasonal variations		
Sat	10.00 am	1.00 am	Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within j or K at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	12 noon	12.00 am	It is not anticipated that any of these activities will take place outside standard timings		

**L**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both - please tick [✓ ]</b> (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	11.00 pm	1.00 am	<p><b>Please give further details here</b> (please read guidance note 3)</p> <p>From time to time and depending on the nature of the function, it may be that suppers or other late night refreshment will be provided to persons attending functions hence the requirement for the late night refreshment.</p> <p><b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)</p> <p>There will be no seasonal variations</p> <p><b>Non-standard timings. Where you intend to use the premises for the provision of late night entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)</p> <p>It is not anticipated that any of these activities will take place outside standard timings</p>	Both	
Tue	11.00 pm	1.00 am			
Wed	11.00 pm	1.00 am			
Thur	11.00 pm	1.00 am			
Fri	11.00 pm	1.00 am			
Sat	11.00 pm	1.00 am			
Sun	11.00 pm	12.00 am			

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption</b> (please tick box ✓) (please read guidance note 7)	On the premises	✓
Day	Start	Finish		Off the premises	
Mon	10.00 am	1.00 am	<p><b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)</p> <p>It is not anticipated there will be any seasonal variations. In the normal course of business it is anticipated that the standard timings will be more than adequate to deal with the needs of business. However, the Applicant would wish to have incorporated into the Operating Schedule provision whereby extensions to the standard timings could be obtained where such extensions are related to sporting or other events of national significance. Any such variations would be of no more than 30 in any 12 month period and such applications to vary would be utilised after the Applicant gives 7 days notice in writing to the local authority and the police</p> <p><b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)</p> <p>It is not anticipated there will be non-standard timings save as mentioned in the preceding paragraph above in relation to events of a sporting or other national significance.</p>	Both	
Tue	10.00 am	1.00 am			
Wed	10.00 am	1.00 am			
Thur	10.00 am	1.00 am			
Fri	10.00 am	1.00 am			
Sat	10.00 am	1.00 am			
Sun	12 noon	12.00 am			



**State the name and details of the individual whom you wish to specify on the licence as premises supervisor**

Name Gillian Mary Wilman

Address 32 Poulton Street, Kirkham.

Postcode PR4 2AL

Personal licence number (if known) FYPA0189 - Expiry Date 21st August, 2015

Issuing licensing authority (if known) Fylde Borough Council

**N**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**

It is not intended that there will be any adult entertainment or services, activities or other similar entertainment provided at the premises

**O**

<p><b>Hours premises are open to the public</b> Standard timings (please read guidance note 6)</p> <table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td>9.00 am</td> <td>1.00 am</td> </tr> <tr> <td>Tue</td> <td>9.00 am</td> <td>1.00 am</td> </tr> <tr> <td>Wed</td> <td>9.00 am</td> <td>1.00 am</td> </tr> <tr> <td>Thur</td> <td>9.00 am</td> <td>1.00 am</td> </tr> <tr> <td>Fri</td> <td>9.00 am</td> <td>1.00 am</td> </tr> <tr> <td>Sat</td> <td>9.00 am</td> <td>1.00 am</td> </tr> <tr> <td>Sun</td> <td>10.00 am</td> <td>12.00 am</td> </tr> </tbody> </table>			Day	Start	Finish	Mon	9.00 am	1.00 am	Tue	9.00 am	1.00 am	Wed	9.00 am	1.00 am	Thur	9.00 am	1.00 am	Fri	9.00 am	1.00 am	Sat	9.00 am	1.00 am	Sun	10.00 am	12.00 am	<p><b>State any seasonal variation (please read guidance note 4)</b></p> <p>It is not anticipated that there will be any seasonal variations save as provided for in Section M on the preceding page</p>
Day	Start	Finish																									
Mon	9.00 am	1.00 am																									
Tue	9.00 am	1.00 am																									
Wed	9.00 am	1.00 am																									
Thur	9.00 am	1.00 am																									
Fri	9.00 am	1.00 am																									
Sat	9.00 am	1.00 am																									
Sun	10.00 am	12.00 am																									
<p><b>Non standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list. (please read guidance note 5)</b></p> <p>The Applicant refers to the matters referred to in Section M on page 12 hereof.</p> <p>The opening hours of the premises would, where appropriate and in relation to specific events referred to previously, be varied accordingly.</p>																											

## **P**

Describe the steps you intend to take in order to promote the four licensing objectives:

### **a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)**

The Applicant will engage the services of an experienced Personal Licensee to be responsible for the premises when licensable activities are being undertaken. The extent of the licensable activities is relatively modest in that the facilities are to provide entertainment and other services to corporate sponsors and/or directors of the football club. In general terms the premises will not be open to members of the public unless they are invitees to pre-arranged functions or guests of directors or other corporate sponsors. In addition the appropriate security measures detailed below will be incorporated into the Operating Schedule. The Applicants would ensure that the supply and consumption of alcohol was in compliance with the relevant statutory legislation in relation to the supply of intoxicants at sports grounds. In particular, and during match days, alcohol would only be supplied and consumed within the confines of either the directors' hospitality suite, corporate hospitality suite or any supporters' club that may be used in the future.

### **b) The prevention of crime and disorder**

The units will be served by appropriate digital CCTV surveillance cameras, which will be located at appropriate points around the site. The units themselves will be protected by electrical shuttering when not in use. The stock of intoxicants within each of the units will be stored under secure facilities. The venue will be non-smoking and it is not intended to provide any facility for smoking save and except that people wishing to smoke will be requested to use the car park. Again the Applicants are mindful of their obligations under the relevant statutory legislation in relation to the supply of alcohol and sports events. Alcohol would only be sold, as previously stated, from the defined units within the premises. Persons attending matches and consuming alcohol would only be able to do so within the confines of those specific areas and there would be no consumption on match days outside those areas. Also please refer to paragraphs A and B above.

### **c) Public safety**

The units would hold up to a maximum of only 30 directors and/or their guests. The Applicant maintains the requisite Public Liability and Employers Liability insurance. The venue is under the supervision of the club's Marketing Director Martin Booker, and also during licensable activities under the supervision of the Personal Licence Holder, Gillian Wilman.

### **d) The prevention of public nuisance**

The premises are in an isolated location, away from any residential area. Access to the premises is gained by a designated driveway from behind the Birley Arms Public House. Due to the location of the premises, the modest numbers that will be incorporated within the premises and the supervisory and other security matters referred to above, it is not anticipated that there will be any issue in relation to public nuisance.

The Applicants refer to the provisions and conditions refer to elsewhere in this Application also specifically mentioned in paragraphs A, B and C.

### **e) The protection of children from harm**

The premises will only be operated in accordance with the Operating Schedule referred to above. Attendance will be either by directors, sponsors or other invitees by prior arrangement. Children will not be permitted to enter either of the two units unless accompanied by an adult.

Please tick ✓ yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent you copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [AMOUNT], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 - Signatures** (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11)  
If signing on behalf of the applicant please state in what capacity.

Signature

*David C. Aird*

Date

*24/01/08*

Capacity

*SOLICITOR*

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent.  
(please read guidance note 12) If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 13)	
Mr. David C. Aird, Blackhursts LLP Solicitors 22 Edward Street	
Post town	Blackpool
Post code	FY1 1BA
Telephone number (if any)	01253 293061
If you would prefer us to correspond with you by e-mail put your e-mail address (optional)	
dca@blackhurstsllp.co.uk	

### Notes for guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licencing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day ie Christmas Eve.
6. Please give timings in 24 hour clock (eg 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. if you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



# FYLDE BOROUGH COUNCIL

## Memorandum

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**To:** Chris Hambley

**From:** Philip Dent

**Your Ref:**

**Our Ref:** 164855

**Date:** 22nd Decemeber  
2008

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### **Premises Licence Application**

**Location- Kellemargh Park (AFC Fylde), Warton**

Following a review of the above application, there is the following representations to be made from Environmental Protection.

1. There are concerns that there may be a potential for noise nuisance if amplified entertainment takes place outside. The applicant shall inform the Department at least 10 working days prior to such event and adhere to any recommendations made following consultation.
2. All windows and doors are to remain closed during the performances of regulated entertainment.
3. All amplified entertainment shall cease by midnight except on non standard days.

P R Dent

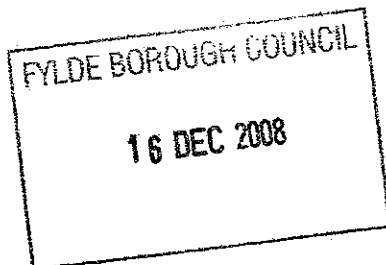
Licensing Dept.

F. B. C.

Town Hall,

Lytham St. Annes,

FY8 1LW.



75 Church Rd.,

Warton,

Preston,

PR4 1BD.

15/12 /2008

Ref. Application by Kellermagh Park for grant of a premises licence under the Licensing Act 2003 (Dated 26/11/2008)

We wish to object to the application for the following reasons:-

- 1.This is a semi-rural area and most residents wish to preserve a reasonable level of peace and quiet.
- 2.Noise levels associated with football games here including the use of loudspeakers are often at an unacceptable level.
- 3.Some noise from activities at the Birley public house itself can already be heard in the area. There would thus be two adjacent centres of entertainment contributing noise.
- 4.Great Birchwood Country Music Park frequently produces a considerable level of noise on occasions late at night, although it is at a distance of 2 miles (approx.) from our home.

The site of the application is only 1/3 mile distant , indicating that much additional noise can be expected.

We feel sure that if this application is granted, there will be intrusive noise and disturbance. We hope therefore that this will be taken into consideration when this application is considered.

Thanking you,

Yours sincerely,

Janet Pendlebury

A handwritten signature in black ink that reads "Janet Pendlebury".

Margaret Pendlebury

A handwritten signature in black ink that reads "Margaret Pendlebury".

2

**Hambly, Chris**

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**From:** Tim and Julie Amphlett [timandjulie@amphletts.plus.com]  
**Sent:** 12 December 2008 18:52  
**To:** Licencing  
**Subject:** Licencing Application for AFC Fylde

Sirs,

With reference to the above application I am objecting to the granting of a licence on the following grounds.

1. Requirement. The venue proposed is in the immediate vicinity of the Birley Arms motel which is an established, licensed facility. There are also 3 other licensed venues serving the requirements of the village. There is no need for an additional licensed premises and the the Birley Arms is already provides similar services in the area.
2. Noise nuisance. The application includes provision for live and / or recorded music. Noise is already causing nuisance to the village during match-days and other events at the ground and this provision of the application will significantly increase the noise levels from what is currently an occasional event to a nightly occurrence.
3. Alcohol related issues. The Warton Parish Council has identified that there is an alcohol problem in the village, especially relating to younger people. Approval of this application is likely to draw more young people to the village and will risk significantly worsening the existing problem.
4. Hours are too long. The placement of the ground on the edge of the village means that people returning from the venue late at night pass right the way through the village on the way home. On one recent occasion when late night event was held at the ground a significant number of (evidently) drunk individuals caused significant disturbance (especially in the vicinity of the main roads through the village). Approval of this application would cause an occasional nuisance to become a nightly occurrence. This is not acceptable and will cause a greatly increased workload for the police.

Yours truly,

Tim Amphlett  
73 Church Road  
Warton

19/12/2008

3

"The Willows"  
44, Church Road,  
Warton,  
Preston,  
Lancashire,  
PR4 1BD.  
16<sup>th</sup> December 2008

FYLDE BOROUGH COUNCIL  
19 DEC 2008

The Licensing Department  
Fylde Borough Council  
Town Hall  
Lytham St Annes  
LANCS  
FY8 1LW

**Licensing Application by AFC Fylde for Premises behind the Birley**

Dear Sir,

**I object to the above application.**

- 1) The pitch was funded by the Lottery, with the intention of providing training ground for sport (football). The proposed application is a major departure from the purpose and conditions implied at the time of grant of Lottery money.
- 2) The site is remote from public transport routes.
- 3) Direct noise nuisance from the site affects the whole of northern Warton. Noise levels have already been a nuisance. Granting of the application will result in a massive increase in noise nuisance, which will extend into the small hours of the night.
- 4) The result of granting the application will be to increase the number of occasions on which rowdy behaviour into the small hours affects all properties in Church Road and the surrounding areas. There are too many occasions when this already occurs (at weekends), and the Police are unable to control it. We do not need an increase. Once started this situation cannot be controlled. It must be prevented by NOT granting a license.
- 5) Vandalism in Warton is already at an all time record level, which the Police are frequently called out to investigate, but are unable to control. Granting of a license will inevitably increase vandalism.
- 6) Warton already has 5 licensed premises. This is an excessive ratio compared with its population, or when compared with other villages, for instance when compared with Freckleton.

Yours faithfully

JRJ Dovey and BSR Dovey



TO: The Licensing Department  
Fylde Borough Council  
Town Hall  
Lytham St Annes  
FY 1LW

4

FROM: N & J WHITE  
6, WORDSWORTH AVENUE,  
WARTON  
PRESTON PR4 1EA

22<sup>nd</sup> December, 2008

**APPLICATION BY AFC FYLDE  
FOR PREMISES AT KELLAMERGH PARK  
WARTON**

**LICENCE TO SELL ALCOHOL**

We object on the following grounds.

1. The premises are not served by any public transport service, the nearest bus stop being opposite the Pickwick Tavern on the A583.  
It follows that most patrons will have to drive to and from the premises by car (the alternative being by taxi). This promotes drink-driving, which the Authorities are constantly seeking to eradicate.
2. The amount of extra late-night traffic generated through the village and along the C292 to Wrea Green.
3. Warton already has five licensed premises for the consumption of alcohol plus two over-the-counter outlets. This is more than adequate for a village of Warton's size.
4. There is already a problem with late-night drunkenness in the village, which stands to be exacerbated if the application is granted.

**ENTERTAINMENT LICENCE**

Although we live about ¼ mile from the premises, our Saturday afternoons are blighted by PA announcements from the existing club. It is practically impossible to enjoy a quiet summer's afternoon in our garden due to the excessive and intrusive broadcasts from the Football Club, which we can plainly hear.

Accordingly, we must object to the granting of an entertainment licence on the following grounds:

1. Kellamergh Park was granted planning permission in respect of a youth sports club.  
Granting an entertainments licence constitutes a change of use of the premises.
2. We know that the Club is already generating a noise nuisance and fear that it cannot be relied upon to keep its entertainment activities indoors at a level that will not be heard ¼ mile away.
3. The extra traffic generated through the village and along the C292 to Wrea Green.
4. The negative impact upon the trade of the 4 existing entertainment venues in Warton, including the duplication of facilities at Great Birchwood.

We are very concerned about the motives for the application.

We note the Club's intention to leave Warton in two year's time for new premises in Kirkham/Wesham.

Therefore, it seems to us that the application is not for a long-term arrangement but is rather designed as a device to enhance the selling price of the site in two year's time to persons as yet unknown.

We are puzzled by the fact that permission was originally given the Club for *youth* football (i.e. incompatible with an alcohol outlet) and we have never heard any mention of permission for the Club to stage adult fixtures, let alone become an entertainment venue.

Incidentally, we have never believed that the Club was permitted a PA system that is so powerfully intrusive.

All of this leads us to have no confidence that the Club will not indulge in further "function-creep" to the detriment of local residents.

We ask that the application for both licences be rejected.

If, despite our representations, licences are granted, we ask if it is possible:

- a. to limit them to the current owners (i.e. not to apply to future, unknown, buyers).
- b. to make the conditions as restrictive as possible in order to protect the peace and well-being of residents.
- c. to explicitly exclude permission for outdoor entertainment (the Club's track record makes us fear exposure to loud music, raves.... etc)

Yours faithfully

NIGEL WHITE

Nigel White

JEAN WHITE

Jean White

5

**Hambly, Chris**

---

**From:** Jeanette Wharton [jrwharton@btinternet.com]

**Sent:** 21 December 2008 14:58

**To:** Licencing

**Subject:** Licensing Application by AFC Fylde for pitch behind the Birley Arms pub, Bryning with Warton

Dear Sir or Madam

I would like to object to the above application. We live on Church Road, Bryning with Warton and already get yobs wandering passed our premises at closing time.

Also, when the football matches are in progress during the day we can clearly hear the crowd cheering etc from the ground. Therefore we do NOT want to have to listen to the sounds of merry making during the evenings. Also we do not want to encourage the number of noisy drunken people passing our home at night.

I feel that Warton in particular already has a problem with yobs and alcohol (as I am sure the Local Police will confirm). Another premises will simply enhance the trouble.

Yours truly,  
Mrs J R Wharton  
48 Church Road  
Bryning with Warton  
PR4 1BD

22/12/2008

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# FYLDE BOROUGH COUNCIL

## Licensing Act 2003 – Representation Form

FYLDE BOROUGH COUNCIL  
 2- JAN 2009  
*(only need by 1pm)*

### 1. In what capacity are you making this representation:

- A person living in the vicinity of the premises
- A body representing a person in the vicinity of the premises
- A person involved in a business in the vicinity of the premises
- A body representing a business in the vicinity of the premises

### 2. Details of Person/Body Making Representation

Mr  Mrs  Miss  Ms  Other

Surname: <i>Bentson</i>	First Names: <i>Ian</i>
Postal address: <i>THE GREEN ARMS HOTEL BRYNING LANE WARTON</i>	
Post Code: <i>PR4 1TN</i>	Phone: <i>01772 679988</i> Mobile: e-mail:

### 3. Details of the Premises/Club

Name: <i>AFC FLYD</i>	
Postal address: <i>KELAMERGH PARK BRYNING LANE WARTON</i>	
Post Code: <i>PR4 1TN</i>	Reference Number (If Known):

### 4. Which of the Licensing Objectives does your representation refer to?

- The prevention of crime & disorder  Public Safety ②
- ①  The prevention of public nuisance  The protection of children from harm ③

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**5. What are your concerns?**

Please provide full details of your concerns regarding the premises. Please include or enclose any evidence you may have in support of your concerns:

① WE ARE A 14 BED HOTEL AND ARE CONCERNED ABOUT NOISE IN THE EARLY HOURS AND LITTER POLLUTION THAT WE ENCOUNTER AFTER EVERY HOME GAME.

② PUBLIC SAFETY AND THE PROTECTION OF CHILDREN FROM HARM ARE REAL CONCERNS AS WE HAVE ELDERLY PEOPLE AND CHILDREN CROSSING THE CAR PARK AND DO NOT WISH TO SEE SPEEDING CARS COMING FROM THE GROUND AT 19.00 HOURS ONWARDS


(Please continue on a separate sheet if necessary)

**7. Suggested amendments?**

Could the licence be amended in any way to remedy your concern? If so, how?

No

(Please continue on a separate sheet if necessary)

<b>Signature</b>	
<b>Capacity</b>	245 BARLEY ACRE HOTEL
<b>Date</b>	23/12/09

Your representation will be passed to the applicant, to allow them the opportunity of addressing your concerns. Also it will be published in the report available to the Licensing Committee, which will be publicly available.

Please return this completed form to:  
The Licensing Team  
Town Hall  
Lytham St Annes  
Lancashire  
FY8 1LW

J H ASHWORTH  
LANGDALE  
71 CHURCH ROAD  
WARTON  
PRESTON  
PR4 1BD  
LANCASHIRE

23 December 2008

The Licensing Department  
Fylde Borough Council  
Town Hall  
Lytham St Annes  
Lancs  
FY8 1LW

Dear Sirs,

**Re. Licensing Application by AFC Fylde for premises at Kellamergh Park, Bryning with Warton**

As a resident of Church Road Warton I am writing to place before the authority my objections to essentially all aspects of the above subject application.

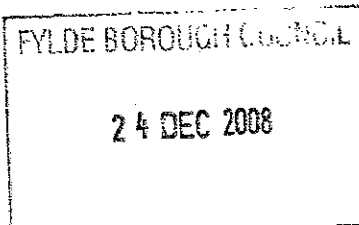
- Entertainment Licence: Already we and other local residents have to endure the use of offensive language during weekday evening training sessions and in addition the excessively loud public address system on match days. The above factual experiences would suggest that any of the forms of musical performance set out in the Entertainment Licence application can only further add to the noise nuisance already emanating from this facility.
- Licence to sell Alcohol: With the long established Birley Arms Pub Restaurant adjoining the subject premises, I would suggest that this element of the application is superfluous and the late hours sought in the application both excessive and inappropriate in a rural/residential location.

In summary, grant of any of the licences covered by this application, with the possible exception of the Late Refreshment Licence, although here again the hours sought are excessive, will without question add to the noise nuisance caused to residents by this facility.

I trust the foregoing objections will be given fair consideration.

Yours

J H ASHWORTH



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Hambly, Chris

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**From:** Christine Guest [christony\_guest@yahoo.co.uk]  
**Sent:** 24 December 2008 10:23  
**To:** Licencing  
**Subject:** Licencing Application by AFC Fylde

Dear Sir,

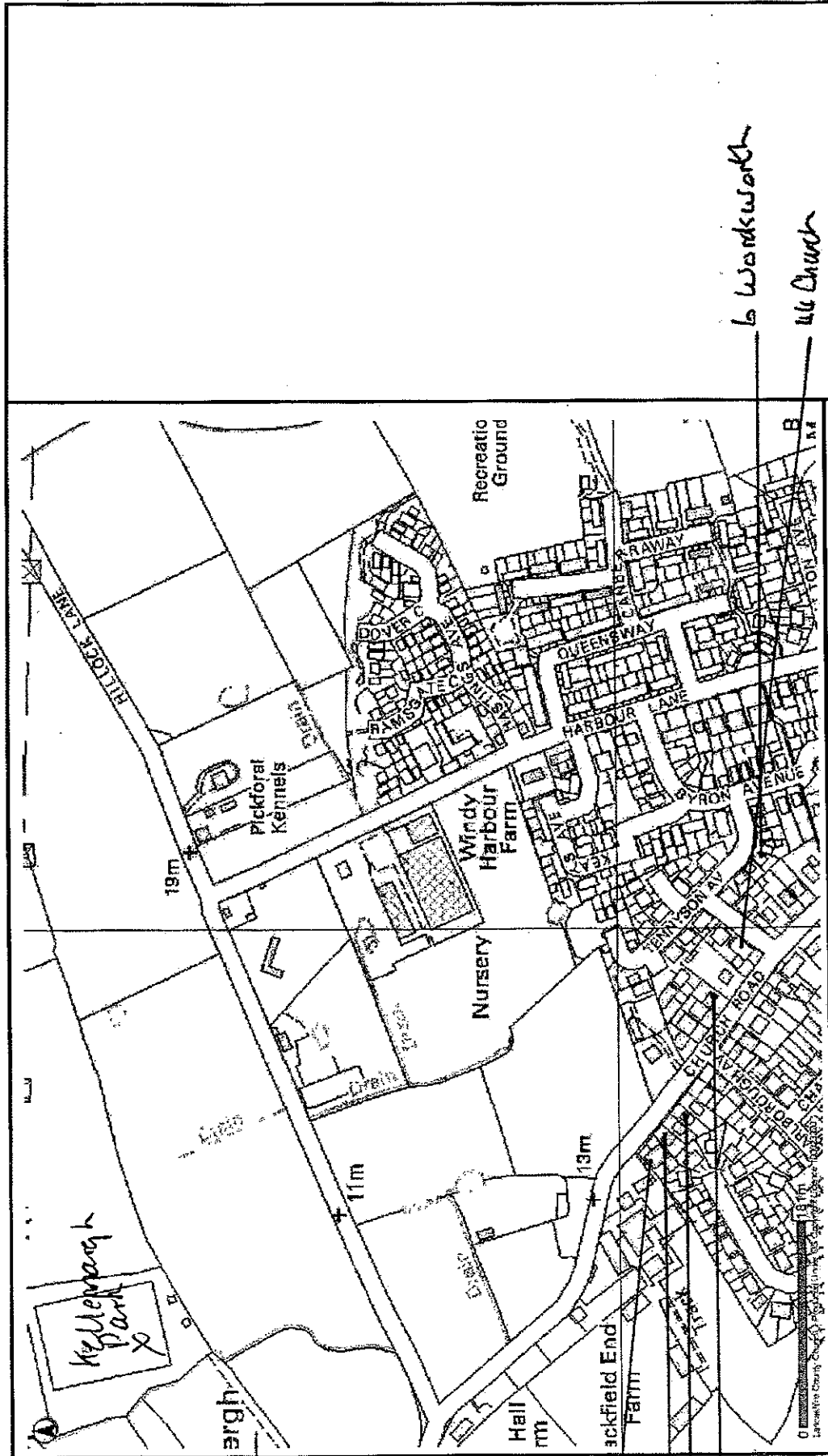
I object strongly to the licencing application lodged by AFC Fylde in respect of premises at Kellamergh Park on the following grounds:

- 1) The premises were originally presented through the planning process as a 'practice pitch' for Kirkham Football Club (now AFC Fylde). The proposed licence changes the whole nature of the premises to a 7 days a week entertainment venue.
- 2) There is already an intrusive level of noise from the premises on several days of the week, when matches are played, on top of the normal noise and disturbance levels created by the Birley Arms, adjacent to Kellamergh Park.
- 3) There is already a pub/restaurant/hotel (the Birley Arms) directly adjacent to the premises capable of supporting any reasonable requirement of AFC Fylde for a proximate entertainment venue.
- 4) Licencing Kellamergh Park directly adjacent to the Birley Arms will have the effect of creating a late night entertainment zone outside, but close to, the village boundary.
- 5) AFC Fylde is the new name of Kirkham Football Club. The great majority of the club's followers are from Kirkham and the licencing of Kellamergh Park will effectively draw away from the town of Kirkham to the village of Warton a late night entertainment clientele that Kirkham is much better suited to support.

I trust that you will reject this licencing application.

Regards

Tony Guest (67 Church Road, Warton, PR4 1BD)



Kellameergh Park

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Date: 05/01/2009



Wardsworth

St. Andrew's

St. Andrew's & Church

Wardsworth

St. Andrew's



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Any enquiries regarding this document/publication should be sent to us at the Town Hall, St Annes Road West, St Annes FY8 1LW, or to [listening@fylde.gov.uk](mailto:listening@fylde.gov.uk).