

BARNSLEY 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 5th November 2009**

LICENSING ACT 2003 **APPLICATION FOR A REVIEW OF A PREMISES LICENCE**

BOMfest, Great Falls, Silkstone, Barnsley

1. Background

- 1.1 In September 2009, an application was received from Mr J P W Charlesworth, as an interested party under the provisions of the Licensing Act 2003, for a review of a Premises Licence for the Great Falls, Silkstone, Barnsley.
- 1.2 Members are requested to determine the application for the review of the Premises Licence.
- 1.3 Great falls currently operates as a local scout camp with the provisions for a number of licensable activities, including the sale of alcohol, regulated entertainment and late night refreshment. The site is located amongst rural farming land and runs alongside the A628.

2 Premises Licence

- 2.1 The Premises Licence for the Great Falls site has been held by Mr Iain West of Barnsley Original Music Collective 29th June 2009. See Appendix 1.

a) Supply of Alcohol

The premises licence concerned in this review application is authorised for the sale of alcohol by retail for consumption both indoors and outdoors. The times authorised to undertake this licensable activity are:

Saturday 13.30 to 01.00

b) Regulated Entertainment

The premises licence is also authorised to carry out a number of regulated entertainment activities. Such activities include: Live Music, Recorded Music and Facility for Making Music both indoors and outdoors. The times authorised to undertake such licensable activities are:

Live Music

Saturday 11.30 to 01.00

Recorded Music

Saturday 11.30 to 01.00

Facility for Making Music

Saturday 11.30 to 01.00

c) Late Night Refreshment

The premises licence is also authorised for the provision of late night refreshment both indoors and outdoors.

The times authorised to undertake this licensable activity are:

Saturday 11.30 to 01.00 (the following morning)

d) Hours Premises are open to the public

The premises licence allows the premises to open;

Saturday 11.30 to 02.00

2.2 The following conditions were attached at a Licensing hearing on 29th June 2009 and were subsequently upheld at an appeal hearing at Magistrates Court on 21st July 2009.

Having had regard to all relevant representations it is resolved to grant the licence subject to:-

- Such conditions as are consistent with the Operating Schedule accompanying the Application as modified (for the prevention of public nuisance) in respect of opening times as follows:-
 - Live Music - Saturday 11:30 - 01:00 both indoors and outdoors
 - Recorded Music - Saturday 11:30 - 01:00 both indoors and outdoors
 - Facility for making music - Saturday 11:30 - 01:00 both indoors and outdoors
 - Opening Times - Saturday 11:30 - 02:00
 - The applicable mandatory conditions set out in the Licensing Act 2003; and
 - the following additional conditions which it is considered are necessary to promote the Licensing objectives
 - That where public access to the premises is to be gained via the footpath running from Bank House Farm to the South West Corner of Great Falls, two lighting towers which shall illuminate the path during hours of darkness until all members of

the public have exited the premises and the aforesaid path, shall be erected within the premises in locations to be agreed in advance with the Licensing Authority;

- That where public access to the premises is to be gained via the footpath running from Bank House Farm to the South West Corner of Great Falls, two stewards and/or security personnel shall be stationed at each end of the path and a further two shall patrol the length of the path whilst ever the premises is open to the public;
- That where public access to the premises is to be gained via the footpath running from Bank House Farm to the South West Corner of Great Falls, the licence holder shall request the police to provide a visible presence (any such provision to be entirely at the discretion of the police) at the junction of the footpath with the A628 in the hour before the closing time for the premises; and
- At least 14 days prior to the holding of any event on the premises the licence holder shall provide to the Licensing Authority evidence of adequate public liability insurance in respect of both the licensed premises and all public access routes into the premises.

Conditions a), b) & c) are imposed in the interests of public safety, the prevention of public nuisance and the prevention of crime and disorder.

Condition d) is imposed in the interests of public safety.

3 The Application for a Review of the Premises Licence

3.1 On the 14th September 2009, an application was made by Mr J P W Charlesworth as an interested party to review the Premises Licence for BOMfest, Great Falls, Silkstone, Barnsley, as set out in Appendix 2. The application for review relates to the following licensing objectives:-

- 1) The Prevention of Crime and Disorder
- 2) Public Safety
- 3) The Prevention of Public Nuisance

3.2 Mr Charlesworth has advised Officers that he has photographic evidence relating to his review application and may provide copies to Members at the hearing.

4 Grounds for Review

Details of the grounds for review are contained under the relevant objective below and comments have been extracted directly from the review application.

4.1 **Crime and Disorder**

'I found it necessary to report criminal damage to stock fencing and a farm gate (Crime Number B/7845909) furthermore despite guarantees given by the Bomfest organisers, attendees were allowed to trespass resulting in damage to my grassland and stress to my stock. A large amount of potentially dangerous litter was left overnight in the field (glass, catering waste, plastic and metal)'.

4.2 **Public Safety**

'Attendees trespassing approached cattle and were in danger of serious injury. Attendees strayed from the path onto the steep slopes at the edge of the field where they were in danger of slipping and potentially suffering injury. Fencing broken down on the A628 potentially allowing cattle and sheep to stray onto the highway with the likelihood of a road accident.

4.3 **Prevention of Public Nuisance**

'Fencing broken down on the A628 potentially allowing cattle and sheep to stray onto the highway. Highly intrusive lighting which prevented sleep and was on until after dawn. Excessive noise, the volume of which continued to increase after 9.00 pm and which made sleep difficult.

4.4 In addition to the above, Mr Charlesworth submitted the following additional information to support his review application.

Additional concerns raised were:

- 'The number of stewards agreed in advance to prevent trespass across my land were not present throughout all of the event.
Even when the full contingent was present in the afternoon this was insufficient to ensure that attendees kept to the footpath as many strayed well away from the route despite the presence of stewards.
In the evening only one steward (Patrick John) was on duty at the point where the footpath joins the A628, there were no patrolling stewards on duty. During the evening the behaviour of attendees using the footpath appeared to be influenced by alcohol resulting in the damage reported to the police and the potentially dangerous behaviour in taunting cattle.'
- 'The number of cones agreed to mark the footpath were not provided and most of these were found in woodland the next morning well away from the footpath'.
- 'Valuable grassland, which is essential animal feed was damaged by trespass and littering. A large sack of litter was collected from the field by the farmer the following morning, this is available as proof of the problem'.

- 'The footpath width is designated as 90 cm, following the event the width of the path had become 2.5 metres with marker cones strewn across the adjacent woodland'.
- 'The agreement that litter would be collected throughout the event by the organisers was not adhered to'.
- 'Cattle grazing in the field were frightened by apparently drunken attendees'.
- 'Cattle were driven to a far corner of the field to get away from the intrusive floodlighting'.
- 'A sheep became separated from her lambs causing distress and possible harm; this was reported by Michael Marshall of Manor Park, Silkstone at 7.18 am on Sunday July 26th when he saw the sheep, in the adjoining field to her lambs'.
- 'The worry of the event and the potential for damage and injury, exacerbated by the noise and bright lights caused stress to myself, my family and the animals on the farm'.
- 'Dr Alan Keeling of 3 Hill Top Cottages, Silkstone Common is an independent witness'.

5 Responsible Authorities/Interested Parties

5.1 Following the event, three complaints were received from interested parties who reside in the vicinity of Silverwood Scout Camp. See Appendix 3.

Complaints were received from:

Ms Joan Charlesworth of Bank House Farm, Silkstone, Barnsley

Mr Jonathan Charlesworth of Broad Close Farm, Silkstone, Barnsley

Mr Adam Bostwick of 115 High Street, Silkstone, Barnsley

5.2 Each complaint detailed a number of areas for concern and a précis of these are given below:

- High noise levels from festival goers exiting the site made it difficult to sleep
- Damage to gardens caused by festival goers
- Intrusive lighting shone directly into bedroom windows and lights not switched off until 4am.

5.3 On 12th August 2009, Sarah Newman, Senior Environmental Health Officer, wrote to each complainant detailing that a number of Officers from the Pollution Control Section, Licensing Section and Environmental Regulatory Unit were in and around the

Silkstone area during the event. Officers monitored the on-going conditions several times during the event including the vicinity of the premises raising complaints. Copies of responses are attached as Appendix 4.

5.4 Enquiries were made with Officers on the ground and with colleagues who live nearby. Findings showed that the music did become more distinct as road traffic levels dropped and did not perceive any increase in volume at their locations and no independent corroborative information regarding light glare was found.

5.5 In addition to the above, further enquiries made by residents living in the Barugh Green, Pogmoor and Cawthorne area were lodged with the Police on the morning of Sunday 26th July 2009. See Appendix 5.

5.6 Findings from the enquiries made show that:

- First seven calls were made within 10 minutes of each other
- Calls made from a geographical spread
- Loud noise would follow direction of wind
- Steady westerly breeze for duration of BOMfest event
- No complaints about a sudden increase in noise levels at BOMfest from residents living much closer to the event
- Topography creates significant barrier to noise
- Pogmoor largely protected by Dodworth Stack and Barugh Green is protected by a ridge at Higham
- BOMfest ceased playing music at 01.00am in accordance with the condition of their licence

In conclusion to the above, Sarah Newman, Senior Pollution Officer of Pollution Control concluded that:

- It is likely that all complaints from Barugh Green were due to another, possibly unlicensed, event in that area.
- It is very unlikely that noise from Silverwood would reach Barugh Green and Claycliffe due to the significant physical distance and topographical barrier of the ridge at Higham.

- It is likely that the commencement of another, possibly unlicensed, event in the Barugh Green area was the cause of all complaints received between 00:35 and 00:44.
- It is possible that the complaint from Drury Farm Court was due to BOMFest as Senser, the headline act, could be described as sounding like rap and would have been on stage at that time.
- Lawrence Close is near to the top of the ridge at Higham and this complaint may have been due to music from BOMFest.
- Unable to speculate on the cause of the complaint from Cawthorne. BOMFest was no longer playing music at that time.

5.7 In respect of the agreed number of stewards not present on the day of the event, Kate Liddall, Licensing Support Officer, carried out a visit at 4.00pm and found there to be insufficient stewards in place. However, once this issue was brought to the immediate attention of Mr Iain West and Mr Dave Hancock, the situation was rectified and no further problems occurred.

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 should be afforded the right to make oral representations at the meeting.

If Members decide to revoke or amend the licence then the reasons for the decision must be clearly stated.

7 Options available to the General Licensing Board

The Board must, having regard to the application for and any relevant representations, take such of the steps mentioned below as it considers necessary for the promotion of the licensing objectives.

The steps are—

- (a) To modify the conditions of the licence;
- (b) To exclude a licensable activity from the scope of the licence;
- (c) To remove the Designated Premises Supervisor;
- (d) To suspend the licence for a period not exceeding three months;

(e) To revoke the licence;

And for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

8 Financial Implications

N/A

9 List of Appendices

Appendix 1 – Premise Licence including Summary

Appendix 2 – Application to Review Premises Licence

Appendix 3 – Complaint letters received from Interested Parties

Appendix 4 – Pollution Control Response Letters

Appendix 5 – List of enquiries made to Police

Officer Contact: Kate Liddall **Telephone No.** 774258 **Date:** 27th October 2009

BARNSELY METROPOLITAN BOROUGH COUNCIL



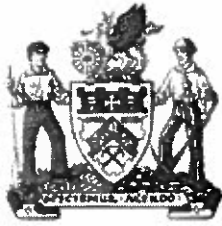
PREMISES LICENCE LICENSING ACT 2003

Schedule 12 Part A
Regulation 33, 34

Premises Licence Number	024666
Date of Grant	29 th June 2009
Premises Address	Bomfest Great Falls Silkstone Barnsley, South Yorkshire
Postcode	
Telephone Number	
Activities authorised by this licence	<i>The sale by retail of alcohol, The provision of regulated entertainment, The provision of late night refreshment</i>
Times authorised to undertake licensable activities	<p>Live Music Licensed for live music indoors (see times below): Licensed for live music outdoors (see times below): Live music permitted: Saturday from 11:30 until 01:00 (the following morning)</p> <p>Recorded Music Licensed for recorded music indoors (see times below): Licensed for recorded music outdoors (see times below): Recorded music permitted: Saturday from 11:30 until 01:00 (the following morning)</p> <p>Facility For Making Music Licensed to provide facilities for making music indoors (see times below): Licensed to provide facilities for making music outdoors (see times below): Provision of facilities for making music available: Saturday from 11:30 until 01:00 (the following morning)</p> <p>Late Night Refreshments Licensed to provide late night refreshment indoors (see times below): Licensed to provide late night refreshment outdoors (see times below): Provision for late night refreshment available: Saturday from 11:30 until 01:00 (the following morning)</p>

Supply of Alcohol	
Supply of alcohol permitted: Saturday from 13:00 until 01:00 (the following morning)	
Conditions consistent with a former Children's Certificate under Section 168A of the Licensing Act 1964	
Not applicable	
Embedded Restrictions	
Not applicable	
There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises of an adult nature unless they are specified below:	
None Specified	
Opening Hours of the Premises	
Hours premises are open to the public: Saturday from 11:30 until 02:00 (the following morning)	
Whether the supplies of alcohol are for consumption on and/or off the premises	Alcohol-On The Premises
Name, (registered) address, telephone number and email(where relevant) of premise licence holder	Barnsley Original Music Collective Maple Studio Unit 10 Maple Estate Stocks Lane Barnsley S75 2BL
Registered Number of Company if Applicable	Not applicable
Designated Premises Supervisor <i>(This section will be blank if the licence does not authorise the sale of alcohol)</i>	
Name and Address of the designated premises supervisor	Emma Jane Philips 41 Barberry Court Barnsley South Yorkshire
Post Code	S70 3RS
Personal Licence Number and issuing authority of the personal licence held by the designated premises supervisor	6008 Barnsley Metropolitan Borough Council

REGULATORY SERVICES TEL: 01226 772468



BARNSELY METROPOLITAN BOROUGH COUNCIL

PREMISES LICENCE SUMMARY

Premises Licence No. 024666

Premises Address: Bomfest
Great Falls
Silkstone
Barnsley, South Yorkshire

Postal Code

Telephone Number

Activities authorised by this licence

*The sale by retail of alcohol,
The provision of regulated entertainment,
The provision of late night refreshment*

Times authorised to undertake licensable activities

Live Music

Licensed for live music indoors (see times below):
Licensed for live music outdoors (see times below):
Live music permitted: Saturday from 11:30 until 01:00 (the following morning)

Recorded Music

Licensed for recorded music indoors (see times below):
Licensed for recorded music outdoors (see times below):
Recorded music permitted: Saturday from 11:30 until 01:00 (the following morning)

Facility for Making Music

Licensed to provide facilities for making music indoors (see times below):
Licensed to provide facilities for making music outdoors (see times below):
Provision of facilities for making music available: Saturday from 11:30 until 01:00 (the following morning)

Late Night Refreshment

Licensed to provide late night refreshment indoors (see times below):
Licensed to provide late night refreshment outdoors (see times below):
Provision for late night refreshment available: Saturday from 11:30 until 01:00 (the following morning)

Supply of Alcohol

Supply of alcohol permitted: Saturday from 13:00 until 01:00 (the following morning)

The opening hours of the premises

Hours premises are open to the public: Saturday from 11:30 until 02:00 (the following morning)

Where the licence authorises supplies of alcohol whether these are for consumption on and/or off premises

Alcohol-On The Premises

Granted on: 29th June 2009



BARNSLEY METROPOLITAN BOROUGH COUNCIL

PREMISES LICENCE

Part B

Premises Licence Number	024666
Name, (registered) address, telephone number and email(where relevant) of premise holder	Barnsley Original Music Collective Maple Studio Unit 10 Maple Estate Stocks Lane Barnsley S75 2BL
Registered Number of Company if Applicable	Not applicable
Name and Address of the designated premises supervisor	Emma Jane Philips c/o Barnsley Original Music Collective Maple Studio Unit 10 Maple Estate Stocks Lane Barnsley
Post Code	S75 2BL
Personal Licence Number and issuing authority of the personal licence held by the designated premises supervisor	6008 Barnsley Metropolitan Borough Council

REGULATORY SERVICES TEL: 01226 772468

ANNEX 1

MANDATORY CONDITIONS

LICENSING ACT 2003

Licence ref no. 024666

1. Supply of alcohol

Where this Licence authorises the supply of alcohol the following conditions will apply:

- No supply of alcohol may be made under the premises licence-
 - at a time when there is no designated premises supervisor in respect of the premises licence, or
 - at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

2. Door Supervision

Where this Licence includes a condition that one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.

3. Exhibition of films

Where this licence authorises the exhibition of films the following conditions will apply:

- Where any film exhibited has an age restriction classification the admission of children (any person aged under 18) must be restricted in accordance with any recommendation made by the film classification body in respect of the film.

Where the film classification body and or age restriction is not specified in respect of a film or the licensing authority has notified the holder of the licence that this condition applies to the film in question admission of children (any person aged under 18) must be restricted in accordance with any recommendation made by the licensing authority.

ANNEX 2

Conditions consistent with the Operating Schedule

Licence ref no. 024666

Not Applicable

ANNEX 3

Conditions attached after a hearing by the Licensing Authority

Licence ref no. 024666

Having had regard to all relevant representations it is resolved to grant the licence subject to:-

1. Such conditions as are consistent with the Operating Schedule accompanying the Application as modified (for the prevention of public nuisance) in respect of opening times as follows:-

Live Music - Saturday 11:30 - 01:00 both indoors and outdoors

Recorded Music - Saturday 11:30 - 01:00 both indoors and outdoors

Facility for making music - Saturday 11:30 - 01:00 both indoors and outdoors

Opening Times - Saturday 11:30 - 02:00

2. The applicable mandatory conditions set out in the Licensing Act 2003; and

3. The following additional conditions which it is considered are necessary to promote the Licensing objectives

a) That where public access to the premises is to be gained via the footpath running from Bank House Farm to the South West Corner of Great Falls, two lighting towers which shall illuminate the path during hours of darkness until all members of the public have exited the premises and the aforesaid path, shall be erected within the premises in locations to be agreed in advance with the Licensing Authority;

b) That where public access to the premises is to be gained via the footpath running from Bank House Farm to the South West Corner of Great Falls, two stewards and/or security personnel shall be stationed at each end of the path and a further two shall patrol the length of the path whilst ever the premises is open to the public;

c) That where public access to the premises is to be gained via the footpath running from Bank House Farm to the South West Corner of Great Falls, the licence holder shall request the police to provide a visible presence (any such provision to be entirely at the discretion of the police) at the junction of the footpath with the A628 in the hour before the closing time for the premises; and

d) At least 14 days prior to the holding of any event on the premises the licence holder shall provide to the Licensing Authority evidence of adequate public liability insurance in respect of both the licensed premises and all public access routes into the premises.

Conditions a), b) & c) are imposed in the interests of public safety, the prevention of public nuisance and the prevention of crime and disorder.

Condition d) is imposed in the interests of public safety.

ANNEX 4

Plan of the Premises to which this Licence relates:

Plan as per appendix 1
(See attached)

APPENDIX 2

Application for the review of a premises licence or club premises certificate 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.

I J P W Charlesworth
(Insert name of applicant)
apply for the review of a premises licence under section 51 / (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Silverwood Scout Camp, Silkstone Fall, Silkstone,	
Post town Barnsley	Post code (if known)

Name of premises licence holder or club holding club premises certificate (if known) Bomfest

Number of premises licence or club premises certificate (if known) Not known

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

The grounds for review refers to occurrences at the Bomfest event held on 25/26.7.09.

The prevention of crime and disorder - I found it necessary to report criminal damage to stock fencing and a farm gate (crime number B/7845909) furthermore despite guarantees given by the Bomfest organisers, attendees were allowed to trespass resulting in damage to my grassland and stress to my stock. A large amount of potentially dangerous litter was left overnight in the field (glass, catering waste, plastic and metal)

Public Safety - attendees trespassing approached cattle and were in danger of serious injury. Attendees strayed from the path onto the steep slopes at the edge of the field where they were in danger of slipping and potentially suffering injury. Fencing broken down on the A628 potentially allowing cattle and sheep to stray onto the highway with the likelihood of a road accident.

The prevention of public nuisance - fencing broken down on the A628 potentially allowing cattle and sheep to stray onto the highway. Highly intrusive lighting which prevented sleep and was on until after dawn. Excessive noise, the volume of which continued to increase after 9.00 pm and which made sleep difficult.

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

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

Surname

Charlesworth

First names

John Philip Watts

I am 18 years old or over

Please tick yes



Current postal
address if
different from
premises
address

Broad Close Farm, Cone Lane, Silkstone,

Post town

Barnsley

Post Code

S75 4LY

Daytime contact telephone number

01226 791592

E-mail address
(optional)

carolyncharlesworth@talktalk.net

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to this premises please state what they were and when you made them

Letter dated 6.6.09 presented to the Licensing Committee 29.6.09

Concerns as follows;

Extreme noise

Glass and litter

Parking and access

Damage to stiles

Damage to woodland

Injury to people

Lack of communication

Insurance

Health and safety

Inappropriate and over large event for the site

Taken to appeal 21.7.09

Please provide as much information as possible to support the application (please read guidance note 2)

The review relates to Bomfest event held on 25/26.7.09

Additional concerns are

- 1) The number of stewards agreed in advance to prevent trespass across my land were not present throughout all of the event. Even when the full contingent was present in the afternoon this was insufficient to ensure that attendees kept to the footpath as many strayed well away from the route despite the presence of stewards. In the evening only one steward (Patrick John) was on duty at the point where the footpath joins the A628, there were no patrolling stewards on duty. During the evening the behaviour of attendees using the footpath appeared to be influenced by alcohol resulting in the damage reported to the police and the potentially dangerous behaviour in taunting cattle.
- 2) The number of cones agreed to mark the footpath were not provided and most of these were found in woodland the next morning well away from the footpath.
- 3) Valuable grassland, which is essential animal feed was damaged by trespass and littering. A large sack of litter was collected from the field by the farmer the following morning, this is available as proof of the problem.
- 4) The footpath width is designated as 90 cm, following the event the width of the path had become 2.5 metres with marker cones strewn across the adjacent woodland.
- 6) The agreement that litter would be collected throughout the event by the organisers was not adhered to
- 7) Cattle grazing in the field were frightened by apparently drunken attendees
- 8) Cattle were driven to a far corner of the field to get away from the intrusive floodlighting.
- 9) A sheep became separated from her lambs causing distress and possible harm, this was reported by Michael Marshall of Manor Park, Silkstone at 7.18 am on Sunday July 26th when he saw the sheep, in the adjoining field to her lambs.
- 10) The worry of the event and the potential for damage and injury, exacerbated by the noise and bright lights caused stress to myself, my family and the animals on the farm
- 11) Dr Alan Keeling of 3 Hill Top Cottages, Silkstone Common is an independent witness.


Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 11.9.09

Capacity Business in the vicinity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) carolyncharlesworth@talktalk.net	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

APPENDIX 3

The Licensing Officer
Regulatory Services
BMBC
PO Box 602
Barnsley
S70 9FB

Bank House Farm
Silkstone
Barnsley
S75 4FZ

28.7.09

Dear Sir/Madam

Bomfest Silkstone 25.7.09

I am writing to complain about the noise level at the above event on the evening of July 25/26.

Between 9.00pm and 1.00am the noise got louder and louder, making sleep impossible and giving me a severe headache.

The bright lights were very intrusive as they shone straight into the house and were not switched off until 4.00am.

This is unacceptable when residents are deprived of sleep through excessively loud music, intrusive bright lights and the comings and goings of attendees at the event.

I would sincerely hope that BMBC will give grave consideration to these problems when future events are proposed.

Yours faithfully

Joan M. Charlesworth

JM Charlesworth

Licensing
Barnsley Metropolitan
Borough Council

30 JUL 2009

Corporate Mail Room

From: Jonathan Charlesworth [jonathan.charlesworth@crc-online.org.uk]

Sent: 30 July 2009 22:24

To: Morgan , Kate

Subject: BOMFEST

Dear Kate

I am writing to complain about the light and noise pollution that happened as a result of BOMFEST at Silkstone on the 25th of July.

Flood lights at the event shone across the fields and straight into my bedroom window making the room light even with the curtains closed, making it difficult to sleep, they were not turned off until after 4 am the following morning. The noise was also very loud and clearly audible through double glazing although it did not become loud until around 9 pm and lasted to around 1 am, this coupled with the light made sleep impossible.

Jonathan and Nicola Charlesworth

Broad Close Farm

Cone Lane

Silkstone

S75 4Ly

REC SERV
Barnsley Metropolitan
Borough Council
- 6 OCT 2009
Pollution
Corporate Identity

Barnsley Metropolitan Borough Council
PO Box 602
Barnsley
S70 9FB

Adam Bostwick
115 High Street
Silkstone
Barnsley
S75 4LU

29th September 2009

Dear Sir / Madam

Ref - Bomfest - Silverwood Scout Camp

I would like to raise concerns regarding public nuisance caused by this event in 2009. As people left this event using the public footpath from the Scout Camp down to Silkstone village, they congregated awaiting taxis around the area of the "Coal Truck" on the grass verge at the junction of High Street, Cone Lane and A628 Noblethorpe Lane.

This went on from approximately 10pm Saturday night until approximately 4am Sunday morning. This area is directly outside our house, as the weekend of the event was warm, we had our windows open overnight. As can be imagined with rowdy alcohol fuelled people the noise was unbearable with the windows open.

At one point some of the people decided it was a good idea to start jumping into people's garden, ours been one. People were also seen ripping flowers up out of the planted areas around the green.

Based on the above we would like to object to any further events of this nature taking place at this location on the grounds of causing a public nuisance.

Yours truly, 1



Adam Bostwick



Regulatory Services

Assistant Director: Ken Eastwood, BSc (Hons), MCIEH
Regulatory Services, PO Box 602, Barnsley S70 9FB

My Ref: ehs/pol/slr/212994 Your Ref: Date: 12th August 2009
Enquiries To: regulatoryservices@barnsley.gov.uk Tel: (01226) 772468 Fax: (01226) 775699

Dear Mr. & Mrs. Charlesworth

Reports of noise and light from BOMfest 2009
Silverwood Scout Camp, Silkstone.
Environmental Protection Act 1990
Licensing Act 2003

Thank you for your letter dated 28th July 2009 and many thanks for your feedback regarding the above event. Apologies for the delay in my reply.

Officers from the Pollution Control Team, the Licensing Team, and the Environmental Regulatory Unit of BMBC were in and around the Silkstone area during the event. Officer monitoring of ongoing conditions was undertaken several times during the event including in the vicinity of your premises. Unfortunately, I have not been able to directly verify your complaints regarding increased noise levels and light intrusion, despite the number of officers on the ground. It is clearly noted that music from the event was barely audible on Cone Lane when monitored by officers.

I have, however, made enquiries with colleagues who live nearby. Their reports state that the music did become more distinct as road traffic levels dropped in the evening, however, they did not perceive any increase in volume at their locations. I have not been able to find any independent corroborative information regarding light glare, however, it would have been inappropriate with regards to health and safety legislation to have festival goers navigating the path in the dark. It may be that the lights could have been better positioned with regard to glare affecting your premises.

As the event moved to a new location this year there will be a 'wash-up' meeting in the near future with the organizers of the event, the Police and other consultees in the licensing process. At this meeting we will discuss all complaints received during and after the event and any significant incidents from the day. We will formulate a list of any lessons to be learned. I will ensure the points you have raised in your letter will be covered at that meeting.

Jonathan and Nicola Charlesworth
Broad Close Farm
Cone Lane
Silkstone
S75 4LY.

Customer & Neighbourhood Services



Regulatory Services

Assistant Director: Ken Eastwood, BSc (Hons), MCIH
Regulatory Services, PO Box 602, Barnsley S70 9FB

My Ref: ehs/pol/sin/212994 Your Ref: Date: 12th August 2009
Enquiries To: regulatoryservices@barnsley.gov.uk Tel: (01226) 772468 Fax: (01226) 775699

Dear Mrs. Chartesworth

Reports of noise and light from BOMfest 2009
Silverwood Scout Camp, Silkstone.
Environmental Protection Act 1990
Licensing Act 2003

Thank you for your letter dated 28th July 2009 and many thanks for your feedback regarding the above event. Apologies for the delay in my reply.

Officers from the Pollution Control Team, the Licensing Team, and the Environmental Regulatory Unit of BMBC were in and around the Silkstone area during the event. Officer monitoring of ongoing conditions was undertaken several times during the event including in the vicinity of your premises. Unfortunately, I have not been able to directly verify your complaint regarding the increased noise levels and light intrusion into the night, despite the number of officers on the ground.

I have, however, made enquiries with colleagues who live nearby. Their reports state that the music did become more distinct as road traffic levels dropped, however, they did not perceive any increase in volume at their locations. I have not been able to find any independent corroborative information regarding light glare, however, it would have been inappropriate with regards to health and safety legislation to have festival goers navigating the path in the dark. It may be that the lights could have been better positioned with regard to glare affecting your premises.

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Joan. M. Chartesworth,
Bank House Farm,
Silkstone,
Barnsley,
S75 4FZ.

Customer & Neighbourhood Services

APPENDIX 5

Dear Licensing,

Thank you for providing the details of noise complaints made to the Police on the morning of the 26/07/09

They are:

Date	Time	Location of complainant	Complaint
26/07	00:35	unknown	Music festival near Barugh Green crossroads
26/7	00:37	Drury Farm Court, Pogmoor	Rap music
26/07	00:41	unknown	Amplified screaming and an announcement that music will go on until 03:00am
26/07	00:41	Near Spencer's Arms Barugh Green	Noise from music somewhere in Barugh Green
26/07	00:43	Lawrence Close, Higham	Amplified music from Silverwood
26/07	00:44	Annan Close, Barugh Green	Amplified music just started somewhere in Barugh Green
26/07	00:44	Norwood Drive, Barugh Green	Amplified Music
26/07	01:09	Cawthorne	Amplified Music

Unfortunately this information was only passed to Regulatory Services today. It has not been possible to investigate any of these reports in detail.

Comments

- The first 7 calls are all within 10 minutes of each other.
- The calls are from a very wide geographic spread.
- Over distance loud noise would follow the direction of the wind.
- There was a steady westerly breeze for the duration of BomFest.
- There are no complaints about a 'spike' in noise levels at BomFest from residents much closer to the event.
- The topography creates significant barriers to noise e.g. Pogmoor is largely protected by Dodworth Stack and Barugh Green is protected by the ridge at Higham.
- BomFest ceased playing loud music at 01:00am in accordance with their license conditions.

Conclusions

- It is likely that all complaints from Barugh Green were due to another, possibly unlicensed, event in that area.
- It is very unlikely that noise from Silverwood would reach Barugh Green and Claycliffe due to the significant physical distance and topographical barrier of the ridge at Higham.
- It is likely that the commencement of another, possibly unlicensed, event in the Barugh Green area was the cause of all complaints received between 0035 and 00:44.

- It is possible that the complaint from Drury Farm Court was due to BomFest as Senser, the headline act, could be described as sounding like rap and would have been on stage at that time.
- Lawrence Close is near to the top of the ridge at Higham and this complaint may have been due to music from BomFest.
- I am not able to speculate on the cause of the complaint from Cawthorne. BomFest was no longer playing music at that time.

I have highlighted in red the complaints that are likely to be due to BomFest in the table above. All other complaints are unlikely to have been due to the event.

I hope this is helpful.

Yours sincerely,

Sarah Newman

Senior Environmental Health Officer

Barnsley Metropolitan Borough Council
Regulatory Services

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Fax - 01226 775699