

Public Document Pack



Regulatory Committee

Wednesday, 16 January 2019 6.30 p.m.
Council Chamber - Town Hall, Runcorn

A handwritten signature in black ink, appearing to read 'David W R', positioned above a rectangular stamp.

Chief Executive

COMMITTEE MEMBERSHIP

Councillor Pamela Wallace (Chair)
Councillor John Abbott (Vice-Chair)
Councillor Mike Fry
Councillor Pauline Hignett
Councillor Kath Loftus
Councillor Tony McDermott
Councillor Angela McInerney
Councillor Stef Nelson
Councillor Gareth Stockton
Councillor Kevan Wainwright
Councillor Andrea Wall

*Please contact Gill Ferguson on 0151 511 8059 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Committee is on Wednesday, 13 March 2019*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	
2. DECLARATION OF INTEREST	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary interests, to leave the meeting during any discussion or voting on the item.	
3. CREAMFIELDS EVENT 2018	1 - 9
4. TAXI LICENSING MATTER	10 - 13
5. SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985	

PART II

In this case the Board has a discretion to exclude the press and public and, in view of the nature of the business to be transacted, it is **RECOMMENDED** that under Section 100A(4) of the Local Government Act 1972, having been satisfied that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

6. TAXI LICENSING MATTER	14 - 23
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In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT:	Regulatory Committee
DATE:	16 January 2019
REPORTING OFFICER:	Strategic Director Enterprise, Community and Resources
PORTFOLIO:	Resources
SUBJECT:	Creamfields Event 2018
WARDS:	Borough-wide

1. PURPOSE OF REPORT

To consider a report from responsible authorities on issues arising from the carrying out of the Creamfields Event 2018

2. RECOMMENDED

That the Committee considers the reports from responsible authorities.

3. SUPPORTING INFORMATION

- 3.1 The Creamfields Event application was granted on 27 January 2016 for an indefinite period for the 5 days over the August Bank Holiday each year (Thursday to Monday) and subject to conditions.
- 3.2 The Creamfields Events have taken place in Daresbury each year in August since 2006 and feedback on the events was presented to members at the meetings of the Regulatory Committee following the events.
- 3.3 The purpose of this report is to present the facts from the viewpoint of the responsible authorities who have now had the opportunity of dealing with several events.
- 3.4 Reports on the event have been received from Cheshire Police (which is set out at Appendix A) and from the Council's Environmental Health Department (which is set out at Appendix B).
- 3.5 Regulatory Committee requested that this is an information item only therefore neither the Police nor the Council's Environmental Health will be attending the meeting.

4 POLICY IMPLICATIONS

See note below

5 OTHER IMPLICATIONS

See note below

6 IMPLICATIONS FOR THE COUNCILS PRIORITIES

9.1 Children and Young People in Halton

9.2 Employment Learning and Skills in Halton

9.3 A Healthy Halton

9.4 A Safer Halton

9.5 Halton's Urban Renewal

See note below

7 RISK ANALYSIS

See note below

8 EQUALITY AND DIVERSITY ISSUES

See note below

NOTE; - The Councils Policies and Priorities are of course very important considerations in decision making and must always be taken into account as far as possible. However, in the case of Regulatory Committee matters, they can only be considered so far as is consistent with one or more of the Licensing Objectives under the Licensing Act 2003

9 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Report Documents	Legal Services	John Tully/Kay Cleary



Report to Halton Licensing Committee Creamfields 2018

Planning

Police planning for the 2018 event was undertaken by Inspector Mark Gammage, who was conducting the lead planning role for the second year, with support from the resource planning team and specialist leads.

The relationship with key stakeholders Festival Republic, Cream and Security, continues to be positive and one of co-operation and active problem solving looking to achieve a safe festival for all concerned.

The core policing operation for the 2018 event was again based mostly on site with the continued development of the police operation alongside the promoters.

In line with National Guidance relating to Event Policing, Cheshire Constabulary significantly reduced the number of officers deployed to the 2018 Creamfields Music Festival. This was done with the support of the Event organisers who willingly accepted the responsibility for keeping their customers safe whilst at their event.

The event for 2018 would see some challenging weather conditions throughout the weekend.

APL was again responsible for the construction and site management issues through the event and was again well prepared for foreseeable eventualities.

Public Safety

The re-siting of the Production entrance appears to have alleviated the queues of LGV's waiting to access the site during the build phase. Significant traffic issues with the ingress/egress of festival goers during the event were noted however as the "No waiting/Drop off" signs were being regularly ignored. No Police motorcyclists were deployed specifically this year following a Command decision

following the recent “Ipswich” ruling – which significantly curtails what Police Forces can charge organisers for. This will be reviewed for next year’s event.

There were no significant public disorder or violence issues at the event this year evidencing that sufficient control measures were in place to prevent problem groups getting in but also the appropriate capability to respond with either security or police.

There was a stranger rape reported on the Sunday night. Through some excellent investigation work the offender, from London, was identified and arrested and charged with this offence and is currently on remand awaiting trial.

Prevention of Harm to Children

Challenge “21” was again enforced by the Designated Premises Supervisor (DPS) and his staff during the event.

In addition to Challenge 21 the previously agreed protocol for the safeguarding of young people was in place and proved effective.

Prevention of Crime & Disorder

This year the campsites for Creamfields 2018 opened on the Thursday 23rd August at 11:00. This year’s event capacity was for 55,000 camping with a day ticket capacity of 13,000 each day and an overall capacity of 69,999.

Recorded crime for Creamfields 2018 was as follows, showing a comparison with the previous year’s event.

Crime Type (Home Office Group)	Total 2017	Total 2018	% change
Drug Offences	155	102	-34% (-53)
Theft	56	39	-30% (-17)
Violence Against a Person	22	13	-40% (-9)
Criminal Damage	1	1	Same
Public Order	3	4	+33% (+1)
Sexual Offences	4	2	-50% (-2)
Possession Weapons	10	2	-80% (-2)
Traffic Offence	2	2	Same
Other	6	1	-83% (-5)
Total	259	166	-36% (-93)

There was, as anticipated, a reduction in the number of drug offences recorded. This was expected as Police officers were not conducting intimate searches so, anyone who concealed drugs either in their underwear or internally, were unlikely to have been detected.

Arrest Summary

BREAKDOWN OF Arrests/cautions	Total 2017	Total 2018	% change
Possession with Intent to Supply	124	35	-71.7% (-89)
Concerned In Supply of Drugs	3	0	-100% (-3)
Possession of Controlled Drugs	26	4	-84.6% (-22)
Assault/Assault Police/Resist Arrest	6	6	Same
Sec 5 Public order / BOP/Breach of s69 notice/D&D/Affray	3	3	Same
Wanted / FTA Warrant	1	3	+200% (+2)
Possess Offensive weapon/bladed article	10	0	-100% (-10)
Driving Offences	2	2	Same
Theft	2	1	-50% (-1)
Crim Damage	0	2	+2
Immigration Offences	2	0	-100% (-2)
Handling of stolen goods	3	0	-100% (-3)
Breach of Bail	1	0	-100% (-1)
Total	183	56	-69.4% (-127)

The reduction in arrest numbers is a result of Cheshire Constabulary taking a different approach to dealing with offenders. Where appropriate to do so, offenders were offered a Voluntary Attendance (VA) interview at a later date rather than being arrested. This approach allowed Cheshire Constabulary to thoroughly investigate alleged offences without causing the significant disruption within our Custody Facilities that has previously been experienced. An additional 69 people are being investigated for offences via this approach.

Drugs Summary:

As in previous years amnesty bins were in operation giving festival goers the opportunity to surrender any drugs. It is a condition of entry to the event that festival goers may be searched along with their possessions. There was a noticeable reduction in the amount of drugs voluntarily surrendered within the bins this year.

People attending then have their bags checked by Security before walking past the passive drugs dogs and Security 'spotters' to identify individuals that they believe may be in possession of drugs. Festival goers are then asked if they are carrying drugs. If they say "Yes" then they are fast tracked through the search process. If they say "No" they are placed in the search queue which, on occasions, took several hours to get to the front of the queue to be searched.

All searching this year was undertaken by Security staff, supported by Police Drug Liaison Officers who acted as decision makers. Those found with possession amounts had their drugs seized, identities confirmed and then were handed back to security as they had breached the Event Terms and Conditions by trying to get drugs in. It was then a security decision as to whether they were granted access.

For Supply offences they were offered a Voluntary Attendance (VA) Interview, either on site or at a later date (if they required legal representation.) If their identity could not be confirmed then they were arrested.

We had a total of 98 people processed by police for Possession with Intent to Supply (PWITS) and 5 for possession. Of the 98 PWITS offences 35 were arrested and 63 were dealt with through the VA process. There were also a further 1055 dealt with for possession and ejected. Compared with 2017 there has been a 20% (-26) drop in PWITS offences and an 81% (-21) drop in possession arrest offences.

Violence Summary:

There were 13 assaults which were made up of the following:

- 4 were reported as assault by security/police.
- 1 assault on security
- 1 assault on Police
- 1 assault was by slashing where the offender has been arrested
- 1 drunk male was responsible for 5 assaults on security when he was asked to leave the event. Male arrested.
- 1 s18 GBH where the victim received a broken nose and swollen right eye, male arrested

There was 1 reported rape and 1 reported sexual assault:

- female reported sexual assault in a toilet

- female reported being raped in her tent

Theft Summary:

There were 12 theft from tent offences reported with no clear MO, sometimes whilst occupants asleep, other times unoccupied. There was also a reported theft of a whole tent from staff campsite. The most common items stolen were bags with entire contents including cash, phones, ID. One male was arrested for Theft from tent in the early hours of Sunday morning.

There were 25 theft from persons, predominantly pickpocket MO with mobile phones stolen.

There were also 2 thefts from motor vehicle

Conclusion

Creamfields 2018 saw a 36% decrease in overall recorded crime when compared with 2017 figures. Despite the reduction in policing numbers, and the fact that intimate searches were not being carried out, the number of offenders found with substantial quantities of Class A drugs (Possession with intent to supply) highlights the unfortunate fact that Creamfields still attracts a lot of people who wish to take and sell illegal drugs whilst at the festival.

There remains a good relationship between all partners and this will continue in the planning for the 2019 event.

The key improvements working together into 2019 will need to be:-

- The continued review of the traffic management plan to minimise disruption to the local and wider communities.
- Review of police staffing structures and deployment

Inspector Mark Gammage
Cheshire Constabulary

APPENDIX B

Creamfields 2017

Environmental Health Comment for regulatory committee report.

Noise:

The licence for the Creamfields festival contains a number of conditions relating to the control of noise. These conditions are monitored by a competent noise control consultant on behalf of the event organiser. Licence conditions require that a noise management plan is submitted for scrutiny by the Environmental Health Department prior to the commencement of the festival. The noise consultant is also required to submit a report of activity undertaken during the festival to monitor noise from the festival site and ensure that the conditions relating to noise are complied with.

The report submitted indicated that the noise conditions relating to off-site noise were complied with in residential areas throughout the event.

Halton Borough Council and the organisers received a similar number of complaints from individuals as have been received in previous years. The noise levels on site were generally compliant with the licence conditions and were not markedly different from those recorded in previous years. There were however some significant differences in the problems encountered this year. We received complaints from Northwich residents which included references to audibility after 23:00 hours in these locations. In previous years the noise complaints have dropped off once the main stages close. However this year the time of the complaints and on-site monitoring both indicate that the tents were the source of the complaints. Whilst noise being audible in Northwich will be related to wind direction and weather conditions it is noted that we do not usually have complaints from so far afield and we have entered into a dialogue with the organisers to identify the possible reasons. It is acknowledged that the style of music played at Creamfields is constantly evolving and the Code of Practice on which we have based our conditions is over 20 years old and has recently been repealed with no replacement. So we are looking at how different elements of the music can possibly be controlled through voluntary conditions or informal agreement prior to the event. It is our understanding that the organiser is due to meet with their acoustic consultant early in 2019.

When the event first took place in Halton's area the Council ensured that Environmental Health staff were present throughout the event, and this remained the case for a number of years. However more recently staff have not attended. This is in part due to dwindling Council resources but also the evidence demonstrated that the event complied with the off-site noise levels before 23:00 hours and managed the stages after 23:00 hours in a manner which meant noise was barely audible in most off-site locations. We are

making some preliminary assessments on the feasibility of appropriate staff attending the 2019 event.

Food and Health & Safety:

No health and safety concerns were reported this year. The food team undertook a number of targeted food hygiene inspections of food vendors based on information received from other local authorities.

REPORT:	Regulatory Committee
DATE:	16 th January 2019
REPORTING OFFICER:	Strategic Director Enterprise, Community and Resources
PORTFOLIO:	Resources
SUBJECT:	Taxi Licensing Matter
WARDS:	Borough-wide

1. PURPOSE OF REPORT

Airport Transfers Widnes is a licensed private hire operator (PHO78) and is required to licence their vehicles as Private Hire Vehicles and their drivers as Single Status Drivers (SSD).

Airport Transfers Widnes is requesting that one of the pre-conditions for a SSD licence namely the requirement for the “local area” section of the Taxi Knowledge Test, does not apply to their drivers.

2. BACKGROUND

- 2.1 Mr Michael Nicholas Pile of 22 St Mawes Close, Widnes, Cheshire, WA8 7NR is the current holder of a single status driver’s licence, private hire vehicle licence as well as the private hire operator’s licence. The private hire operator’s licence allows him to invite and receive private hire bookings from his address. The business currently operates under the name of Airport Transfers Widnes.
- 2.2 Mr Pile has continuously held a single status driver’s licence with this Authority since 30th November 2004.
- 2.3 Mr Pile attended the Regulatory Committee hearing on 29th November 2017 when he was granted an exemption for his private hire vehicle(s) from displaying the Council’s private hire door signs and that his vehicles may display the discreet “gold plates” as opposed to the standard private hire plates (subject to the Licensing Manager’s decision on what is deemed to be an “executive” type vehicle).

3. SINGLE STATUS DRIVER APPLICATION PRE-CONDITIONS

- 3.1 In accordance with sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, district council's shall not grant a licence to drive a hackney carriage/private hire vehicle (i.e. a SSD licence) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence.
- 3.2 One of the pre-conditions this authority has set in order to determine if an applicant can be deemed a "proper person" is that they will be required to prove they have a basic knowledge of the role of a professional driver by successfully completing a taxi knowledge test.
- 3.2 The taxi knowledge test comprises of 2 sections (15 questions per section).
- 3.3 Section 1 tests the applicant's knowledge of the Runcorn and Widnes area which includes routes, locations and the borough boundaries. The purpose of this section is for applicant's to demonstrate that they have a basic grasp of the road network and locations of popular landmarks and businesses in the area so that they can comply with the Council's requirement of driving a customer to their destination by taking the shortest route to the required destination.
- 3.4 Section 2 tests the applicant's knowledge in respect of taxi Laws, byelaws and conditions. This section is relevant so that an applicant knows what he legally can and cannot do when undertaking work as a licensed driver.

4. CURRENT ISSUE FOR CONSIDERATION

- 4.1 Mr Pile is requesting that future applicants who wish to work under his private hire operator's licence be exempted from section 1 of the taxi knowledge test.
- 4.2 Mr Pile has been asked if he could provide the justification for his request prior to the hearing, however in the absence of this at the time of producing this report the evidence will be presented during the hearing.
- 4.3 If Members are satisfied that Mr Pile's evidence as to the why driver's working for him would still be deemed as a proper person with the meaning of the 1976 act then they may grant the exemption.

- 4.4 Should Members decide to grant the request then future successful applicants who wish to drive for Airport Transfers Widnes will be issued with a licence that would restrict them to drive only licensed private hire vehicles operated by this company. The licence would also exclude them from driving private hire vehicles not operated by this company as well as hackney carriage vehicles. These drivers would have the option to “upgrade” their licence to a Single Status Driver’s licence should they wish to do so by successfully passing section 1 of the knowledge test.
- 4.5 Members have previously approved a similar request for another Halton licensed operator, Executive Travel. This was based on the company stating and providing evidence that their business operated differently from a “standard” private hire business as they do not undertake any journeys within 24 hours of receiving a booking as well as not accepting any bookings that start and end within the Halton area.

5. OPTIONS

- 5.1 The options available to the committee are:
- Grant the request to exempt future applicants who wish to be licensed to work as a driver for Airport Transfers Widnes
 - Refuse the request

6. POLICY IMPLICATIONS

- 6.1 The application is for exemption to policy for specific reasons and not for a policy change. All such applications are treated on their merits.

7. OTHER IMPLICATIONS

- 7.1 None

8. IMPLICATIONS FOR THE COUNCILS PRIORITIES

- 8.1 **Children and Young People in Halton**
None
- 8.2 **Employment Learning and Skills in Halton**
N/A
- 8.3 **A Healthy Halton**

N/A

8.4 **A Safer Halton**
None

8.5 **Halton's Urban Renewal**
N/A

9. RISK ANALYSIS

N/A

10. EQUALITY AND DIVERSITY ISSUES

N/A

11. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Application Documents	Licensing Office	Kay Cleary/ Nick Wheeler

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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