

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee held on Tuesday, 27 June 2006 at Runcorn Town Hall

Present: Councillors Philbin (Chairman), Pearsall (Vice-Chairman), Cole, Drakeley, Gilligan, Lowe and Wainwright

Apologies for Absence: Councillors Cross, D Inch, Nelson and E Ratcliffe
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, M. Baker, K. Cleary, G. Cook, J. Tradewell, J. Tully, P. Watts, J. Findlow, I. Mason, W. Salisbury and Y. Sung

Also in attendance: Approximately 100 members of the public.

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE BOARD

NOTE: The jurisdiction of the Regulatory Committee, when acting as Licensing Committee, under the Licensing Act 2004.

(NB Councillor Wainwright arrived during the meeting and took no part in the proceedings)

REG6 APPLICATION FOR A PREMISES LICENCE ON LAND AT DARESBUURY (CREAMFIELDS EVENT)

The Committee considered an application, which had been made under section 17 of the Licensing Act 2003 for a premises licence in relation to the above property.

The hearing was held in accordance with the provisions of section 18 Licensing Act 2003 and the

Action

Licensing Act 2003 (Hearings) Regulations 2005.

The applicant, James Edward King was represented by Simon Taylor (Solicitor) and they were assisted by Jim Griffiths (Vanguardia, Noise Consultants) and Stephen Fitsimmons (Proposed DPS Cream).

Warrington Borough Council were represented by Jan Souness (Head of Service Chief Executive's Office) Phil Ramsden (Principal Environmental Health & Protection Officer): also in attendance were John Holmes (Solicitor) and Lisa Capper (Solicitor).

Cheshire Constabulary were represented by Ian Seville (Police Licensing Officer) and Inspector David Price: also in attendance was Holly Simpson (Press Officer).

Halton Borough Council Environment, Enforcement & Building Control Division were represented by Yee May Sung (Principal Environmental Health Officer (Health & Safety)) and Wendy Salisbury (Principal Environmental Health Officer) and Isobel Mason (Senior Environmental Health Officer).

The following interested parties made oral representations objecting to the application on behalf of 465 residents who submitted collective representations

- Julian Wrigley – Hatton
- Claire Priestner – Higher Walton
- Albert Beckett – Moore
- Mathew Nicols – Hatton
- Frances Hough - Daresbury

Revd Canon David R Felix made oral representations objecting to the application on behalf of All Saints Church Daresbury and in his capacity as a local resident.

Mr Owen (from Daresbury) also asked a question relating to public transport.

The Committee heard representations in person from the applicant, Warrington Borough Council (which had objected to the application), Cheshire Constabulary and Halton Borough Councils Environment Enforcement and Building Control Division: these bodies had not objected to the application but had requested that a number of conditions be attached to the premises licence if it were granted by the Committee. In addition the Committee considered representations made in person by interested

parties who had previously given notice that they had wished to speak at the hearing together with one individual interested party who requested to speak at the hearing. The Committee considered all written relevant representations as well as the oral representations made at the hearing.

As part of their presentations Cheshire Constabulary and Halton Borough Council's Environment Enforcement and Building Control Division outlined a number of conditions which they requested to be attached to the premises licence should the application be granted. The applicant confirmed that should the Committee impose such conditions they would be acceptable to the applicant.

Following the hearing the Committee retired to consider the application and all relevant representations. The Committee considered the application and all relevant representations and found that the application was not inconsistent with the licensing objectives but that a number of conditions should be imposed.

RESOLVED:

- (1) That having considered the application in accordance with section 4 Licensing Act 2003 and all other relevant considerations it is decided that the application be granted subject to the conditions set out in Appendix 1 to this minute.

[Mandatory conditions and conditions consistent with the applicant's operating schedule are not the subject of this determination]

- (2) A report be presented to the Committee at or before its 13 November 2006 meeting on all issues arising from the carrying out of the event.

APPENDIX 1

Conditions

Conditions Numbered 1 – 9

- 1) The Music Noise Level (MNL) shall not exceed 65dBLAeq (15 min) 1 metre from the façade of any noise sensitive premises prior to 23:00 hours.
- 2) After 23:00 hours music noise levels 10m from the mixer desk in each marquee shall not exceed 95dB.
- 3) The use of the main stage shall finish at 23:00 hours.

Strategic Director
– Corporate and
Policy

- 4) Music noise levels from the main stage shall not exceed 98dB LAeq at a position 40 metres from the main speakers.
- 5) The licence holder shall ensure that the appointed noise consultant shall regularly undertake tests of noise levels at the sound mixer positions to ensure compliance with the licence conditions. A written record of these assessments shall be kept and available to any Environmental Health Officer appointed or authorised by the Environmental Health , Enforcement & Building Control Division of Halton Borough Council upon request. This shall include any remedial action taken.
- 6) The licence holder shall ensure that the appointed noise consultant shall carry out one or more noise propagation tests prior to the event. Any such test shall be carried out between 11:00 and 16:00 hours on the day prior to the event and after 10:00 hours on the day of the event. Halton Borough Council's Environmental Health Officers shall be informed of the tests at least one hour prior to commencement.
- 7) The licence holder shall submit a noise management plan to the Divisional Manager (Enforcement & Building Control) of Halton Borough Council no later than 28 days before the commencement of the event.
- 8) There shall be no construction of the set or any other structure associated with the event within the hours of 20.00 – 08.00 unless otherwise agreed in writing by the Divisional Manager (Environmental Health, Enforcement & Building Control) of Halton Borough Council.
- 9) If in the opinion of an Environmental Health Officer appointed or authorised by the Environmental Health , Enforcement & Building Control Division of Halton Borough Council the noise levels become unacceptable notwithstanding compliance with any other noise condition, the licence holder shall reduce the noise levels as directed by such Environmental Health Officer

Reasons for conditions Numbered 1 – 9 - Prevention of Public Nuisance

Conditions Numbered 10 to 16

10. Upon completion of all preparatory works, and prior to the main arena being opened, the Environmental Health Manager (Health and Safety), the Divisional Manager (Environmental Health, Enforcement & Building Control) or the Principal Environmental Health Officer (Health and Safety) of Halton Borough Council's Environmental Health, Enforcement & Building Control Division shall be advised by the licence holder that they have deemed the arena as being ready to be opened to the public.
11. The Environmental Health Manager (Health and Safety), The Divisional Manager (Environmental Health, Enforcement & Building Control) or the Principal Environmental Health Officer (Health and Safety) of Halton Borough Council's Environmental Health, Enforcement & Building Control Division shall be kept informed by the licence holder of the progress of the event and notified at each key stage namely:
 - i) Arrival at site
 - ii) The start of the event set up
 - iii) Final safety checks prior to opening
 - iv) Any other key stages in the executing and operating of the event.
12. The licence holder shall furnish the Environmental Health Manager (Health and Safety), The Divisional Manager (Environmental Health, Enforcement & Building Control) or the Principal Environmental Health Officer (Health and Safety) of Halton Borough Councils Environmental Health, Enforcement & Building Control Division with a list of all contractors who will be operating at the event at the earliest time available but within a minimum of 48 hours prior to the event opening to the public.
13. The licence holder shall advise the Environmental Health Manager (Health and Safety), The Divisional Manager (Environmental Health, Enforcement & Building Control) or the Principal Environmental Health Officer (Health and Safety) of Halton Borough Council's Environmental Health, Enforcement & Building Control Division a minimum of 48 hours prior to the event opening to the public of all activities to be carried out by sponsors with particular attention paid to those, which involve public participation.
14. The licence holder shall ensure the Environmental

Health Manager (Health and Safety), The Divisional Manager (Environmental Health, Enforcement & Building Control) or the Principal Environmental Health Officer (Health and Safety) of Halton Borough Council's Environmental Health, Enforcement & Building Control Division always has an up to date copy of the event risk assessment.

15. The licence holder shall advise the Divisional Manager (Environmental Health, Enforcement & Building Control) of Halton Borough Council's Environmental Health, Enforcement & Building Control Division of proposed special effects involving the use of lasers, strobes, pyrotechnics, dry ice effects, smoke machines, and fireworks, or other similar devices and the contractors operating them at least 28 days prior to the performance.
16. The use of lasers should be in accordance with the following conditions:
 - a) The licence holder shall obtain from the laser manufacturer or operator sufficient information, sketches, calculations, radiometric measurement data etc., to demonstrate that the system can be used safely and without risk to health together with the classification of the proposed system.
 - b) All display laser equipment shall be so designed, constructed and maintained as to be safe for use.
 - c) All display laser products shall be provided with a key operated ON-OFF switch to secure the laser against unauthorised use.
 - d) Each effect from a display shall take place within a predetermined and defined display area. The emission of laser radiation shall be terminated automatically immediately the laser effect beam leaves the boundaries of this display area.
 - e) The control console for each display laser product shall be secure and sited in such a position that the operator is able to view the whole of the display area. Where this is not practicable, alternative effective arrangements shall be made whereby the operator is able to assess the situation and be aware of any

malfunction etc.

- f) All display laser products shall be provided with one or more readily accessible controls which will immediately terminate the emission of any laser radiation. In the event that a laser system is not required to be under the continuous supervision or control of an operator, a person at the display shall be designated to be responsible for the immediate termination of the laser radiation in the event of equipment malfunction audience unruliness or other unsafe conditions.
- g) The accessible emission levels of radiation shall be measured and/or calculated by the operator at all positions where the audience, general public, operators or performers may be exposed to the primary beam (s), or to reflections from targets and scattering materials.
- h) Any area where the levels of laser radiation exceed the accessible emission limit for Class 1 laser products shall be clearly identified, appropriate warning notices posted and barriers erected to prevent the entry of unauthorised persons. Entry into these areas shall be undertaken only by authorised persons if necessary and wearing the appropriate protective equipment.
- i) The level of laser radiation shall not exceed the maximum permissible exposure level at any point where the public is permitted during the display. In addition unless effective means are employed to prevent access to the laser beam(s) the maximum permissible exposure level shall not be exceeded at any point:
 - Less than 3m above any surface upon which the audience/general public is permitted to stand; or
 - Less than 2.5m in lateral separation from any position where a person in the audience/general public is permitted during the display.
- j) The accessible exposure level of laser radiation to operators/performers shall not exceed the maximum permissible exposure if such radiation is intended to be viewed by them in order to perform their functions. In the event that such radiation is not intended to be viewed by them

then the accessible exposure level shall not exceed the accessible exposure limit specified for Class 3A laser products.

- k) The use of scanning devices, including mirror balls, shall incorporate a means which shall automatically prevent exposure to levels in excess of those specified in the event of scan failure or other failure.
- l) In the setting up and alignment of laser systems
The following precautions shall be taken:-
 - The setting up/alignment of laser systems shall only be undertaken by a trained laser operator. Only those persons required performing relevant functions shall be present during the alignment/setting up of the system. The accessible emission level of laser radiation shall be reduced to the minimum practicable level and in any event shall not exceed the accessible emission limit for Class 3A laser products. Where necessary for the protection of those employed, appropriate protective equipment shall be worn during the alignment/setting up of the laser equipment.
 - A functional check shall be made before the admittance of the public of all safety devices, interlocks etc., which have been provided to ensure the safety of persons prior to each public use of a display laser product.
 - Where display laser products are used outdoors, consideration shall be given and adequate safeguards adopted for those persons liable to view the beam directly within the nominal hazard distance and also those who might view the beam or its reflections using optical aids. In this context special consideration shall be given to the hazards that the use of a display laser product might present to traffic movements including those by air, sea, harbour and road.

**Reasons for conditions Numbered 10 – 16 - Public Safety:
Conditions Numbered 17 and 18**

- 17. The licence holder shall ensure that anyone who appears to be under 21 years of age who attempts to enter the premises or who having entered the premises is consuming alcohol or attempting to

purchase alcohol will be asked to prove their age. Accepted methods of proof of age are: passports, photo driving licences and PASS accredited proof of age cards e.g. Validate, Connexions, Citizen Card, Prove It Card. If any such person fails to satisfy the licence holder by means of such proof of age that they are 18 years old or older that person shall be ejected from the premises forthwith

18. In respect of the yellow bands that will be given to members of the public once they have provided satisfactory proof of age, these shall be of a type that cannot be removed and transferred to other people. The type used as wrist bands in hospitals would be suitable as they have to be cut to be removed, rather than the 'bangle' type recently in vogue as charity bracelets. The licence holder shall ensure that these bands shall be securely attached to every member of the public attending the event.

Reasons for conditions Numbered 17 and 18 - Protection of Children from Harm

Condition numbered 19

19. All public footpaths running across the site must be closed for the duration of the licence, and suitable alternative routes identified and displayed.

Reasons for condition Numbered 19 - The prevention of public nuisance and prevention of crime and disorder

Conditions numbered 20 and 21

20. The schedule refers to extensive use of CCTV but no definite reference is made to the need to transfer images if required. Any system that is used must be capable of downloading images onto a hard disk and must be made available to the Police as requested.
21. None of the Security staff employed to come from the Merseyside/Cheshire area. Previous experience has shown that this can compromise staff and lead to breaches in security.

Reasons for conditions Numbered 20 and 21 - The prevention of crime and disorder

Conditions numbered 22 and 23

22. The application states that the final 'Safety Sign Off' time will be 1600hrs on Friday, the 25th August 2006. This is a crucial point and previous experience in Merseyside has shown that any delay to this time causes an unacceptable delay throughout the remainder of the timetable. This culminates in a delay in making the site available for occupation at the stated time and causes a serious risk of crushing within the crowds. This time shall be strictly adhered to.
23. The application refers to a minimum number of stewards/security staff to be deployed throughout the event, this being 350. This number shall not be reduced under any circumstances as this forms an integral part of the Police Contingency and Emergency plans, any variation of this number would obviously compromise these plans.

Reasons for conditions Numbered 22 and 23- Public safety

Meeting ended at 9.20 p.m.