

## REGULATORY COMMITTEE

*At a meeting of the Regulatory Committee on Monday, 13 November 2006 in the Council Chamber, Runcorn Town Hall*

Present: Councillors Pearsall (Vice-Chairman), Cole, Cross, Gilligan, D Inch, Lowe, Nelson and E Ratcliffe

Apologies for Absence: Councillors Philbin and Drakeley

In view of statements made in a local newspaper by Councillor C. Inch (Member for Daresbury Ward) regarding the Creamfields application Councillor D. Inch felt that it would not be appropriate for her to take part at the meeting. Councillor D. Inch had requested that it be recorded that the statements by Councillor C. Inch were made entirely independently and that she personally had not commented on the application and had not formed any opinion on the merits of the application.

Absence declared on Council business: (none)

Officers present: G. Ferguson, K. Cleary, J. Findlow, I. Mason, Y. Sung, J. Tully and P. Watts

Also in attendance: (none)

### ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

REG10 LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 – URGENT BUSINESS

The Committee was advised that two matters had arisen which required immediate attention by the Committee because in each case a decision was required before the date of the next meeting (Minute REG14 refers), therefore pursuant to Section 100 B (4) and 100 E Local Government Act 1972, the Chairman ruled that the items be considered as a matter of urgency.

REG11 MINUTES

The Minutes of the meeting held on 18 September 2006 having been printed and circulated were taken as read

*Action*

and signed by the Chairman as a correct record.

REG12 APPLICATION FOR SEX SHOP LICENCE AT 87 HIGH STREET, RUNCORN

The Committee considered an application for a sex shop licence at 87 High Street, Runcorn. On behalf of the applicant Darker Enterprises Limited, Mr. Sullivan, attended the meeting and addressed the Committee in support of the application.

The Committee noted that Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 enabled local authorities to adopt controls over sex establishments. The Council adopted these provisions in 1983 and confirmed its policies and procedures in 2000 after consideration by the Council's Licensing Review Body. Details of circumstances where an application must be refused as well as circumstances where an application may be refused were outlined in the report.

Objections could be made to the grant of a licence not later than 28 days after the date of the application. Within this period 8 letters of objection were received in response to the application. The Committee was advised that they could take these objections into account in the extent that they raised issues which were material to the potential grounds for refusal set out in the legislation.

One letter had been received one day after the close for objection and another three days later and one anonymous letter was received. None of these had been taken into account. An analysis of the objections was set out in the report.

In accordance with the procedure for sex shop applications, Members of the Committee and Council legal representatives left the room to consider the application.

Following consideration of the objections and the application put forward, and also having regard to all of the information set out in the agenda item, the Committee returned and a decision was provided to the applicant and members of the public present.

**RESOLVED:** That the application be refused on the grounds that to grant the application would be inappropriate having regard to the character of the locality.

## REG13 CREAMFIELDS EVENT 2006

The Committee received a report from the following responsible authorities on issues arising from the Creamfields Event:

- Halton Council Environmental Health (Noise Control);
- Halton Council Environmental Health (Health and Safety and Trading Standards);
- Warrington Borough Council;
- Cheshire Police; and
- Cheshire Fire Authority.

On behalf of Halton Council (Environmental Health): (Noise) Isabel Mason attended the meeting and addressed the Committee on issues around noise/noise readings; fundamental changes that were made to the layout of the site prior to the event; and the number of complaints received from residents.

Members noted that should any subsequent applications for a similar event in the same location be received, some areas would be considered in order to further reduce the noise levels where appropriate and practicable, particularly after 23.00 hours.

On behalf of Halton Council Environmental Health (Health and Safety, Food Safety and Standards) Yee May Sung advised Members that no notification of accidents on the site had been reported and the event had ran reasonably safely with no major concerns.

The service was satisfied that Creamfields took all appropriate measures to inform and keep the service up to date with all health and safety measures and conditions. However, if the event was to be run again, Creamfields would be requested to produce a detailed risk assessment with regard to work transport and also not to allow food concession latecomers to the site, as the service required time preceding the event to check with the Home Regulating Authority.

In addition, Members considered representations from Jan Souness (Head of Service) on behalf of Warrington Borough Council, who outlined the following areas of concern:

- (i) communication between Warrington Council's helpline and the on-site emergency liaison team was not as effective as it could have been in terms of

regular briefings and responding quickly to issues;

- (ii) severe traffic delays and congestion in Stretton caused serious disruption for residents, this was partly due to the relatively late arrival by event goers to the concert;
- (iii) Warrington Borough Council received 30 complaints about noise during the weekend, higher than expected numbers of complaints were received from areas outside the initial consultation zone, this was due to the late reorientation of the stage and speakers;
- (iv) there appeared to be a delay in the issuing of residents permits to all properties that fell within the road closures of the traffic management plan;
- (v) the Principal Environmental Health Officer had confirmed that the event organisers did comply with the conditions placed on the licence application;
- (vi) noise levels increased between 4.00 am and 6.00 am;
- (vii) various observations by residents from Walton, Hatton, Stretton and Appleton.

Arising from the discussion, J. Souness confirmed to Members that previously Warrington Borough Council's main objection to the Creamfields licence application was related to noise, however, since the Principal Environmental Health Officer (Warrington) had confirmed that Creamfields organisers had complied with the noise conditions placed on the licence application, it was unlikely that Warrington Borough Council would object to a similar application if one was submitted.

Inspector D. Price attended the meeting and summarised the views of Cheshire Constabulary regarding the planning and operation of Creamfields Music Festival. In response to a request from a local resident, Officers from Halton queried with Inspector Price the issuing of wristbands to visitors. Inspector Price had reported that wristbands were issued to visitors who appeared to be between 18 – 21. However, the licence conditions stated that they should be issued to every member of the public attending the event. It was agreed that if a future licence application was received the wording of this condition would be reviewed.

There was no representative from Cheshire Fire Service. However, Mark Kerry Station Manager at Community Fire Protection Cheshire Fire & Rescue Service had sent his apologies.

RESOLVED: That the report be noted.

REG14 LICENSING ACT 2003 FIRST ANNUAL MONITORING REPORT

The Committee considered a report from responsible authorities on their experience of the first 12 months operation of the Licensing Act 2003.

Responsible authorities were:

- the Police;
- the Fire Authority;
- Health and Safety Authority;
- the Local Planning Authority;
- Public and Environmental Health Authority;
- Child Protection Authority;
- any licensing authority in respect of shared premises; and
- miscellaneous navigation/waterway authorities.

Members considered reports from Halton Council Environmental Health – Noise Control; Environmental – Health & Safety; Cheshire Police and Cheshire Fire Authority.

RESOLVED: That the reports from the responsible authorities be noted.

REG15 ITEM CONTAINING EXEMPT INFORMATION FALLING WITHIN SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In view of the nature of the business to be transacted, it was:

RESOLVED: That under Section 100 (A) (4) of the Local Government Act 1972, having been satisfied that in all of the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information the press and the public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part I of

Schedule 12A of the Act.

REG16 TAXI LICENSING MATTER

The Committee were asked to determine two referral cases, details of which had been circulated to Members of the Committee only.

Both of the applicants attended the Committee in support of their applications.

RESOLVED: That in respect of

Case No. 666

The allegations made had been proved and the driver's licence suspended for one month, any further occurrences and a more severe punishment may be applied.

Case No. 667

The application be refused.

Strategic Director  
– Corporate and  
Policy

*Meeting ended at 10.35 p.m.*