

BARNSELY METROPOLITAN BOROUGH COUNCIL

**Report of the Principal Officer
(Licensing) to the meeting of
the Statutory Licensing
Regulatory Board Sub
Committee to be held on the
29th June 2009**

LICENSING ACT 2003

**APPLICATION FOR A PREMISES LICENCE
BOMfest, Great Falls, Silkstone, Barnsley**

1. Background

- 1.1 On 1st May 2009, an application under the provisions of the Licensing Act 2003 was received from Barnsley Original Music Collective, Maple Studios, Unit 10 Maple Estate, Stocks Lane, Barnsley. A copy of this application is attached as Appendix 1.
- 1.2 A further application was submitted to the Licensing Section on 14th May 2009, due to an error made by the applicant in respect of the closing date for representations. A copy of this application is attached as Appendix 2.
- 1.3 Members are requested to determine the application for a premises licence.
- 1.4 Great Falls currently operates as a local scout campsite; located amongst rural farming land and runs alongside the A628.

2 Application for Premises Licence

- 2.1 The proposed application requests the licence to take effect from 25th July 2009 for a maximum of two Saturdays per annum and requests the following licensable activities and opening times:

a) Live Music

Saturday 11.30 – 02.30 both indoors and outdoors

b) Recorded Music

Saturday 11.30 – 02.30 both indoors and outdoors

c) Facility for Making Music

Saturday 11.30 – 02.30 both indoors and outdoors

d) Late Night Refreshment

11.30 – 01.00 both indoors and outdoors

e) Supply of Alcohol

13.00 – 01.00 to be consumed on the premises only

f) Opening Times

11.30 – 02.30

- 2.2 We are unaware of any complaints made to Regulatory Services in respect of previous events and the organisers have always been willing to work with the Council to resolve any issues that arise.
- 2.3 During the application process, a number of meetings have been held with the applicant Mr Iain West, Licensing Section, Responsible Authorities, Highways and the Council Events Co-ordinator. Issues and concerns were discussed and a number of changes were recommended to ensure public safety and guarantee the success of the event.
- 2.4 As a result, the applicant agreed to cease playing amplified music at 01.00, cease the facility for making to make music at 01.00, cease the supply of alcohol at 01.00 and amend the closing time from 02.30 to 02.00, thus ensuring dispersal from the event takes place in a phased manner.

3 Promotion of Licensing Objectives

- 3.1 The applicant has set out in the application the steps intended to be taken in order to promote the four licensing objectives, if the proposed premises licence is granted.

a) General – all four licensing objectives

The licensing objectives have been carefully considered in the light of the proposed application, taking into account the venue and the site location.

Details of any measures considered necessary to promote the licensing objectives are contained under the relevant objective below.

‘All staff both voluntary and paid are trained to the expected requirement to fulfil their tasks at the event safely and competently. We have held the event in Barnsley for four previous years, on two locations, and have experienced no problems with licensing either from objections or infringement of the licence. The event will be an over 18’s event with alcohol being provided by a licensed bar on site. Access to the site will be controlled by security that will monitor numbers and prevent alcohol being taken on or off site. A zero tolerance approach to illegal substances will be implemented at the festival.’

b) The Prevention of Crime and Disorder

‘Adequate security for the event is to be provided by Rock Steady Security Ltd who will liaise with the Police closely prior to the event. Alcohol will be available for consumption on the premises with eight SIA registered doormen being provided by Top Team Security. Bom will invite the Police to stakeholder meetings and will action any advice given. A direct number for the Police has been provided and they are aware of the details of the festival. At the end of the event, Bom encourage good behaviour by closing the festival with an announcement of the P.A. system. People who approach the bar whilst inebriated will be refused drink and anti-social behaviour will not be tolerated. Any instance of criminal activity discovered by our staff will be reported to the Police.’

c) Public Safety

‘A traffic strategy is to be implemented on the day and refuse will be cleared from the site throughout the event. A risk assessment of the site will be compiled. All staff both voluntary and paid are trained to the expected requirement to fulfil their tasks safely and competently. SIA registered security will be provided for the

licensed area. Adequate first aid cover will be supplied by E.R.T. and the emergency services have been consulted prior to the event. Bom has a Health and Safety Officer who periodically check the site and performance areas for hazards. Accidents will be recorded in an accident book. A perimeter fence will allow us to control numbers on site (max 2,500) but will allow access to the emergency services through a gate in the fence. Plenty of free water is available.'

d) The Prevention of Public Nuisance

'All festival promotion will advise on good behaviour. A letter informing residents of the festival will be compiled and delivered by us. A public meeting with local residents is to be organised in conjunction with local councillors. The Police are in attendance when the festival closes which encourages civil order and speedy dispersal of the public. All P.A. systems are directed in accordance with environmental guidelines. The site will be cleared of all refuse and left as we found it.'

e) The Protection of Children from Harm

'A Child Protection Policy is in place for the event and is compiled in conjunction with the Youth Service. All children will be cleared from the site by 19.00hours if not accompanied by an adult.'

4 Responsible Authorities

- 4.1 A representation has been received from the Pollution Control Section of Regulatory Services, as a Responsible Authority under the provisions of the Licensing Act 2003. A copy is attached as Appendix 3.
- 4.2 The Pollution Control Section objected on the grounds of public nuisance.
- 4.3 However, following a meeting held on-site between the applicant and Senior Pollution Control Officer, Sarah Newman, a number of conditions were agreed to be attached to the premise licence and as such, the representation was formally withdrawn.
- 4.4 No other representations have been received from Responsible Authorities in this matter.

5 Interested Parties

5.1 Following publication of the statutory notice of the application for the premises licence in the local press and the display of notices at the premises, five representations have been received from interested parties.

5.2 The representations have been received from:

Mr John W Charlesworth of Bank House Farm, Silkstone, Barnsley;

Mrs Joan M Charlesworth of 111 High Street, Silkstone, Barnsley;

Mr J P Charlesworth of Broad Close Farm, Cone Lane, Silkstone, Barnsley;

Mr Christopher Crowcroft of Stocks House, 76 High Street, Silkstone, Barnsley;

Mrs Karen Canadine Clerk of the Silkstone Parish Council

All representations relate to the licensing objectives and they are attached as Appendix 4.

5.3 Under the provisions of the Licensing Act 2003, representations can be made from Interested Parties who live or have any interest in a business that is located within the vicinity of the premises where the application has been made. In this case the interested parties reside close to, if not within the immediate vicinity of where the application has been made.

5.4 Each representation sets out a number of areas of concern in relation to the licensing objectives and a précis these are given below:

- a) Noise levels from both live and recorded music, including noise from microphones, drums and people singing will make it impossible to sleep;
- b) High noise levels will affect the health of livestock particularly those in the field adjoining the campsite which is likely to cause panic amongst the animals;
- c) Damage to livestock, fencing and stock gates left open allowing animals to stray onto the A628. This is a busy and dangerous stretch of

road which is prone to road traffic accidents and has resulted in a number of fatalities in the past;

- d) Litter strewn over a large area of land – plastic bags, broken glass, and ring pulls all posing danger to animals and can act as a choking hazard;
- e) Trespass over private land to gain free entry to the event;
- f) Access and egress from the site – provision of a ‘park and ride’ facility will not be sufficient to ensure a safe and organised dispersal of festival goers
- g) Footpath to facilitate entrance/exit of the event has an unlevelled surface and no provision for lighting
- h) Damage to stiles, woodland and potential to destroy natural habitats en route to the main event

5.5 As previously mentioned in this report, the applicant Mr Iain West is willing to work with all parties involved to seek resolution to any issues that may arise.

5.6 Mr West agreed to attend a Parish Council meeting held on 1st June 2009. A number of discussions centred on the closing time of the event, and the times specified for the performance of live music and recorded music. Those in attendance felt these to be excessively late. To date, both Mr West and the Parish Council have failed to come to an amicable agreement and therefore the representation has not been withdrawn.

6 Compatibility with the European Convention on Human Rights

The decision of the Board will amount to a determination of the Council and the rights of the applicant. Therefore, as far as it is possible to do so, the board must comply with the requirements of Article 6 (the right to a fair trial). This means the applicant and should be afforded the right to make oral representations at the meeting.

If Members determine to refuse the application, it is necessary for the reasons to be clearly stated.

7 Financial Implications

Not applicable.

8 List of Appendices

Appendix 1 - Copy of the application received 1st May 2009

Appendix 2 – Copy of the application received 14th May 2009

Appendix 3 – Representation from Pollution Control

Appendix 4 – Representation from Interested Parties

Officer Contact: K Morgan Tel: 01226 774258 Date: 16.06.09

