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MEETING:	Statutory Licensing Regulatory Board Sub-Committee
DATE:	Wednesday, 23 September 2015
TIME:	10.00 am
VENUE:	Meeting Room 3, Barnsley Town Hall

AGENDA

1 Appointment of Chair

2 Declaration of Interests

To receive any declarations of pecuniary or non-pecuniary interest from Members in respect of items on this agenda.

3 Application for a Temporary Event Notice (*Pages 3 - 28*)

To consider an application for a Temporary Event Notice for a dance event to be held on Saturday 17th October, 2015 in woods off Engine Lane, Shafton, Barnsley.

To: Chair and Members of Statutory Licensing Regulatory Board Sub-Committee:-

Andrew Frosdick, Executive Director Core Services
Sajeda Khalifa, Solicitor
Phillip Spurr, Service Director Culture, Housing and Regulation
Kate Liddall, Senior Licensing Officer
Simon Frow, Head of Regulatory Services

Please contact William Ward on email governance@barnsley.gov.uk

Tuesday, 15 September 2015

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Item 3

Statutory Licensing Regulatory Board Sub Committee

Temporary Event Notice Application

PROCEDURE DOCUMENT

- 1 Chairman or Clerk to outline the procedure
- 2 Principal Officer (Licensing) to present his report setting out the details of the application and the objection received from the Consultees
- 3 Members to ask relevant questions of the officer (if any)
- 4 Statutory Consultees representative to address the Sub Committee and call witnesses (as appropriate)
- 5 Members of the Sub Committee ask any relevant questions of the Statutory Consultees representative or any witnesses called on his behalf
- 6 Applicant (or their representative) to address the Sub Committee and call witnesses (as appropriate)
- 7 Members of the Sub Committee ask any relevant questions of the Applicant (or their representative) and any witnesses
- 8 Chairman to invite all parties to briefly summarise their cases (no new information to be submitted at this stage)
- 9 Chairman asks all Parties if they are satisfied that they have said all they wish to
- 10 Principal Officer (Licensing), applicant (together with their representatives/witnesses) and Consultees representatives (and their witnesses) to retire
- 11 Panel make decision
- 12 All parties invited back into the meeting and informed of the decision

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 23 September 2015**

LICENSING ACT 2003

TEMPORARY EVENT NOTICE

Woods Off Engine Lane, Shafton, Barnsley, S72 8RE

1. Background

- 1.1 On 10 September 2015, an application under the provisions of the Licensing Act 2003 was received from Kerry Coles of the above address. A copy of this application is attached as Appendix 1.
- 1.2 Members are requested to determine the application for a Temporary Event Notice.
- 1.3 The proposed event is located amongst woodland, in close proximity to residential dwellings and runs alongside the A6195.

2 Application for Temporary Event Notice

- 2.1 The proposed application requests the licence to take effect on 17 October 2015 only and requests the following licensable activities and opening times:

i) Sale of Alcohol (on the premises)

Saturday only 15.00 – 23.00

ii) Provision of Regulated Entertainment (on the premises)

Saturday only 15.00 – 23.00

iii) Opening Hours

Saturday only 15.00 – 23.00

- 2.2 The applicant, Kerry Coles states the maximum number of people allowed to attend the event at any one time is 250.

3 Responsible Authorities

- 3.1 In accordance with the provisions of the Licensing Act 2003, Responsible Authorities involved in this process are the Pollution Control Section of Regulatory Services and South Yorkshire Police.
- 3.2 Following receipt of the Temporary Event Notice, on 14 September 2015 Paul Denton, Environmental Health Officer (Pollution Control) submitted a representation against the grant of the Temporary Event Notice.
- 3.3 A copy of the representation submitted is attached as Appendix 2.
- 3.4 In essence, the grounds for objection relate to public nuisance. This is based upon evidence from previous events which have shown the site to be unsuitable for an outdoor music event; resulting in an abatement notice being served on the Organiser, Kerry Coles.
- 3.5 A copy of the Abatement Notice is attached at Appendix 3.
- 3.6 Prior the submission of the latest Temporary Event Notice dated 10 September 2015, the applicant has held 5 previous music events of a similar nature in the Shafton Woods area.
- 3.7 A précis of the events held to date include:
- 19 July 2014 – 2 noise complaints (Cudworth/Shafton)
 - 30 September 2014 – 5 noise complaints (Brierley/Grimethorpe)
 - 18 October 2014 – 2 noise complaints (Grimethorpe)
 - 2 May 2015 – 1 complaint relating to anti-social behaviour (Shafton)
 - 4 July 2015 – 6 noise complaints (Grimethorpe)
- 3.8 The above does not include further complaints made by Elected Members representing constituents in the Grimethorpe area.
- 3.9 Furthermore, the above does not capture recent dealings Officers from the Licensing, Pollution Control and South Yorkshire Police have had in

connection to an unlicensed music event advertised on Facebook to take place on 5 and 12 September 2015. Members are minded to note that a Temporary Event Notice in respect of the above dates had not been served upon the Licensing Service, and as such was not licensed.

- 3.10 As a direct result of Officer interventions, neither event took place, however, the landowner, Alan Hardwick, was served with an Abatement Notice in relation to the likely reoccurrence of a statutory nuisance.
- 3.11 A copy of the Abatement Notice served is attached as Appendix 4.
- 3.12 On 15 September 2015, a further representation against the grant of the Temporary Event Notice was submitted by South Yorkshire Police on the grounds of crime and disorder.
- 3.13 A copy of the representation received is attached as Appendix 5.
- 3.14 In essence, the grounds for objection are based upon previous events held have resulted in regular complaints to the Police. South Yorkshire Police state they have sought to contact the applicant in order to obtain further details regarding the proposed event, including security and safety measures. Unfortunately, they have been unable to speak to the applicant to obtain this information.

4 Interested Parties

- 4.1 Under the provisions of the Licensing Act 2003, interested parties are not permitted to make representations in relation to the submission of Temporary Event Notices.

5. 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 – Temporary Event Notice

Appendix 2 – Pollution Control Representation

Appendix 3 – Abatement Notice (Kerry Coles)

Appendix 4 – Abatement Notice (Alan Hardwick)

Appendix 5 – South Yorkshire Police Representations

Officer Contact: Kate Liddall Tel: (01226) 774258 Date: 16 September 2015



* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference		You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes
 No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name	Kerry
Family name	Coles
E-mail address	
Main telephone number	
Other telephone number	

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

- Yes No

Your date of birth

dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

Does the premises have an address?

Yes No

Address

Is the address the same as (or similar to) the address given in section one?

[Redacted]

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="The woods off"/>
Street	<input type="text" value="Engine Lane"/>
District	<input type="text" value="Shafton"/>
City or town	<input type="text" value="Barnsley"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="S72 8RE"/>
Country	<input type="text" value="United Kingdom"/>

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

Location Details

Provide further details about the location of the event

<input type="text" value="clearing at the entrance to woods stated in address"/>
--

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

<input type="text"/>

Continued from previous page...

Describe the nature of the premises below (see also guidance on completing the form, note 4)

Describe the nature of the event below (see also guidance on completing the form, note 5)

Outdoor dance event with the sale of alcohol expecting approx 250.

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol

- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

- The provision of regulated entertainment

- The provision of late night refreshment

- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.
(See also guidance on completing the form, note 7).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 8)

Event start date / /
 dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
 dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

15.00-23.00

(see also guidance on completing the form, note 9)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

250

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 10)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 11):

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 12)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 13)

Do you currently hold a valid personal licence? Yes No

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 14)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

State the number of temporary event notices you have given for events in that same calendar year

1

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 15)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Section 9 of 9

CONDITION (See also guidance on completing the form, note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 18)

- * The information contained in this form is correct to the best of my knowledge and belief
 - * I understand that it is an offence:
 - * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.
- Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Capacity

Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/barnsley/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 Next >

Ward , William

From: Denton , Paul
Sent: 14 September 2015 16:38
To: Licensing
Cc: Scott , John; Petty , Caroline; Liddall , Kate
Subject: TEN, Shafton Rave, 17th October 2015

Hi,

With regards to the above, I can confirm that I want to object to this application on the grounds of Public Nuisance. This is based on the fact that evidence from previous events have shown that this site is not suitable for an outdoor music event. Thus resulting in an abatement notice being served on the organiser after a statutory notice was witnessed.

Regards,

Paul Denton
Environmental Health Officer (Pollution Control)
Regulatory Services
Barnsley Council

Telephone: 01226 772860
Email: pauldenton@barnsley.gov.uk
Mail: PO Box 602, Barnsley, S70 9FB

Place Directorate
Culture, Housing and Regulation
Regulatory Services
Head of Service : Simon Frow

Miss Kerry Coles
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

My Ref: SBI / 321210 SL1
Your Ref:
Date: 10th July 2015
Enquires to: Stephen Billcliffe
Direct Dial: (01226) 787634
E-Mail: stephenbillcliffe@barnsley.gov.uk

Dear Miss Coles,

**ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 80
STATUTORY NUISANCE FROM MUSIC EVENT HELD ON 4th JULY 2015 IN WOODS (NO
MAN'S LAND) OFF ENGINE LANE SHAFTON BARNESLEY**

I refer to the above matter and would confirm the following.

Monitoring was carried out from a number of locations in the Grimethorpe area on 4th July 2015 and the level of noise emanating from the location where the event took place was, in my opinion, excessive and constituted a Statutory Nuisance.

Also, a number of complaints were made to the Police on the day regarding disturbance from loud music and expletives and similar complaints have subsequently been made to the Council. As a result, I have no option but serve an Abatement Notice under the aforementioned legislation, which is enclosed with this letter, along with a plan of the area covered by the notice.

You may at this point, wish to seek legal advice regarding this matter.

Yours sincerely



Mr. S. Billcliffe
Environmental Health Officer

ENVIRONMENTAL PROTECTION ACT 1990, Section 80

Abatement Notice in respect of Statutory Nuisance

To: Miss Kerry Louise Coles
of: 26 Armyne Grove Barnsley S71 5PH

TAKE NOTICE THAT UNDER THE PROVISION OF THE ENVIRONMENTAL PROTECTION ACT 1990 the Barnsley Metropolitan Borough Council ("the Council"), being satisfied of the likely recurrence of a statutory nuisance under section 79(1) (g) of that Act at the premises **within the vicinity of Grimethorpe Barnsley**

within the district of the Council arising from: **Noise from music event held on 4th July 2015 in woods (known as No Man's Land) off Engine Lane Shafton Barnsley S72 8RE Grid reference SE - 40063 09789 (See attached map edged in red)**

HEREBY REQUIRE YOU as the person responsible for the said nuisance to, **IMMEDIATELY PROHIBIT** the recurrence of the same.

This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

If without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale * together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

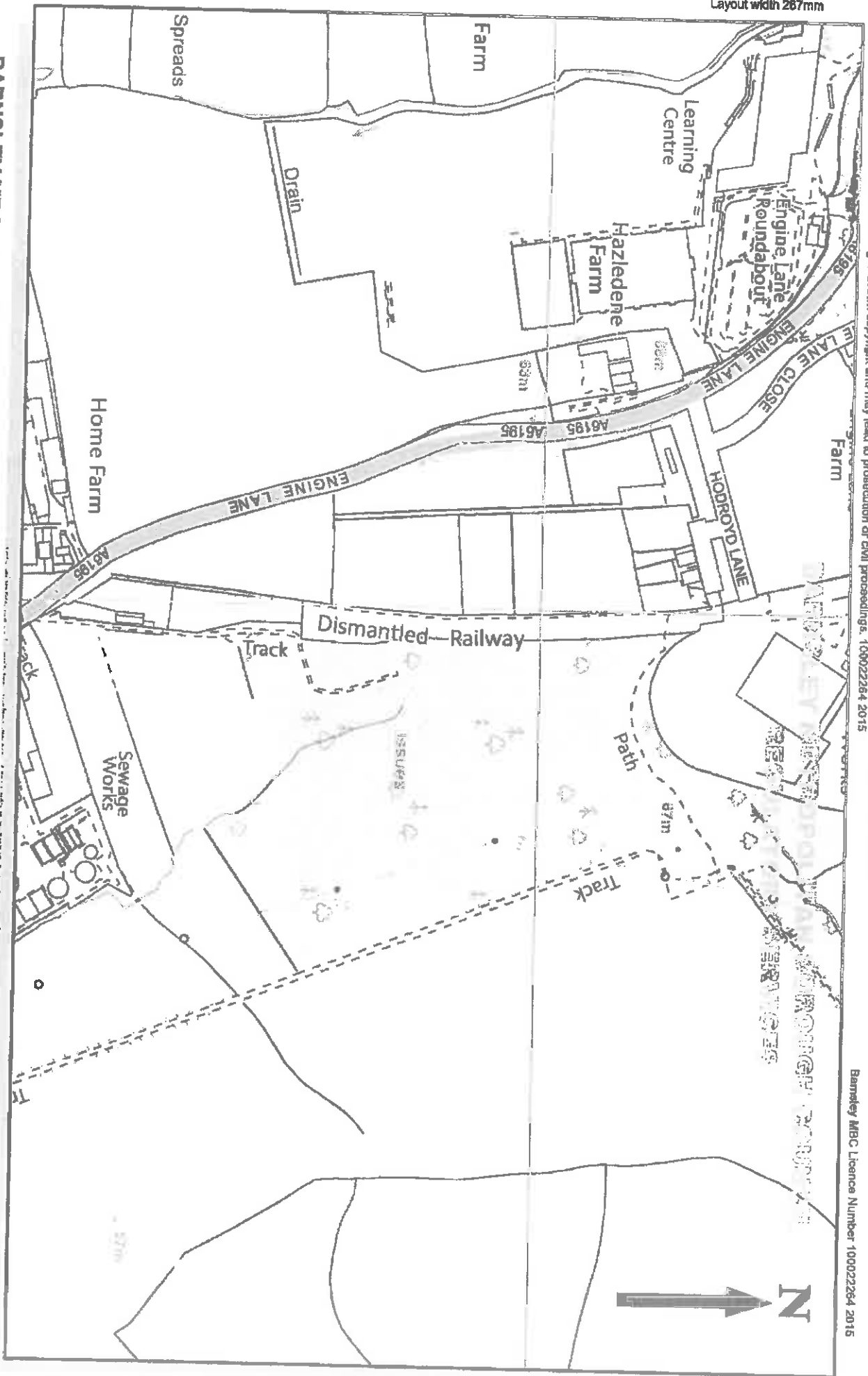
Dated: 10th Day of July 2015

Signed Stalliff
(The officer appointed for this purpose)

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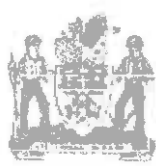
Barnsley MBC Licence Number 100022264 2015



BARNSLEY MBC - Regulatory Services

Head of Service - Simon Frow
Regulatory Services, PO Box 602, Barnsley S70 9FB.
Tel: (01226) 773843 Fax: (01226) 775699

Scale 1: -----



ENVIRONMENTAL PROTECTION ACT 1990, Section 80

Abatement Notice in respect of Statutory Nuisance

To: Mr Alan Harry Hardwick

of: Home Farm, Engine Lane, Shafton, Barnsley S72 8RE.

TAKE NOTICE THAT UNDER THE PROVISION OF THE ENVIRONMENTAL PROTECTION ACT 1990 the Barnsley Metropolitan Borough Council ("the Council"), being satisfied of the likely recurrence of a statutory nuisance under section 79(1) (g) of that Act at the premises within the vicinity of Grimethorpe Barnsley

within the district of the Council arising from: Noise from music event in woods (known as No Man's Land) off Engine Lane Shafton Barnsley S72 8RE (See attached map edged in red)

HEREBY REQUIRE YOU as the person responsible for the said nuisance to, **IMMEDIATELY PROHIBIT** the recurrence of the same.

This is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

If without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale * together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated: 3rd Day of September 2015

Signed

(The officer appointed for this purpose)

Address for all communications:
Regulatory Services
PO Box 602
Barnsley
S70 9FB

NB: The person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning with the date of service of the notice. See notes attached to this form.

* Currently £20,000 subject to alteration by Order

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:

APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

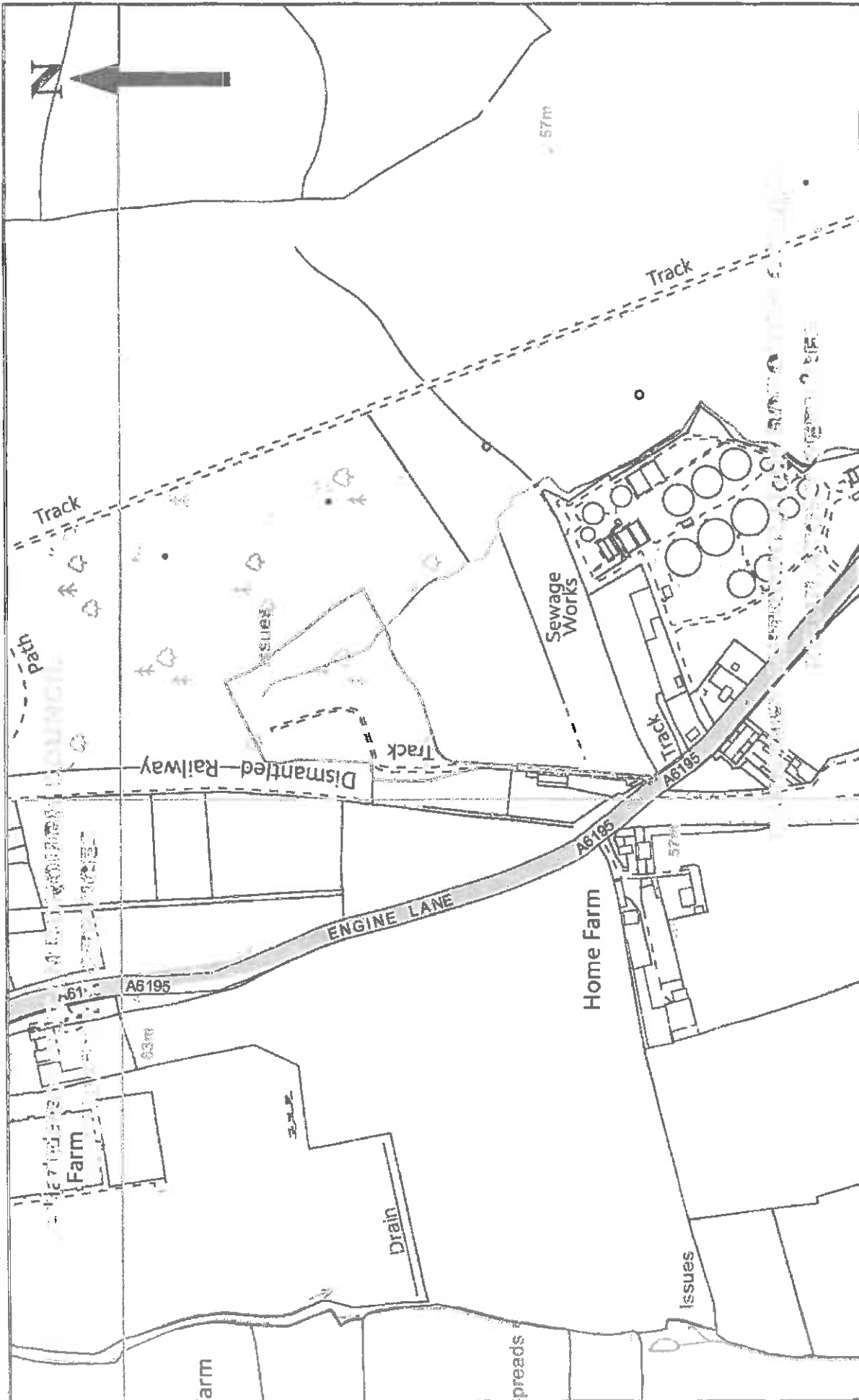
2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3); of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case.
 - (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates:
 - (i) is a nuisance falling within section 79(1)(a)(d)(e)(f) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney or
 - (iii) is a nuisance falling within section 79(1)(g a) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practical means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1) (g) or (g a) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79(1)(g a) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section

80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

- (4) Where the grounds upon an appeal is brought include a ground specified in paragraph 2(i) or (j) above, he appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On hearing of the appeal the court may -
- (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
 - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the court -
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied before it imposes any requirement there under on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

3. (1) Where -
- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
 - (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
 - (ii) In the case of a nuisance under section 79(1)(g) or (g a) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
- (a) the nuisance to which the abatement notice relates -
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice -
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.



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BARNSELY MBC - Regulatory Services

Head of Service - Simon Frow
Regulatory Services, PO Box 602, Barnsley S70 9FB.
Tel: (01226) 773843 Fax: (01226) 775699

Scale 1: -----

Ward , William

From: BarnsleyLicensing <BarnsleyLicensing@southyorks.pnn.police.uk>
Sent: 15 September 2015 13:35
To: Dodds , Jacqueline
Cc: KIRSTY GREEN; MICHELLE HUDSON; Rimmington , Debbie; BENITA MUMBY
Subject: Objection to Temporary Event Notice on 17th October 2015 The woods off Engine Lane, Shafton, Barnsley

Sent on behalf of the Licensing department, South Yorkshire Police

15.09.2015

Licensing Act 2003

Objection to temporary event notice 17th October 2015

The Woods off Engine lane, Shafton, Barnsley

On behalf of the Chief Constable of South Yorkshire Police, an objection is being made in relation to the above application.

The grounds of our objections are based on the prevention of Crime and Disorder. Previous events have been held at the above location which has resulted in regular complaints to the Police. We have sought to contact the applicant in order to obtain further details about the event including security and safety measures, but have been unable to speak to the applicant to obtain this information.

In light of previous incidents and lack of communication with the organiser we do not feel confident this event can proceed safely and without issue

Yours faithfully,

For and on behalf of

Chief Constable, South Yorkshire Police

Cc

"This emailed representation is made in accordance with the agreement
with
the Licensing Authority on 1st November 2006 to accept representations
by
email".

Thanks
Tracey

Thanks
South Yorkshire Police Licensing Department
E-mail: Barnsleylicensing@southyorks.pnn.police.uk

Tracey Klein: Ext 0114 252 3948, Int 718948
Kirsty Green (Licensing Enforcement Officer) 07917212736
Benita Mumby (Licensing Manager) 0114 296 4308

South Yorkshire Licensing
Attercliffe Police Station
60 Attercliffe Common
Sheffield
S9 2AD

Please be advised email correspondence may be submitted as evidence to a Licensing hearing should issues arising not be resolved. As such they will be passed onto the relevant parties involved in the hearing process. The Local Council may post them, as part of this process, on their Website to which the public has access.

Tackling child sexual exploitation is a priority for the Force and it is the responsibility of everyone to help spot the signs and say something.

For more information visit www.southyorkshire.police.uk/spotthesigns

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