

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Monday, 8 June 2009 in the Council Chamber, Runcorn Town Hall

Present: Councillors Philbin (Chairman), Wallace (Vice-Chairman), Howard, D. Inch, A. Lowe, Murray, Nelson, E. Ratcliffe and Wainwright

Apologies for Absence: Councillors Bryant and Drakeley

Absence declared on Council business: None

Officers present: L. Capper, K. Cleary and J. Tully

Also in attendance: Cheshire Police – 4 Police Officers and 1 Licensing Police Officer, Halton Borough Council – 3 Environmental Health Officers and 1 Student EHO, Warrington Borough Council – 2 Officers, Applicant – 3 persons, Members of the public – 20 and members of the press - 2

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

REG32 APPLICATION FOR A PREMISES LICENCE ON LAND AT DARESBUY

Action

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

The hearing was held in accordance with the provisions of section 18 Licensing Act 2003 and the Licensing Act (Hearings) Regulations 2005.

The Committee heard representations in person on behalf of:

- 1 the applicant,
- 2 Cheshire Constabulary and Halton Borough Council's Environment Enforcement and Building Control Division, and Warrington Borough Council (as responsible authorities)
- 3 Mr & Mrs Harris, Dr & Mrs Barlow and Mr Priestner & Miss Priestner of Higher Walton and Mr Owen of Daresbury (as interested parties)

The Committee also considered all written relevant representations from interested parties

The applicant informed the Committee that it was amending its application by seeking a grant of a premises licence limited to a three year period.

Cheshire Constabulary had not objected to the grant of a permanent licence provided that it was restricted to the August Bank Holiday Weekend in any year and did not object to the grant of a three year licence subject to conditions being imposed. As part of their presentation Cheshire Constabulary outlined a number of conditions which they had requested to be attached to the premises licence should the application be granted. Certain proposals made by Cheshire Constabulary were outside the scope of the Licensing Act 2003 and were withdrawn: and others were not appropriate to the decision reached by the Committee. However, the majority of the conditions proposed by Cheshire Constabulary were accepted by the Committee.

Warrington Borough Council objected to the original application and had not proposed any conditions should a licence for a limited period be granted. Warrington Borough Council also objected to the amended application but stated that it would not object to a licence limited to one year (subject to the conditions proposed by Halton Borough Council in the printed agenda).

Halton Borough Council's Environmental Health and Building Control Division had objected to the grant of a permanent licence but proposed a number of conditions should a licence be granted for a limited period (that is, the August Bank Holiday weekend 2009). However, no objection was raised by them to the amended application subject to additional conditions that were tabled at the hearing.

Representations had been received from 148 interested parties. A further 12 representations were made by persons outside of the vicinity of the site. One representation was received which contained no address. The vicinity of the site had been determined to be the area enclosed within a radius of 1.5 miles from the site (or just over 7 square miles). The 12 persons who have submitted representations from outside the vicinity of the premises together with the person who did not provide an address were not considered to be interested parties. The representations had been placed on the application file and

copies had been forwarded to the applicant and to members of the Committee prior to the hearing. Only relevant representations were taken into account by the Committee (the Committee having determined what constituted a relevant representation from an interested party). Where a representation contained both relevant and irrelevant material only the relevant elements of the representation were taken into account. In some cases no evidence/information had been put forward to substantiate the reasons expressed and in some cases objections have been raised which are not related to the licensing objectives (for example, traffic congestion or impact on property sales) or not directly related to the premises which were the subject of the application. A number of representations objected to a permanent licence rather than a temporary licence. In a number of cases conditions were suggested by interested parties. In all cases the Committee preferred the conditions proposed by the responsible authorities.

Seven interested parties addressed the Committee in person.

At the conclusion of the hearing the Committee retired to consider the application

(a) RESOLVED: That:

- (1) having considered the application in accordance with section 4 Licensing Act 2003 and all other relevant considerations a premises licence be granted for the period beginning on 29th August 2009 and ending on 31st August 2009 in accordance with the application and operating schedule (including the documents incorporated therewith) subject to the conditions set out in the Appendix to this minute; and
- (2) the reason for the determination was that the Committee felt that the application would be consistent with the Licensing Objectives subject to being granted for a limited period and subject to these conditions. In particular, the Committee was not satisfied that the grant of a licence for a longer period was appropriate in view of the untested configuration of the licensable activities.

Appendix to Minute

Condition 1:

The Challenge 21 Proof of Age Scheme shall be

adopted both as Condition of entry and as a condition of purchasing tickets at the on-site ticket booth. A tent or other structure shall be provided, immediately adjacent to the entry gates, where checks can be carried out by Licence holder and police staff.

The operating procedures for implementing this Condition are set out in Annex 1 and constitute part of this Condition.

Reason for condition: to promote the objective of preventing crime and disorder

Condition 2:

No licensable activities shall take place unless all Public Footpaths running across the premises have been temporarily closed and suitable alternative routes that may have been identified have been displayed.

Reason for condition: to promote the objective of preventing crime and disorder

Condition 3:

All CCTV must comply with the recommendations of the Multi-Agency Planning team, and in any event shall not fall below the provisions employed at the 2008 event without prior Police agreement.

Reason for condition: to promote the objective of preventing crime and disorder

Condition 4:

There will be a final sign-off time, suitable to and set by all Responsible Authorities. This will be set by a meeting with the licence holder and Responsible authorities,

Reason for condition: to promote the objective of preventing crime and disorder

Condition 5:

The numbers of SIA registered staff and stewards and their deployment areas and times of duty shall be set by the Multi-Agency Planning Team and shall not fall below the provisions employed at the 2008 event without Police agreement.

Reason for condition: to promote the objective of preventing crime and disorder

Condition 6:

An appointed representative from the Licence Holder shall attend meetings arranged between the Police and the S.I.A.

Reason for condition: to promote the objective of preventing crime and disorder

Condition 7:

Members of the Senior Management of the Licence Holder shall attend Adversarial Briefings with senior Police staff when arranged prior to the event. Adversarial Briefings are meetings involving all agencies in order to test plans and contingencies.

Reason for condition: to promote the objective of preventing crime and disorder

(Annex to Condition 1)

Creamfields – Challenge 21

This document sets out the procedure that will be used for enforcing Challenge 21 policy whereby persons who appear to be under the age of 21 are challenged to produce ID to prove their age.

Persons who are challenged as they look under the age of 21 but who can prove they are over the age of 18 will be issued with a plastic, non-transferable wristband which they can wear throughout the event.

Operating Procedure

1. The event is promoted for 18s and over on all literature.
2. All event goers are urged to bring ID with them.
3. At the event entrances the Terms and Conditions state that only 18's and over may enter.

4. By each of the event entrances, staff will be identifying people who appear under the age of 21 and will advise them that they need to show ID proving their age so that they can enter the show. Upon showing their ID to the Challenge 21 member of staff, the customer will receive a wristband directly from that member of staff and will be able to proceed into the event. The wristband will show the bar staff that they are of legal age to purchase alcohol.
5. If someone is denied entry on the grounds of appearing under 21 without having ID to prove otherwise they will have their ticket confiscated and be advised they will not be allowed into the show.
6. If this person is under the age of 16 they will be escorted to a Welfare Facility from where their parents can be called to advise them that their child is at the event and needs collecting.
7. All staff will be briefed to continually look out for persons who appear to be under the age of 21.
8. If someone appears to be under the age of 21 and **does** have ID on them, they will be allowed into the event having first been advised of the principles of Challenge 21. They will be advised to always carry ID with them for future events and they will be issued with a coloured plastic, non-transferable wristband that they can produce when purchasing alcohol.
9. At each bar there will be signs and Challenge 21 literature explaining the need for ID if you look under 21.
10. Each Bar Manager will brief staff before the event starts about the Guidelines of Challenge 21 and the rules that are being implemented at the event.
11. All Security at each bar area will also be briefed to prevent those looking under the age of 21 who do not have a wristband from entering into the bar queuing lanes.

Condition 8:

All activities, structures, stages and facilities shall be positioned in the fields numbered 9238, 6842, 0064 and 8868 and sited in the position indicated in the plan submitted with this application dated 14/04/2009. No changes shall be made to this indicative siting without prior permission in writing from the Operational Director (Environment & Regulatory Services) or the Divisional Manager (Environmental Health, Building Control & Enforcement).

Reason for condition: to promote the objective of preventing public nuisance

Condition 9:

The licensable activities, with the exception of late night refreshment, applied for namely films, live music, recorded music, performance of dance, dancing and the supply of alcohol shall be restricted to the areas indicated in fields labelled 9238, 6842, 0064 and 8868

Reason for condition: to promote the objective of preventing public nuisance

Condition 10:

The licensee shall appoint a suitably qualified and experienced Noise Control Consultant who shall be required to advise the Licensee on managing noise generated during the licensed events and to liaise with all relevant parties i.e. the Licensee, the Environmental Health officers of Halton Borough Council and Warrington Borough Council, Event Promoters, sound system suppliers, sound engineers and performers prior to and during the licensed event.

Reason for condition: to promote the objective of preventing public nuisance

Condition 11:

The Music Noise Level (MNL) shall not exceed 65dB LAeq (15 min) 1 metre from the façade of any noise sensitive premises prior to 23:00 hours.

Reason for condition: to promote the objective of preventing public nuisance

Condition 12:

After 23:00 hours music noise levels 10m from the mixer desk in each marquee including any concessionary (marquees) shall not exceed 95dBLAeq (15 min).

Reason for condition: to promote the objective of preventing public nuisance

Condition 13:

The sound systems associated with each ride on the fairground shall not be operated after 23:00 hours

Reason for condition: to promote the objective of preventing public nuisance

Condition 14:

Music noise levels from the main stage shall not exceed 98dBLAeq(15 min) at a position 40 metres from the main speakers.

Reason for condition: to promote the objective of preventing public nuisance

Condition 15:

The use of main stage shall finish at 23:00 hours.

Reason for condition: to promote the objective of preventing public nuisance

Condition 16:

The licence holder shall ensure that the appointed Noise Control 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, Building Control & Enforcement Division of Halton Borough Council upon request. This shall include any remedial action taken.

Reason for condition: to promote the objective of preventing public nuisance

Condition 17:

The licence holder shall ensure that the appointed Noise Consultant shall carry out one or more noise propagation tests prior to the event. During the test, the sound system shall be configured and operated in a similar manner as that intended for the licensed events and shall utilize a sound source as similar as possible to that intended to be used during the licensed events. 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 each day of the event. Halton Borough Council's Environmental Health Officers shall be informed of the tests at least one hour prior to commencement.

Reason for condition: to promote the objective of preventing public nuisance

Condition 18:

The licence holder shall submit a noise management plan to the Divisional Manager (Environmental Health, Building Control & Enforcement) no later than 28 days before the commencement of the event.

Reason for condition: to promote the objective of preventing public nuisance

Condition 19:

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, Building Control & Enforcement).

Reason for condition: to promote the objective of preventing public nuisance

Condition 20:

If, in the opinion of the Environmental Health Officer appointed or authorised by the Environmental Health, Building Control & Enforcement Division of Halton Borough Council or the Noise Control Consultant appointed in accordance with Condition B, that the noise levels become unacceptable and a significant disturbance is being, or is likely to be caused during the operation of the licence, and notwithstanding compliance with any other noise condition, the Licence holder shall take appropriate steps to avoid or abate

any such disturbance as directed by such Environmental Health Officer or the appointed Noise Control Consultant .

Reason for condition: to promote the objective of preventing public nuisance

Condition 21:

The Licensee shall ensure that the any sound system supplier, sound engineer, sound equipment operator or performer is informed of these noise conditions of licence and that they will be required to comply with any instructions given to them by the Licensee or the Licensees Noise Control Consultant.

Reason for condition: to promote the objective of preventing public nuisance

Condition 22:

All stage and tower structures shall be supplied by competent contractors who shall issue full structural plans and calculations to Halton's Borough Council Building Control Manager.

Reason for condition: to promote the objective of promoting public safety

Condition 23:

The Licence holder shall ensure that a nominated council representative the Environmental Health Manager (Food and Health & Safety), the Divisional Manager (Environmental Health, Building Control& Enforcement) or the Principal Environmental Health Officer (Food Safety, Health & Safety) is kept informed of the progress of the notified at key stages, namely (i) of designated contractors on site to prepare for the event, (ii) start of event set up, (iii) final safety checks prior to opening, (iv) at any other key stages in the executing and operating of the event.

Reason for condition: to promote the objective of promoting public safety

Condition 24:

The Licence holder shall furnish the Environmental Health Manager (Food Health & Safety), the Divisional

Manager (Environmental Health, Building Control & Enforcement) or the Principal Environmental Health Officer (Food, Health & Safety) with a list of

- all contractors who will be operating at the event at the earliest available time but within a minimum of 48 hours prior to the opening of the event to the public.
- the names and addresses of all authorised food vendors and any sub contractor vendors including those catering for site crew, artists, performers, technical crews etc, present onsite prior to, during and after the Festival together with the nature of their operation at the earliest available time but within a minimum of 10 working days prior to the opening of the event to the public.
- Details of each proposed "Food Market Area" including location and name and address of individual traders at the earliest available time but within a minimum of 10 working days prior to the opening of the event to the public.
- the Licensee shall ensure that all traders are reminded of the need to comply with current Food Hygiene and Food Safety Legislation.

Reason for condition: to promote the objective of promoting public safety

Condition 25:

The Licence holder shall furnish the Environmental Health Manager (Food Health & Safety), the Divisional Manager (Environmental Health, Building Control & Enforcement) or the Principal Environmental Health Officer (Food, Health & Safety) with details of any vendors proposing to offer acupuncture, tattooing semi permanent skin-colouring, cosmetic piercing and electrolysis on the licensed site. The license holder shall not permit such activities from stalls or by vendors who have not been registered with the council and comply with the Local Government (Miscellaneous Provisions) Act 1982 Part VIII.

Reason for condition: to promote the objective of promoting public safety

Condition 26:

Any subsequent changes must be notified to the Licensing Authority by telephone and confirmed in writing as soon as possible thereafter.

Reason for condition: to promote the objective of promoting public safety

Condition 27:

A representative of Halton Council's Environmental Health, Building Control & Enforcement Division shall be advised in reasonable time when the main arena is deemed by the Licence holder to be ready to be opened to the public.

Reason for condition: to promote the objective of promoting public safety

Condition 28:

The Licence holder shall advise the Environmental Health Manager (Food and Health & Safety), the Divisional Manager (Environmental Health, Building Control & Enforcement) or the Principal Environmental Health Officer (Food Safety, Health & Safety) a minimum of 48 hours prior to the event opening to the public, all activities to be carried out by sponsors with particular attention to those involving public participation.

Reason for condition: to promote the objective of promoting public safety

Condition 29:

The Licence holder shall ensure the Environmental Health Manager (Food and Health & Safety), the Divisional Manager (Environmental Health, Building Control & Enforcement) or the Principal Environmental Health Officer (Food Safety, Health & Safety) shall always have an up to date copy of the event risk assessment.

Reason for condition: to promote the objective of promoting public safety

Condition 30:

The event shall be managed and operated in accordance with the Health & Safety policy and procedures statement included in the application. The Division shall be kept informed by the Licence holder of all key activities relating to public safety. In particular,

any activities that require specific individual risk assessments to ensure safe operation such as the use of lasers, strobes, pyrotechnics, bomb tanks, smoke machines and fireworks etc must be reported to the division with suitable supporting evidence within reasonable time, prior to the event.

Reason for condition: to promote the objective of promoting public safety

Condition 31:

The licence holder shall comply in all respects with the operating schedule except as varied by these conditions.

Reason for condition: For completeness in the interests of achieving the licensing objectives

Condition 32:

32.1 The extent of the premises shall be determined by the red line attached to Plan 1 attached to the premises licence;

32.2 Plan 2 attached to the premises licence shall determine the position of the objects and temporary structures therein shown;

32.3 Plan 3 and Plan 4 attached to the premises licence were submitted with the application and shall be interpreted as expressing the same information as contained in the abovementioned Plan 2.

Reason for condition: to clarify ambiguities in the plans submitted with the application.

Condition 33

Full details of the of the numbers of people attending the event over the August Bank Holiday weekend 2009 (as determined by the recording system agreed by Cheshire Constabulary) shall be reported to the Licensing Authority by the licence holder on or before 1st October 2009.

(b)

Reason for condition: To validate the number of persons attending the event to ensure compliance with this element of the operating schedule

Note that mandatory conditions apply automatically.

Meeting ended at 11.45 p.m.