

Public Document Pack



Regulatory Committee

Monday, 13 November 2006 6.30 p.m.
Council Chamber, Runcorn Town Hall

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

Chief Executive

COMMITTEE MEMBERSHIP

Councillor Ged Philbin (Chairman)
Councillor Stephen Pearsall (Vice-Chairman)
Councillor Arthur Cole
Councillor Carl Cross
Councillor Philip Drakeley
Councillor Robert Gilligan
Councillor Diane Inch
Councillor Alan Lowe
Councillor Steff Nelson
Councillor Ernest Ratcliffe
Councillor Kevan Wainwright

*Please contact Gill Ferguson on 0151 471 7395 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Committee is on Monday, 22 January 2007*

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

Part I

Item No.	Page No.
1. MINUTES	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda, no later than when that item is reached and (subject to certain exceptions in the Code of Conduct for Members) to leave the meeting prior to discussion and voting on the item.	
2. DECLARATION OF INTERESTS	
3. APPLICATION FOR SEX SHOP LICENCE AT 87 HIGH STREET, RUNCORN	1 - 13
4. CREAMFIELDS EVENT 2006	14 - 24
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PART II

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

In this case the Sub Committee has a discretion to exclude the press and public, but in view of the nature of the business to be transacted it is **RECOMMENDED** that under Section 100(A)(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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

6. TAXI LICENSING MATTER	34 - 36
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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 TO: Regulatory Committee

DATE: 13 November 2006

REPORTING OFFICER: Chief Executive

SUBJECT: Application for sex shop licence at
87 High Street Runcorn

WARD(S): Mersey

1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for a sex shop licence

2.0 RECOMMENDATIONS

- 2.1 RECOMMENDED: That the Committee consider the application and relevant representations made in respect of the application and determine the application on its merits.**

3.0 INTRODUCTION

- 3.1 Prior to 1982 there was no control over the operation of sex establishments (which are defined as sex shops and sex cinemas). Section 2 and Schedule 3 to 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.
- 3.2 The 1982 Act states that no person shall use any premises as a sex establishment except under and in accordance with the terms of a licence granted by the Council. Although there have been a number of enquiries about licensing premises over the years, the application before the Committee is only the second to have been made within the Borough.
- 3.3 A "sex shop" means premises uses for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity etc. A fuller definition is set out at **Appendix 1**.
- 3.4 The Act does not apply to the sale, supply or demonstration of articles which are manufactured for use primarily for the purposes of birth control or which primarily relate to birth control.

4.0 APPLICATION PROCEDURES

- 4.1 The 1982 Act sets out requirements for applications, including site notices and advertisements. These have been complied with.
- 4.2 Objections may be made to the grant of a licence not later than 28 days after the date of the application. Objectors must set out in general terms the grounds of the objection. The Council must take into account any representations made within the 28-day period, but only so far, and to the extent, that these relate to one or more of the possible grounds for refusing the application.
- 4.3 The 1982 Act sets out the circumstances where an application **must** be refused as well as the circumstances where an application **may** be refused.
- 4.4 A licence **must** be refused if the applicant:
- Is under 18
 - Was the holder of a licence which was revoked within the preceding 12 months
 - Is not (other than a corporation) resident in the UK or was not during the previous six month
 - Is not (being a corporation) incorporated in the UK
 - Has, within the preceding 12 months, been refused an application (unless overturned on appeal)
- 4.5 A licence **may** be refused if :
- The applicant is unsuitable by reason of having been convicted of an offence or for any other reason
 - The grant, renewal or transfer would result in the transfer the business to the management or benefit of a person other than the applicant, who would be refused had that person been the applicant.
 - The number of sex establishments within the locality equals or exceeds the number which the Council consider appropriate. The Act states that “nil may be the number of sex establishments for the purposes of” this ground of objection.
 - **The grant or renewal would be inappropriate having regard to:**
 - **the character of the relevant locality or**
 - **the use to which premises in the vicinity are put or**
 - the layout, character or condition of the premises in respect of which the application is made.
- 4.6 In the present case the only statutory grounds for refusal which have been stated in objections received by the Council are the grounds shown above in bold text.
- 4.7 Precisely what is meant by the “locality” as distinct from the “vicinity” is not clear. Neither of these words has an absolute meaning. Members are free to give any reasonable interpretation based on their knowledge

of the area. What is clear is that the things which can be looked at are, first, the “character” and secondly, the “use of premises” in this area. To assist members in this regard, some of the features and characteristics of the area in which the premises are situated are referred to in section 5 below.

- 4.8 The Committee is free to consider any statutory ground for refusal whether or not the ground has been raised in any written objection received by the Council. However, the rules of natural justice require that an applicant be entitled to notice of any ground of objection which will be raised.
- 4.9 Unless cancelled (at the request of the licence holder) or revoked (by the Council) a licence lasts for a period of one year or such shorter period as the Council may specify.
- 4.10 A licence may be granted subject to such conditions as the Committee chooses to impose. The Council has adopted a model set of standard conditions which are set out at **Appendix 2**. The Committee may add to or vary the standard conditions.

5.0 DETAILS OF THE APPLICATION PREMISES AND SURROUNDING AREA

- 5.1 The application address is 87 High Street Runcorn.
- 5.2 The site is allocated as a mixed area in the Halton Unitary Development Plan and the key policy is TC 10, which states that the following uses will be permitted: Financial and Professional Services (A2) Food and Drink (A3) Business uses (B1) Hotels (C1) Residential institutions (C2) Dwellings, Houses (C3) Non residential Institutions (D1) Assembly and Leisure (D2) Retail A1, provided it would serve local needs and other non retail uses appropriate to a town centre will be permitted
- 5.3 The Plan marked Plan 1 attached hereto shows the premises in the same block as the application site (and fronting onto the application site). Plan 2 attached hereto shows the premises in the wider area identifying what the Committee may consider to be sensitive uses in the context of the application. In particular Plan 2 identifies the location of the following within a 500 metre radius of the application premises:
- 2 Places of Worship
 - 2 Primary Schools
 - 1 Library
- 5.4 The property lies in the Mersey Ward which has a resident population of 6,146. Of these approximately 22% of people are under 15 years of age and approximately 16% are over 65 years of age. (All figures are based on the 2001 Census).

6.0 DETAILS OF THE APPLICANT AND APPLICATION

- 6.1 The applicant is Darker Enterprises Limited and the registered address is Unit C 26 Thames Road Barking Essex IG11 0JA.
- 6.2 The goods, which are proposed to be sold under the authority of a licence are described in the application as books, magazines, marital aids and ancillary items.
- 6.3 The hours of opening which are requested are 09.30 to 20.00 Monday to Saturday and 10.00 to 16.00 Sundays. (HBC Standard condition No 2 states "The sex shop shall not be open on Sundays or any bank holidays or any public holidays")

7.0 OBJECTIONS RECEIVED

- 7.1 The Committee may only take into consideration objections made within the 28-day objection period. Within this period 8 letters of objections were received in response to the application. The Committee may only take these objections into account to the extent that they raise issues, which are material to the potential grounds for refusal set out in the legislation. One letter was received one day after the close for objection and another three days late and one anonymous letter was received. None of these have been taken into account.
- 7.2 An analysis of the objections is set out in **Appendix 3**. The Committee should assess the merit of these objections and balance them against the case put forward by the Applicant. It is the issues raised in the objections to which the Committee must have regard, not the number of objections.

8.0 OPTIONS AVAILABLE TO THE COMMITTEE

- 8.1 The options open to the Committee are:
- Approve the application with conditions;
 - Refuse the application.
- 8.2 There are limited rights of appeal to the magistrates against refusal of applications (depending on the grounds specified in the refusal) and for grounds where no right of appeal are specified there is the possibility of challenge by way of judicial review.

9.0 POLICY AND OTHER IMPLICATIONS

- 9.1 None except as outlined in the report.

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

- 10.1 Licensing File number L:SEL 001

Appendix 1
Statutory Definition of “sex articles”
Local Government (Miscellaneous Provisions) Act 1982 Schedule 3
paragraph 4

(3) In this Schedule ‘sex article’ means –

- (a) anything made for use in connection with, or for the purpose of stimulating or encouraging –
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; and
- (b) anything to which sub-paragraph (4) below applies.

(4) This sub-paragraph applies –

- (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
- (b) to any recording of vision or sound,

which –

- (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
- (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

Appendix 2

SEX SHOP LICENCES STANDARD CONDITIONS

1. Premises licensed as a Sex Shop under the provisions of Schedule III of the Local Government (Miscellaneous Provisions) Act, 1982, shall be used only for the purpose of a Sex Shop as defined in Paragraph 4 of the said Schedule 3 and shall not be used, wholly or in part, for any other purpose during the period the premises are licensed as a Sex Shop.

2. Except with the previous written consent of the Council no sex shop shall be open to the public earlier than 9am in the morning and shall be closed not later than 8pm in the evening on any day Monday to Friday and not later than 9pm in the evening on Saturdays. The sex shop shall not be open on Sundays or any Bank Holidays or any public holidays.

3. Over each entrance to the premises, in a position approved by the Council, the Licensee shall affix and maintain in a permanent form a notice stating that the premises are licensed as a Sex Shop under the provisions of the Local Government (Miscellaneous Provisions) Act, 1982. Such a Notice shall also carry the full name of the Licensee and the number of the license and if the Licensee is a private or public company the notice shall also carry the address of the registered or principal office and the full name of the Secretary of the Company. The lettering on such a Notice shall be 75mm tall and at least 6.25mm thick and shall be in white on a dark background.

4. At each entrance there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age. Such a Notice shall be in letters at least 50mm high and 6.25mm thick and shall be in dark letters on a light background.

5. The Licensee of every premises licensed as a Sex Shop shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction.

6. The Licensee shall not display outside, near to, or within the premises any advertising material, sign or pictorial display referring to the licensed premises or the goods, articles or services provided at the premises, in such a position or manner that it is visible to any person using adjacent highways, streets, footpaths or forecourts except any notice displaying the name or trading title of the Licensee, any Notice indicating the times of opening of the premises for business, any Notice required by an statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions. The use of loudspeakers and displays on business vehicles is strictly prohibited.

7. The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed

premises and the displays of articles sold at the premises shall not be visible at any time to persons outside the building. The external doors shall be fitted with automatic closing devices which shall be maintained in good working order.

8. Except as allowed by a licence issued permitting public music under the provisions of the Local Government (Miscellaneous Provisions) Act, 1982 no music of any kind shall be played on the licensed premises and no public entertainment of any nature shall be provided or permitted by the Licensee to take place on the premises.

9. The Licensee shall not at any time keep or allow to be used on the premises any gaming or amusement machine whether for prizes or not.

10. No moving picture or display or recorded sound of any description or however provided shall be permitted on the licensed premises except for a period of not more than one minute for the sole purpose of demonstrating to a prospective purchaser or hirer of the article in question and such display shall be in a booth to which there shall only be permitted the prospective purchaser or hirer and any one person employed by the Licensee to sell or hire such articles. The Licensee shall not make any charge or permit any charge to be made for such a display.

11. The Licensee shall not supply or permit to be supplied to any person, other than a person employed to work on the premises, any article of food or drink whether for consumption on or off the premises.

12. All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.

13. The Licensee shall make such provision for the reception of goods and articles for sale, hire, exchange, loan, demonstration or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard nor in any vessel or vehicle, etc.

14. The Licensee or some responsible person nominated by him in writing for the purpose and approved by the Council shall be in charge of and upon the licensed premises during the whole time they are open to the public. Such written nominations shall be continuously available for inspection by authorised officers of the Council or the Police. During the hours that the premises are open the person in charge shall wear a form of visible photographic identification.

15. A daily register of persons employed shall be kept stating names, addresses, position and times worked. The register is to be completed each day within thirty minutes of the premises opening for business and must be kept at the premises and be open for inspection by authorised officers of the Council or the Police.

16. No part of the premises shall be used by prostitutes (male or female) for the purpose of solicitation or of otherwise exercising their calling or profession.

17. The Licensee shall ensure that no employee or other person shall seek to obtain custom for the premises by means of personal solicitation outside or in the vicinity of the premises.

18. The Licensee shall not in the conduct of the business employ any person:-
(a) Whose application for a licence to carry on a sex establishment, or renewal thereof, has been refused by the Council or any other licensing authority;
(b) Whose licence to carry on the business of a sex establishment has been revoked by the Council or any other licensing authority.

19. The Council shall approve the external appearance of the premises and neither the interior nor the exterior of the premises shall be altered without the approval of the Council.

20. All sex articles and other things displayed for ;supply, sale, hire, exchange or loan within the premises shall be clearly marked to show to persons who are inside the premises the respective prices being charged.

21. No advertisements, other than advertisements relating to other licensed sex establishments or relating to goods sold from the premises, shall be displayed at the premises.

22. No part of the premises shall be used as a sex cinema.

23. The Licensee shall not contravene the Unsolicited Goods and Services Act, 1971.

24. The licence and a copy of these conditions shall be conspicuously displayed on a part of the premises to which the public has access as specified by the Council.

25. A record shall be kept of all mail order transactions (if any) in such form as agreed by the Council.

26. The licence is not transferable by the Licensee.

27. The Licensee shall forthwith notify the Council of his ceasing to carry on the business.

28. The Licensee shall inform the Council if he is convicted under the Obscene Publications Act, 1959, the Protection of Children Act, 1978, or the Customs and Excise Management Act, 1979 or if an order for forfeiture is made under the Obscene Publications Act, 1959 following the service of a

summons on the Licensee. The Council will take into consideration any such conviction or orders for possible revocation or non-renewal of the licence.

29. Where the Licensee is a company, any change of Director, Company Secretary or other person responsible for the management of the company is to be notified in writing to the Council within 14 days.

30. Any breach of or failure to comply with the Conditions attached to this Licence may result in the revocation of the Licence.

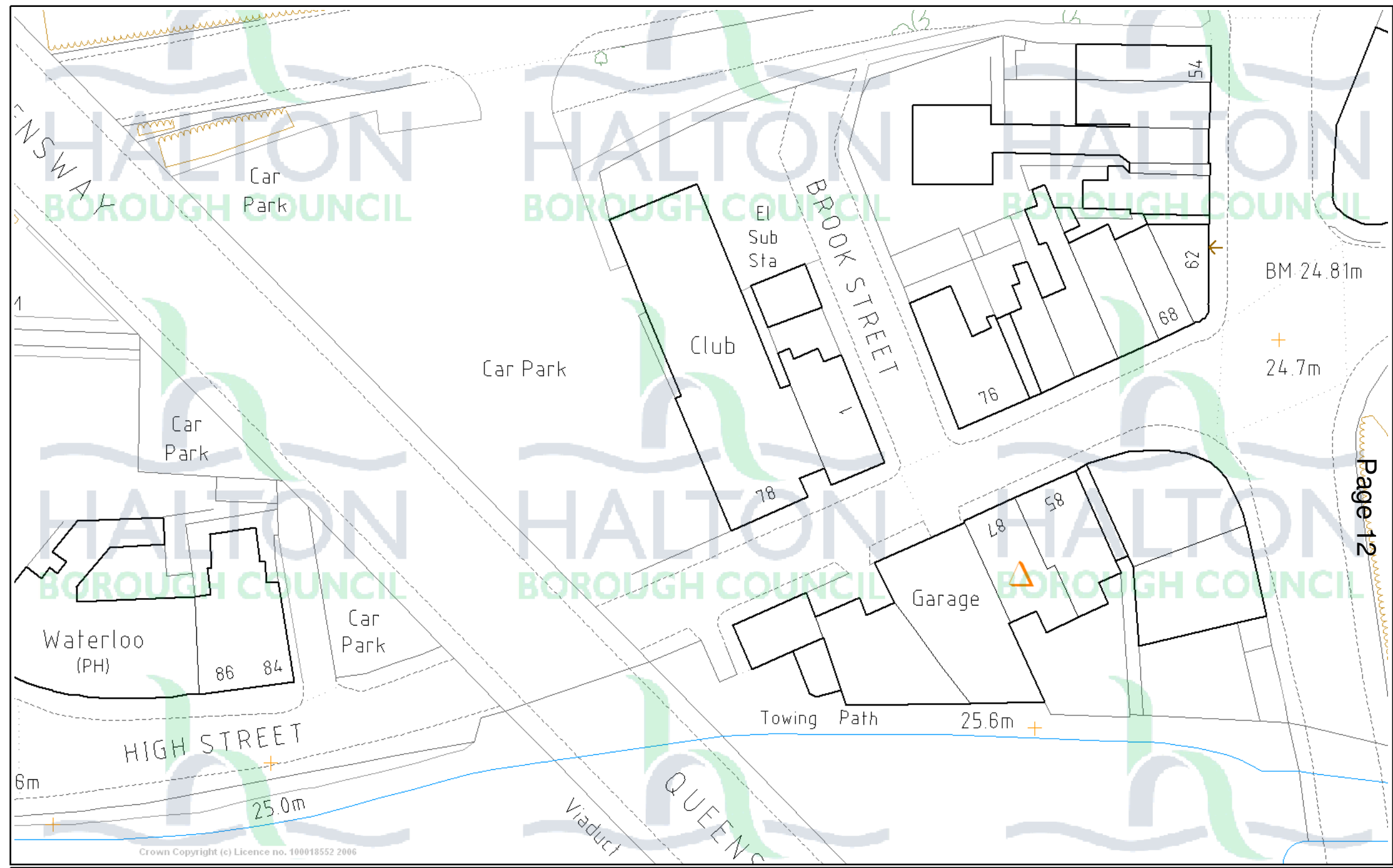
Appendix 3

Details of objections received

The objections received by the Council range from those which are potentially perfectly valid to those which are based on moral grounds or personal beliefs not related to the statutory grounds for refusal. The nature of the objections (both valid and invalid) received by the Council can be summarised as follows:-

- A shop of this type has no place in Runcorn Town Centre (Letter No 1)
- It is offensive to public decency and morality (Letter No 2)
- It is inappropriate to the to the redevelopment of the area which the Council is attempting to improve. (Letter No 2 and 5)
- It would attract people with sexual perversions and possibly put children in danger. (Letter No 2)
- A similar application was turned down in Widnes, therefore if it is not suitable in one part of the Borough it is not suitable in another. (Letter No 2 and 6)
- Unacceptable and inappropriate to site a sex shop next to a facility visited by a wide range of the public including a large number of elderly people and youngsters including children. (Letter No 3 and 5)
- Planning permission has been granted for development of 11 new apartments next to the premises – a sex establishment in the centre of such a concentration of domestic dwellings would be totally unacceptable. (Letter No 3 and 5)
- It is wholly inappropriate to site such a business in a long established and increasingly residential area. (Letter No 3)
- Businesses in the area would be seriously affected forcing them to seek alternative accommodation possibly outside Halton. (Letter No 3)
- Premises will have a further detrimental effect by attracting sleazy clientele more upmarket establishments are needed in the town to lift the tone. (Letter No 4)
- There are ample outlets for people to obtain sex aids without the need of a shop in Runcorn. (Letter No 6)
- It would attract the wrong type of people to the area. (Letter No 6)
- The granting of a licence to open a sex shop would be a move in the wrong direction. (Letter No 6)
- The operation of a sex shop undermines the Schools and boroughs education policy and the every Child Matters Strategy. (Letter No 7)
- Sex shop implies sex is a commodity. This undermines teaching about relationships. (Letter No 7)
- Opening a sex shop promotes (Letter No 7)
 - Un healthy attitudes to sex
 - Encourages risky behaviour and attracts some who may prey on children
 - Undermines aspirations to and expectations of fulfilling long term relationships
 - Makes a negative contribution to the community
 - Achieves only the economic well being of the proprietor and discourages other businesses at the end of High Street

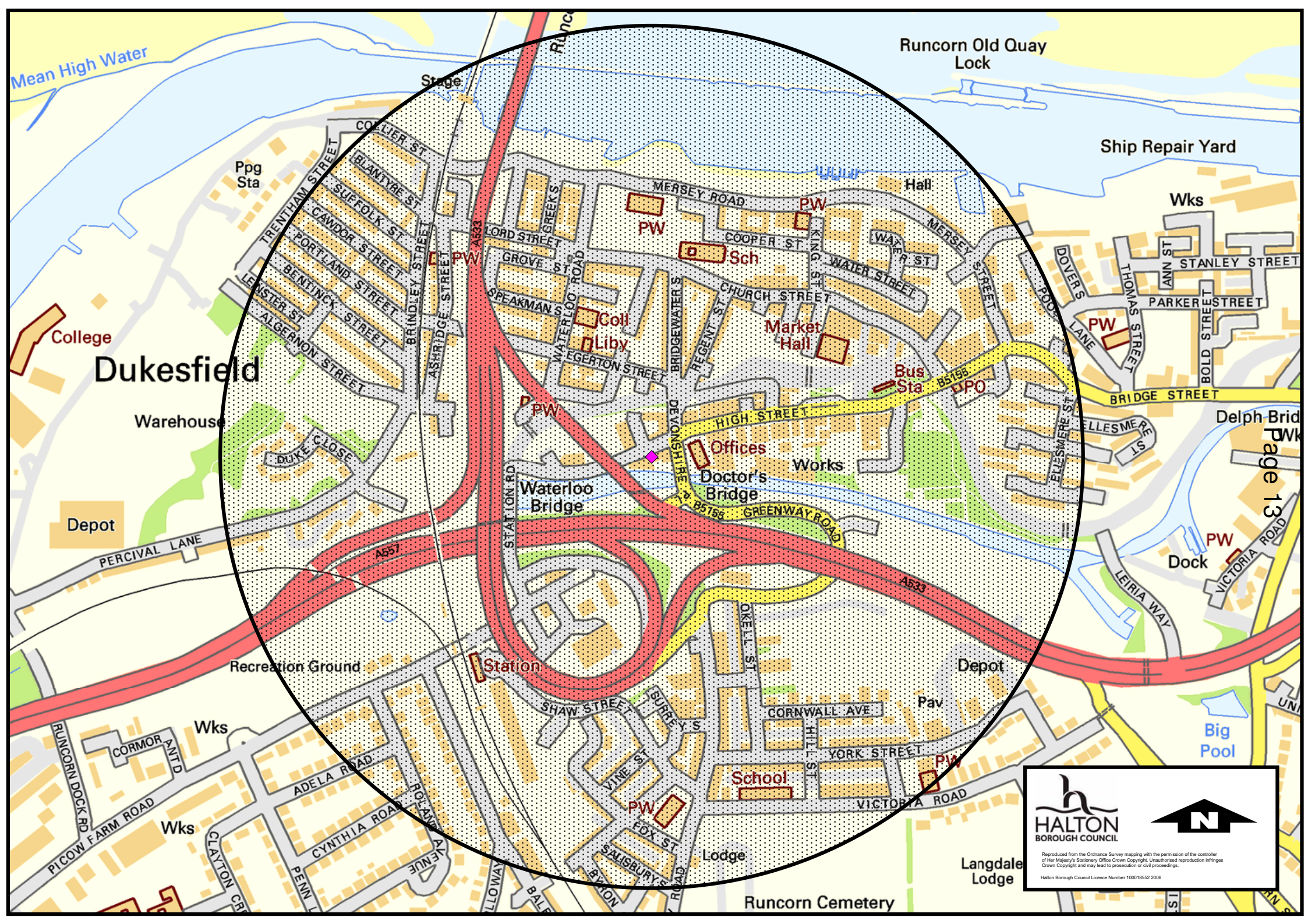
- What social benefit or good a sex shop in the town centre of Runcorn would contribute. (Letter No 8)
- Each business in Runcorn contributes to our society by providing good reputable services to our local 'family orientated' community. (Letter No 8)
- Such a sordid establishment would not enhance or broaden the services provided by the current business spectrum (Letter No 8)
- There are moral and ethical issues on the subject with sexually transmitted diseases and sexually motivated crime on the increase – what would a sex shop do to help these issues? (Letter No 8)
- What about the clientele this sort of business attracts or how our children and teenagers may be scandalised or even intrigued by a sex shop: what impression are we creating to them about sex. (Letter No 8)



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Date 14/9/2006



Runcorn Old Quay Lock

Ship Repair Yard

Ppg Sta

Wks

Hall

Dukesfield

Warehouse

College

Depot

PW

PW

Sch

Coll

Liby

Market Hall

Bus Sta

LPO

PW

PW

Offices

Doctor's Bridge

Works

Waterloo Bridge

Delph Bridg

PW

Dock

PW

Recreation Ground

Station

Depot

Wks

Pav

Big Pool

Wks

School

PW

HALTON
BOROUGH COUNCIL

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Langdale Lodge

Runcorn Cemetery

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REPORT TO: Regulatory Committee

DATE: 13 November 2006

REPORTING OFFICER: Chief Executive

SUBJECT: Creamfields Event 2006

WARDS: Daresbury

1.0 PURPOSE OF THE REPORT

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

2.0 RECOMMENDATION: That the Committee considers the reports from the responsible authorities

3.0 SUPPORTING INFORMATION

3.1 The Creamfields Event application was granted subject to conditions by the Regulatory Committee on 27th June 2006. The members also requested that a report be presented to the Committee on 13th November 2006 on issues arising from the event.

3.2 The purpose of this report is to present the facts from the viewpoint of the responsible authorities who were involved with the event. This may assist the Committee with the consideration of any further applications which may be made. However, it is not known as yet whether further applications will be made. In any event this report in no way pre-judges the merits of any application which may be made in the future.

3.3 It is also recognised that at the hearing on 27th June 2006 the Committee considered representations from a large number of interested parties as well as responsible authorities. It is not appropriate for this report to either seek or represent the views of interested parties (but it has been open to the responsible authorities to make any comments they wish to make to the Committee).

3.4 Reports on the event have been received from:

- Halton Council Environmental Health – Noise Control
- Halton Council Environmental Health – Health & Safety and Trading Standards
- Warrington Borough Council
- Cheshire Police
- Cheshire Fire Authority

These reports are set out at Appendix 1. The responsible authorities have been invited to attend the Committee to introduce their reports and to answer any questions raised by the Committee.

6.0 POLICY IMPLICATIONS

None

7.0 OTHER IMPLICATIONS

None

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

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

Appendix 1

Environmental Health: Noise (Isobel Mason)

Noise was a fundamental concern regarding the impact of the event on the locality. It was agreed at an early stage that the event would be audible at some locations after 23:00 hours, which whilst not ideal was acceptable for a single event if levels were controlled to try to achieve a minimum level. Regulatory Committee approved a number of conditions to the licence to control the level of noise from the site. Following this the Environmental Health Team worked closely with Creamfield's acoustic consultants to further identify and implement suitable controls. This working relationship continued up to and throughout the event.

Prior to the event fundamental changes were made to the layout of the site which included the main stage being relocated from the southwest corner to the northwest corner, facing away from the residents on the A56 towards the villages of Hatton and Stretton. Two of the tents had similarly been re-orientated to face away from the properties on the A56. Further to these changes a last minute alteration was made to the location of the fairground on site. It was relocated to the top of the hill in the centre of the site to prevent any problems associated with heavy rain which had been a feature of the weather in the proceeding week.

On the day of the event Halton Borough Council's (HBC) officers were in the area from 10:00 hours on Saturday during the sound checks, until 06:00 hours on the Sunday morning. Officers were based on site with the acoustic consultants and off site to respond to complaints from members of the public,

and to monitor noise levels for comparison with the licence conditions and the predictions made by the acoustic consultants prior to the event. It was felt that there was the potential for a large number of complaints to be received by phone lines set up by Halton and Warrington Borough Councils, and Creamfields, given the level of local concern that had been voiced with regard to noise. Additional staff were therefore employed by the Contact Centre on the night to ensure that essential services were unaffected should a large number of complaints be received.

During the event HBC received 2 complaints from residents concerned about noise levels. Warrington and Creamfields also received complaints, although the number taken by all three organisations totalled less than 12. One complaint was received at approximately 22:30 hours, all others were received after 23:00 hours and came from the Warrington area, generally Hatton and Stretton. HBC staff visited those residents where complaints had been received by the HBC call centre and the Creamfields hotline. Noise recordings were taken where it was felt appropriate.

Throughout the event noise readings had been taken both on and off site. According to these results there were no breaches of the noise conditions set by Committee. Subjective assessments confirmed our original conclusion that whilst noise from the event was audible outside properties in the area the levels were acceptable for a single event in the location.

Should we receive any subsequent application for a similar event in the same location there are some areas that would be considered in order to further reduce the noise levels. Neither the 'Strongbow' promotional tent nor the fairground sound system were taken account of within the original application and both were located close to the main stage at the top of the hill on site. Subjective accounts by HBC officers would suggest that these were a significant source of noise in the area after 23:00 hours and yet had not been considered within the licence conditions. It should also be considered that the relatively cool night may have assisted in keeping the number of complaints to the various phone lines low. Measures therefore should be looked into to further reduce noise levels where appropriate and practical, particularly after 23:00 hours.

Environmental Health: Health & Safety, Food Safety & Standards (Yee May Sung)

The largescale music event presented the potential for health & safety concerns both for staff and contractors preparing and dismantling the site and for ticket-holders and other visitors to the site during the event.

To this end conditions were set to ensure this Service would have early sight of all relevant risk assessments for the wide variety of activities occurring on site. In addition all four members of the Health & Safety team were employed

from the preceding week till the week following the event, visiting the site to observe set procedures following from risk assessments.

All risk assessments were received and no problems were encountered except for the generic nature of the work transport and use of lasers documents. Following further discussions and monitoring of radiation levels by health & safety staff on the night, no problems were reported on the use of the lasers.

However the weakness of the work transport risk assessment became apparent on site visits where traffic movement did cause problems with efficient flow although no accidents were observed. If the event is to be run again, the Service will be requiring Creamfields to produce a risk assessment more detailed and more mindful of the local conditions and experience gained from this event.

No notification of accidents on the site was reported and the event ran reasonably safely with no major concerns. The Service is satisfied that Creamfields took all appropriate measures to inform and keep the Service up to date with all health & safety measures and conditions.

With regards to the food safety of all concessions attending the event, the Food Safety Service received early notification of most businesses that were attending and found the in general the standards were good. All five members of the Food Safety team inspected every concession very efficiently on the Saturday morning to ensure that no problems were encountered before the event opened. In the future we would press Creamfields not to allow latecomers to the site, as the Service requires time preceding the event to check with the home regulating authority.

Joint working with Warrington Environmental Health ensured the smooth and expedient monitoring of and timely response to all environmental health concerns.

WARRINGTON BOROUGH COUNCIL (Jan Souness Head of Service)

Background

Sections Two and Three of this report relate to operational issues encountered by Warrington Borough Council Officers during the weekend of the event.

Section Four is a summary of the views sent to Warrington Borough Council by residents, which the Council wishes the committee to consider.

2. Operational Issues

- Security was both substantial in numbers and the staff courteous, the suited peaked capped security outside the event were a little over zealous at the outset but relaxed as the day went on.
- Creamfields appeared to have carried out all of their promises in terms of securing properties and preventing unauthorised access to lanes, gates and fields surrounding the enclosure, although some were opened on instructions from the Police
- There was a good atmosphere in Warrington town centre in the afternoon prior to the event. A small number of festival goers were drinking within alcohol free zone, but quickly resolved without aggravation, and most people were gone from town centre by 6.00 p.m.
- At the end of the concert there were no crime and disorder issues from event goers waiting in the town centre for public transport etc.
- Creamfields carried out a comprehensive clean up of the site and surrounding areas, although some residents in Hatton reported litter not picked up.

3. Areas of Concern

- Communication between Warrington Council's help line 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.
- 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.
- Warrington Borough Council received 30 complaints about noise during the weekend. Higher than expected numbers of complaints were received from areas outside of the initial consultation zone, this was due to the late re-orientation of the stage and speakers. Pre-event tests were based on the original plans submitted by the event organisers, therefore residents within the Appleton, Grappenhall, and Pewterspear areas had not been forewarned about the potential disruption due to noise.
- 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.

- Environmental Health Officers monitored throughout the event, and it was confirmed by the Principal Environmental Health Officer that the event organisers did comply with the conditions placed on the licence application.
- Reports were received that noise levels increased between 4.00 a.m. and 6.00 a.m. It is the view of Environmental Health that this was more likely to be due to the decrease in general background noise levels and not attributable to an increase in noise levels from the site.

4. Views of Residents

4.1. Observations by Walton residents

- Due to the volume of pedestrians and traffic, some residents felt cut off and frightened
- Prior to, during and after the event, residents reported event goers climbing over fences into gardens
- Issues relating to drink and drunkenness were reported by residents and particularly numbers of people urinating along the roads, on verges and in gardens
- The speed of taxis and mini buses was too high and caused concern
- High levels of traffic were generally felt to be unacceptable and residents felt the Traffic Management plan did not work
- Some stewards provided did not know the area and therefore were not able to provide advice nor did they have any breaks

4.2. Observations by Hatton Residents

- Concerns over the traffic arrangements and the changes made to the traffic plans on the day despite assurances prior to the event
- Hatton residents comments generally reflect the view the traffic arrangements were not satisfactory and delays were unacceptable
- Pedestrian problems – high volume of pedestrians walking through village, and urinating on the road and gardens
- Damaged property and items stolen from gardens were reported

- Not enough Police presence at some points during the event
- Safety issues for pedestrians walking on unlit roads at night
- Signage was not adequate
- Creamfields help line was closed too early
- Police information line did not provide a true picture

4.3. Observations by Stretton Residents

- Hatton Lane – traffic chaos, roads not suitable
- London Road residents – signage not appropriate – could have been better
- Noisy, disruptive ticket touts outside properties
- Public toilets should have been provided at motorway exits
- Country lanes not appropriate to cope with volume of traffic
- No residents passes were issued for Bower Crescent
- No police officers between Hatton Lane/Pill Moss Lane
- Event goers urinating in the road
- Litter in gardens
- Some residents felt event was well planned

4.4. Observations by Appleton Residents

- Unexpected noise levels
- Police deployed elsewhere
- Event goers urinating in the streets
- Appleton Parish Council – event went better than anticipated, but the location is unsuitable

5. General Points

The majority of those residents who contacted the Council still feel the event location is not suitable due to the size

- The changes to the site resulted in higher noise levels for some areas of Warrington and those residents affected had not been included in the consultation.
- Lack of off-site toilet facilities resulted in unacceptable behaviour as event goers used roads and gardens
- Due to the increased pedestrian activity down Hatton Lane the traffic management plan did not work
- Visitors to Walton Hall were seriously affected by the event and numbers were down by 30% on previous years.

CHESHIRE CONSTABULARY Insp. 3718 Dave Price

This report summarises the views of Cheshire Constabulary regarding the planning and operation of the Creamfields 2006 music festival. It is based on a comprehensive debrief process involving all staff who were involved in the event and a number of formal debrief meetings.

PLANNING

The reduced timescales for an event of this nature placed considerable pressure on both the Constabulary and the organiser. However, the relationship quickly developed into a positive working arrangement and, with a few exceptions, identified issues were quickly resolved. The organiser agreed to all license conditions that the Constabulary asked for and participated fully in public consultation regarding the proposed policing arrangements, attending a number of meetings with local residents and parish councils.

OPERATION

From a policing perspective, the event generally followed the agreed timetables. There was a delay in opening the main gates, but this did not cause any issues as very few people attended prior to 3 p.m.. The arrival pattern that we expected (people arriving between 12 p.m. and 6 p.m.) did not occur. Rather, the vast majority arrived between 3 p.m. and 5 p.m., which placed considerable pressure on local roads, especially those leading to the southern car park. This resulted in traffic queues for about 1 hour 25 minutes leading back onto the M56 and a considerable number of visitors walking along Hatton Lane.

Most visitors remained at the site until 4:30 a.m., and, generally, the departure went smoothly. Exceptions to this included difficulties in encouraging taxis to enter the site rather than to pick up on the surrounding roads and with people arriving to pick up friends/relatives.

Prevention of Harm to Children

The condition relating to wristbands that we had asked for related to their issue to visitors who appeared to be between 18 and 21. The organiser has told me that approximately 150 were issued during the event. This number seems low and the organiser agrees that the take up of this scheme was not as great as envisaged. However, this must be balanced by the fact that no police officers or staff reported any concerns about underage people gaining access to the event. Indeed, having personally reviewed a number of video recordings made by our staff at the entrances, I am satisfied that there were no significant issues in this area.

Prevention of Public Nuisance

The closure and diversion of local footpaths worked well during the event. I am aware that there were a couple of instances during the construction of the site when the paths were blocked by contractors, but these were quickly resolved.

The major issue regarding public nuisance related to visitors urinating in public. This was especially problematic in the area of Hatton Lane, due to the large number of visitors who walked along that road having been dropped off near to the ‘Cat & Lion’ public house. As previously mentioned, this was due to traffic congestion and lasted for approximately two hours.

Prevention of Crime & Disorder

A total of 89 crimes have been attributed to the event, a breakdown of which is as follows:

TYPE OF CRIME	NUMBER REPORTED
Robbery	13
Violence against the person	18
Theft	42
Drugs	6
Vehicle Crime	8
Other	2

While the total number of crimes is broadly in line with other similar events around the country, the number of serious offences (13 robberies and 5 serious assaults) was disappointing. This is an area that will be focused on should the event return. Alcohol consumption was not identified as a particular factor in the crimes reported.

A more pleasing aspect was that only two offences occurred outside the main venue. This reflects the scale of the security operation mounted during the event.

Eighteen people were arrested during the event for offences including supplying controlled drugs, violence and theft of a car (from Middlesbrough). Additionally, over 200 people were identified by drugs dogs based at the entrances and subsequently searched. This led to the seizures of a numerous small quantities (personal use) of controlled drugs.

The CCTV system provided by the organisers has provided footage to assist in the investigation of a number of offences, in accordance with the relevant license condition.

Public Safety

The organiser agreed to provide 350 security staff to manage the event. Whilst it was impossible to count these staff on the day, the number of staff provided was adequate to manage the event and the relationship between those staff and the police was positive.

The Event Liaison Team worked reasonably well for the police, although I am aware that provision of information to off-site agencies was not as good as expected.

Whilst traffic management is not specifically covered in this section, it is worth noting that the plan produced and agreed was implemented by the organiser. Despite the congestion, there were no significant road safety issues and a debrief of this area has already identified improvements that could address the problems in the Hatton Lane area, should the event return.

CONCLUSION

The event was well managed and run. The experience gained from this first year will prove invaluable in policing future similar events and I am confident that the issues identified during the debrief process are all capable of being addressed in the future.

Cheshire Fire Authority (Stuart Hurst)

- Lack of adequate access for fire appliances to car park areas. (Accepted at the time but needs reviewing)
- Internal access road was not complete. (accepted at the time but needs reviewing)
- If a fire had occurred in a marquee it was debatable that a fire engine could have got close enough (More hardstanding required?)
- The officer who carried out the inspection during the event was reasonably happy with the control of persons entering and leaving the marquees and procedures to prevent overcrowding. As you know this was some concern prior to the event.
- Also of concern was the fact that a copy of the application was never received by the Fire Service and it was only by chance that the Fire Protection Department became aware and then undertook inspections.

Note to fifth bullet point

This concern relates to a problem with internal communications within the Fire Service. Notification of applications takes place within the statutory procedures using addresses supplied by the Fire Service. Furthermore the

Fire Service was represented at numerous meetings both before and after the premises licence was granted by the Committee.

REPORT TO: Regulatory Committee

DATE: 13 November 2006

REPORTING OFFICER: Chief Executive

SUBJECT: Licensing Act 2003 First Annual Monitoring Report

WARDS: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To consider a report from responsible authorities on their experience of the first twelve months of operation of the Licensing Act 2003.

2.0 RECOMMENDATION: That the Committee considers the reports from the responsible authorities

3.0 SUPPORTING INFORMATION

3.1 One of the functions of the Regulatory Committee is to receive reports from time to time on the operation of the Licensing Act 2003. The 2003 Act came fully into effect on 24th November 2005. This meeting of the Committee is therefore convenient for the responsible authorities to report on their views as to the impact of the 2003 Act during its first year of operation.

3.2 The responsible authorities are:

- The police
- The fire authority
- The health & safety authority
- The local planning authority
- Public and environmental health authority
- Child protection authority
- Any licensing authority in respect of “shared” premises
- Miscellaneous navigation/waterways authorities

3.3 Reports on the event have been received from:

- Halton Council Environmental Health – Noise Control
- Cheshire Police
- Cheshire Fire Authority

These reports are set out at Appendix 1.

Additional reports from Halton Council Environmental Health – Health & Safety and Trading Standards will be circulated separately from this report

The above responsible authorities have been invited to attend the Committee to introduce their reports and to answer any questions raised by the Committee.

Other responsible authorities have not submitted formal reports. The child protection authority has not had new issues to deal with under the 2003 Act. The category ‘licensing authority in respect of “shared” premises’ has only be triggered once during the year (the Creamfields event – and is the subject of a separate report). The category ‘miscellaneous navigation/waterways authorities’ has also only been triggered once during the year and needs no separate report.

4.0 POLICY IMPLICATIONS

4.1 None

5.0 OTHER IMPLICATIONS

5.1 None

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

**Document
Application
Documents**

**Place of Inspection
Legal Services**

**Contact Officer
John Tully/Kay Cleary**

Appendix 1

CHESHIRE CONSTBULARY - Ian Seville, Police Licensing Officer, Halton & Vale Royal

Since the Second Appointed Day this Country has undergone the biggest change in Liquor Licensing since Edward IV introduced the first legislation to control the sale of alcohol. I think all parties involved in this conversion process are agreed on one thing; it was very badly managed from The Department of Culture, Media and Sport. Guidance being issued far too late to be of any practical help, delay in formulating fee structure and whole sections of the Act that can best be described as 'woolly', meant that preparation for this legislation was one great voyage of discovery. Subsequent Guidance has fared little better.

From a synoptic viewpoint there has not been the wholesale change that was at first envisaged. There has not been the wholesale rush for 24 hour licenses. Where late licences have been granted, they are seldom used to the full on a regular basis. The latest licence in the Borough is 4am on Friday and Saturday at Bar Studio in Runcorn. In practice this venue operates little beyond 3am. From my practical experience I have found that landlords only want what their neighbours have and this level of trade, just like any facet of business life, is subject to the laws of diminishing returns. We have one 24 hour Licence and that is for Off Sales at Asda in Runcorn, which, to date, has not proved to be the source of problems.

Over the last twelve months several individual issues have arisen that do not sit well for future development of Licensing in the Borough.

1. During the conversion period Halton experienced the same phenomenon as other Borough Councils, which is the vast majority of applications were received in the final weeks of the change over period. Consequently, inordinate amounts of post landed on my and Miss Cleary's desks on a daily basis. This made any practical and individual examination of each case an impossibility. This was exacerbated by certain Solicitors acting for the larger breweries refusing to accept even the most innocuous Representation and thus triggering a Hearing. It became apparent as the volume of applications began to be received that any representations would have to be confined to major issues as there simply was not enough hours in the day to deal with so many Hearings within the required time frame.

Further early problems came from these same legal firms; dozens of applications were received that were carbon copies of each other. These totally generic forms bore no resemblance to the needs or trading styles of the venues concerned and most attempts to negotiate with a company office proved to be impossible. Consequently, many differences were resolved by dealing directly with the brewery Area Managers. When these

generic applications were challenged, it was argued that applying for such a wide range of times and facilities made the venues more valuable, others argued that it was simply because certain companies took on too much work and using one generic form saved them time. I will resist the temptation to give my opinion for fear of accusations of being a cynic.

2. If I had to pinpoint the main issue that has manifested itself over the last year I would have to say that there appears to be a certain level of 'administrative inertia' creeping into the submission of applications to Vary a DPS. Over the last few months I have lost count of the number of times that I have been told that a DPS has left a venue and had no applications to replace them. It is distressing to have to constantly telephone brewery offices to discuss these matters only to find they were not even aware of the staff changes. Furthermore, it is positively alarming when these same members of staff pose the question, 'Well what do you want me to do, then?' This situation would never have occurred when applications came before the Courts and I think there is an element beginning to creep in of, it's only another form and, it's only the Town Hall. This patently is not acceptable and may take some form of punitive action to stop this practise becoming more widespread. Again, at the risk of being cynical again, I believe that many companies are taking advantage of this necessity for a DPS to submit a form under Section 41 of the Act, which states his intention to be removed as DPS. Without this he or she will remain as the DPS despite the fact that they no longer work at, have any supervisory function or even have any connections with the venue in question. Some amongst us would argue that there is nothing wrong with this; others take a more practical viewpoint. It is a great pity that recently issued Guidance documents did not take the opportunity to resolve these issues once and for all.
3. Temporary Event Notices (TENs) have caused some issues throughout the Country. Fortunately, most of the issues raised by TENs, such as the limits set for them, have not concerned us here in Halton. I have only received 10% of the number of applications here that I have for my other area of Vale Royal. What is very concerning however is the timescale. This is a Notice that is served, rather than applied for, and only the Police have the power to object and only on grounds of Crime and Disorder. These objections must be made within 48 hours. It is quite possible to serve such a Notice for an event that amounts to a 'rave' in Halton by delivering the Notice to Macclesfield Police Station at 7pm on a Friday. By 7pm on a Sunday this is deemed as granted by default of any comments from the Police without anyone ever seeing the application. Halton has not received a great number of these Notices but, as these loopholes become more widely known, someone will try to take advantage of them.
4. There is also an element of dual standards between other professional bodies within the Licensing umbrella. Standard CPS guide lines presently result in the overwhelming majority of first time offenders receiving a Caution. These are not recorded on a CRB check that a

potential licensee has to apply for. It is possible, therefore, for a person with cautions to be granted a Personal Licence yet a Door Supervisor who receives one caution can have his SIA Licence suspended or removed.

5. In the same area, not all Relevant Offences are shown on a standard CRB check. A short time ago a female applied to become the DPS of a Runcorn venue; her Personal Licence was issued by Halton. After a short Police interview and a few telephone enquiries I found that she had two convictions for selling alcohol from unlicensed premises in the Preston area. She had not seen fit to declare these convictions on her application form and she should not have been given a licence. This is yet another example of how we should simply not accept such applications on their face value.

So we approach the first anniversary of the new liquor licensing regime. There have been problems, it would have been naïve to believe there would not be, but these have all been worked through and satisfactory resolutions found. I am sure that we will continue to work in the same way and build on the excellent working relationship our two Authorities have established.

Whilst touching on the subject of partnership working, and to prove that all is not just doom and gloom, this would seem to be an appropriate time to mention a number of on-going initiatives that may have a direct influence on the second twelve months.

In my other area of Vale Royal in our Western BSU we have initiated a Joint Authority Partnership where all the Responsible Authorities meet on regular basis and approach serious licensing issues on a joint basis. At the same time we continue to meet on a local Police level to achieve simpler and quicker solutions to lesser issues. This methodology has recently been rolled out across the County, and like systems are presently being built up here in the Northern BSU area. Your Committee Chair has already expressed a wish to monitor the development of these partnerships in order he be aware of how problem premises are being addressed.

On a more local level, our two Pubwatch Schemes continue to go from strength to strength. Since the beginning of this year I have secured local authority funding to start two independent security radio links. These two 'Nite-Net' systems are also connected to the Borough's CCTV control room, which, in turn, has access to the Police Airwave system. Consequently, venues can now communicate with one another and when incidents of disorder occur, the CCTV operators are informed at an early stage and start to record the evidence.

The second development is more unusual, in fact it is a national first. Halton Pubwatch has a website. This in itself is not rare; what is unique is that for the first time in this country we are publishing photographs of offenders on this site. This scheme is the result of eight months of intense work, especially

in the area of Data Protection.. We have existing protocols that allow us to give Pubwatch members hard copy photographs but the fact that we have over 110 member venues makes these protocols unworkable. This website overcomes these issues at a stroke and brings the Pubwatch initiative into the 21st century. Contained within this site is an intranet means of communication and a facility to post Crime Bulletins as well as the photograph gallery. The launch of this site in August has attracted tremendous interest from other parts of Cheshire and also from around the whole Country. Officers from Police Forces the length and bredth of the country are visiting Halton to view this facility and I will be giving a short presentation on the site at the next Annual Pubwatch Conference in Coventry in February 2007.

I would like to conclude my report by taking this opportunity to offer a word of thanks. Within a very short space of time my office, all one of me, has established an excellent working relationship with the Licensing Manager. I would like to take this opportunity to express my sincere thanks to Miss Cleary and **all** her staff; without this level of co-operation the change over period would have descended into chaos and the following months would have doubtless seen a very different picture to the one have today. It has been a glowing example of Partnership working at its best.

That concludes my report.

ENVIRONMENTAL HEALTH (NOISE) - Isobel Mason

The table below contains details of the number of noise complaints received by Environmental Health regarding licensed premises in the past 3 years.

Dates	No noise complaints re: licensed premises	No of premises complaints relate to
25/11/03-24/11/04	26	19
25/11/04-24/11/05	52	20
25/11/05-12/10/06	87	33

The table demonstrates that the number of complaints received, and the have increased since the introduction of the Licensing Act 2003 in comparison with the previous 2 years.

A break down of the complaints received over the past 11 months is as follows:

- 10 complaints relate to alleged breaches of specific noise conditions imposed through the licence variation. 6 of these are still under investigation. 1 has resulted in a review of the conditions by Regulatory Committee and a reduction in the hours when regulated entertainment can take place.
- 5 complaints relate to noise from licensable activities either at premises that do not possess the appropriate licence, or at

times for which they are not licensed to undertake such activities.

- 9 complaints relate to noise from licensed activities but where there is no indication of the breach of a specific condition.
- 5 complaints relate to noise from unlicensable activities, such as noise from patrons in the beer garden.
- 4 complaints refer to noise from activities in the street and have been referred to the Police.

The hours for which one premise had been licensed to operate were reviewed by Regulatory Committee in October 2006, following repeated complaints. Regulatory Committee made that decision that noise from the premises constituted a material breach of the licence conditions. They therefore reduced the hours for which the premises were licensed to operate back to those prior to the extension.

Reasons for the increase

The increase in number of complaints over the past 12 months could be, in part, attributed to a warm summer. We routinely receive increased numbers of noise complaints from all premises during the summer months, and when the weather is particularly warm this increase is more pronounced. July 2006 was a particularly warm month and we received a larger number of complaints during this time than might ordinarily be expected when compared to the previous 2 years. In August 2006, which was a largely cool and damp month, slightly less complaints were received than might have been predicted compared with previous years. So weather may attribute to some of the increase.

National reporting of the implementation of the Licensing Act 2003 has meant an increased awareness of local authorities' role in regulating noise from such premises. This could have contributed to an increase in the number of residents contacting Environmental Health.

In some case licensees and landlords have been ignorant of the requirement to apply for a variation and have mistakenly increased their hours believing they were now entitled to do this under the Licensing Act 2003. This has caused problems with certain premises.

People appear to be less tolerant to noise after 23:00 hours and where they may have tolerated some noise from licensed premises before this time in the past, they are moved to complain once the noise persists past 23:00 hours.

Conclusions

There has been a measured increase in the number of complaints regarding noise from licensed premises since the introduction of the Licensing Act 2003

in November last year. Given that 10 complaints relate specifically to activities conditioned under varied licences it can only be argued that the new regime has created some increase in complaints and therefore workload. Of these however we only have evidence of regular breaches in one instance.

With the Council being wholly responsible for the issuing of licences, we have a greater influence on licensees and breweries alike as the consequence of noise problems could result in a reduction in the activities that are permitted and potentially a loss in revenue.

The complaints that we have received suggest that we are correct to request noise conditions on licences, in particular where these conditions require specific controls after 23:00 hours.

The increase in complaints has not been so substantial as to adversely affect the workings of the Environmental Protection Team and has largely been absorbed into the routine activities of the team. If the increase in complaints of this nature continues there could be resource implications in future years. We will however continue to monitor the situation over the next 12 months to assess whether the increase is sustained, and will consider any applications submitted and recommend conditions as appropriate.

CHESHIRE FIRE AUTHORITY (Mark Kerry Station Manager)

- Generally after a hectic start with the initial response, workloads have now stabilised to a level that seems less than the previous 12 months
- The new Licensing Act is easier to administer as everything is under one roof.
- Some concerns have been voiced that we (The Fire Service) may not be keeping some premises under such close scrutiny as before but I think that is misplaced. As we progress with our new fire safety audit methodology all premises will be targeted for inspection on the basis of risk.

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

Document is Restricted