

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Tuesday, 2 March 2010 in the Council Chamber, Runcorn Town Hall

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

Apologies for Absence: Councillors E. Ratcliffe and Wainwright

Absence declared on Council business: Councillor Drakeley

Officers present: G. Ferguson, L. Capper, K. Cleary, S. Rimmer, W. Salisbury, Y. Sung and J. Tully

Also in attendance: Cheshire Police - 1 Police Officer, 1 Police Licensing Officer, and 1 Civilian Officer. Applicant - 4 persons, Members of the public - 8

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

REG21 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.

At the commencement of the hearing the Committee were advised that certain conditions proposed by the Police and the Council's Environmental Health, Building Control and Enforcement Division had been amended to improve clarity and to avoid duplication. Certain additional conditions were also proposed by the applicant and the above responsible bodies: a comparison between the proposed conditions as set out in the agenda for the hearing and those set out below tracks the relevant details. The Applicant confirmed that the conditions, as amended, were agreed.

The Committee heard representations in person on

behalf of:

1. The Applicant C I (Events) Ltd were represented by Simon Taylor of Freeth Cartwright LLP Solicitors who was accompanied by Jim Griffiths (Applicants acoustic expert) and Jim King
2. Cheshire Constabulary were represented by Superintendent Ged Manley, Paul Draycott Police Licensing Officer and Nicola Linder
3. Halton Borough Council's Environmental Health, Building Control and Enforcement Division were represented by Yeemay Sung Environmental Health Manager, Wendy Salisbury Principal Environmental Health Officer and Stephen Rimmer Divisional Manager Highways.
4. Mr Owen on behalf of Daresbury Parish Council and Mr Priestner as interested parties

The Applicant began by outlining the nature and background to the application.

Cheshire Constabulary confirmed that the fundamental objections set out in their representations had been resolved and were withdrawn subject to the imposition of the agreed conditions.

Halton Borough Council's Environmental Health, Building Control and Enforcement Division had not objected to the grant of a 3 year licence but proposed a number of conditions should a licence be granted for the 3 year period.

Mr Owen elaborated the points raised in his written representation (reference number 17).

Mr. Priestner elaborated on the points raised in his written representation (reference number 23).

The Committee raised a number of questions which were put to the parties throughout the hearing.

The Committee considered all of the written relevant representations from interested parties that had been made.

Letters making representations had been received from 28 interested parties (total 33 people). A further 1 representation was made by a person outside of the vicinity of the site and 5 representations were received following the expiry of the period for representations and were not

considered to be interested parties. The Committee had been provided with copies of all representations prior to the hearing and were advised that the precise calculation of numbers was irrelevant: there was a range of methods available. 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 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). A number of representations objected to a 3 year 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.

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

RESOLVED: That

Having considered the application in accordance with section 4 Licensing Act 2003 and all other relevant considerations the committee resolved that in accordance with the application and operating schedule (including the documents incorporated therewith) and subject to the conditions set out below a premises licence be granted for 3 years provided that licensable activities shall during this period take place only during the following periods:

- first, for the period commencing on 28 August 2010 and ending on 30 August 2010;
- secondly, for the period commencing on 27 August 2011 and ending on 29 August 2011; and
- thirdly, for the period commencing on 25 August 2012 and ending on 27 August 2012.

The reason for the determination was that the Committee felt that the application was consistent with the Licensing Objectives provided that the conditions set out below (which had been agreed to by the Applicant) were

imposed.

CONDITIONS

Conditions relating to public safety and prevention of crime and disorder

1. The Challenge 21 Proof of Age Scheme shall be adopted as a Condition of entry. A tent or other structure shall be provided, immediately adjacent to the entry gates, where checks can be carried out by event and police staff. The operating procedures are set out in Annexe 1 of this Form and constitute part of this Condition.

2. A CCTV Plan shall be prepared by the Premises Licence Holder and shall form part of the Event Operating Plan each year. It shall be approved by the multi-agency planning team and the approved Plan shall be implemented by the Premises Licence Holder.

3. A Security/Stewarding Plan shall form part of the Event Operating Plan each year. It shall specify the number of SIA registered staff and stewards, their deployment areas and times of duty. The Plan shall be approved by the multi-agency planning team and the approved Plan shall be implemented by the Premises Licence Holder.

4. An appointed representative of the Premises Licence Holder shall attend meetings arranged between the police and the SIA.

5. An appointed representative of the Premises Licence Holder shall attend advisory briefings with senior police staff when arranged prior to the event.

Reasons for conditions 1 to 5 - The prevention of crime and disorder and Public safety.

Annexe to condition 1 above

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.

Conditions relating to public safety and the prevention of public nuisance

GENERAL

6 All licensable activities (other than late night refreshment), structures, stages and facilities shall be positioned solely in the fields numbered 9238, 6842, 0064 and 8868 and sited in the position indicated in the site plan submitted with this application dated 10/12/09 (hereafter referred to as 'the site plan'). There shall be no changes to details of this plan without written permission from Halton Borough Council.

7 No licensable activity shall take place unless any changes to the Event Management Plan and site plan have been agreed in writing by Halton Borough Council.

8 No alteration from any agreed strategy or plan shall be made without the prior written approval of Halton Borough Council, unless there is in the opinion of the Premises Licence Holder a perceived imminent risk to life.

9 Should the Premises Licence Holder fail to meet any of the key dates contained within Table 1, without 'reasonable grounds', they shall be subject to a fine of £500, payable to Halton Borough Council, every day the action is missing beyond the specified key date. In the event of any dispute determining 'reasonable grounds' the Operational Director (Environmental and Regulatory Services) shall make the final decision.

10 The Premises Licence Holder shall comply with the requirements set out in column 2 of Key Dates Table 1 within the time-table set out in column 1 of the Table (except that the first requirement is not applicable to the 2010 event)

11 Car parks and campsites shall be closed at 14.00 hrs and 12.00 hrs respectively on Mondays when events are being held.

Reason for conditions 6 to 11 - Public Safety

Noise

12 The Premises Licence Holder shall appoint a suitably qualified and experienced Noise Control Consultant who shall be required to advise the Premises Licence Holder on managing noise generated during the licensed events and to liaise with all relevant parties i.e. the Premises Licence Holder, the Divisional Manager (Regulatory Services) Halton Borough Council and Warrington Borough Council, event promoters, sound system suppliers, sound engineers and performers prior to and during the licensed event. (See Key Dates Table 1)

13 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.

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

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

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

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

18 The Premises 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 Officer appointed by the Regulatory Services Division of Halton Borough Council, upon request. This shall include any remedial action taken.

19 The Premises 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. The sound test 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. An Officer appointed by the Regulatory Services Division shall be informed of the tests

at least one hour prior to commencement.

20 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 (Regulatory Services).

21 If, in the opinion of any Officer appointed by the Regulatory Services Division of Halton Borough Council, or the Noise Control Consultant noise levels become unacceptable, and a significant disturbance is being, or is likely to be caused during the operation of the licence the Premises Licence holder shall take appropriate steps to avoid or abate any such disturbance as directed by such Officer or the appointed Noise Control Consultant. This is without prejudice any other noise condition.

22 The Premises Licence Holder 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 Premises Licence Holder or the Premises Licence Holders Noise Control Consultant.

Reason for conditions 12 to 22 -The Prevention of Public Nuisance

Health and Safety and Food Safety

23 All stage and tower structures shall be supplied by competent contractors. (*see Key Dates Table 1*)

24 The site build and construction shall not commence before a period of 21 days prior to the event taking place without prior written approval of the licensing authority. During this period the area shall be classed as a working area with all relevant health and safety procedures shall be in place.

25 The Premises Licence Holder shall ensure that Halton Borough Council's Environmental Health Division are informed of the times and dates of the following events on site:

- i start of event set up,
- ii final safety checks prior to opening
- iii the main arena is ready for public access.

26 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 Premises Licence Holder to be ready to be opened to the public.

27 Specific risk assessments shall be carried for pyrotechnics, lasers, 'bomb tanks', smoke machines, strobes or firework displays and any other special effects as deemed necessary by Halton Borough Council. (see *Key Dates Table 1*)

28 The Premises License Holder shall not permit such activities from stalls or by vendors who have not been registered with the council or another local authority and comply with the Local Government (Miscellaneous Provisions) Act 1982 Part VIII. Each individual person engaged in the practice of ear piercing, tattooing or skin piercing must be registered with the council or another local authority. Documentary evidence of registrations should be received by the council 4 weeks prior to the event. All persons engaged in skin piercing, tattooing and body piercing will be required upon request by an officer of the council to provide photographic identification e.g. passport or driving license to enable the officer to confirm their identity. (see *Key Dates Table 1*)

29 The Premises Licence Holder shall provide a copy of the event health and safety risk assessment to the Council. The Council shall be informed of any subsequent changes to the assessment. (see *Key dates Table 1*)

Highways

30 The Premises Licence Holder shall prevent as far as possible mud or any other material being deposited on any highway covered by the road cleaning programme.

31 A road cleaning programme, including contingencies for adverse weather shall be submitted to and approved in writing by Halton Borough Council and the Highways Agency. The programme shall detail equipment to be deployed its location and use. (see *Key Dates Table 1*)

32. 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.

Key Dates – Table 1

COLUMN 1 KEY DATE	COLUMN 2 Information or arrangement required
22 February	The Premises Licence Holder shall notify Halton Borough Council and Warrington Borough Council and Cheshire Police of intention to operate a planned “Creamfields” major public event.
21 March	The Premises Licence Holder shall appoint a competent traffic management company experienced in organising similar events and shall consult with Halton Borough Council on the proposed plan
29 March	The Premises Licence Holder shall consult with Halton Borough Council, Cheshire Police and the Highways Agency on traffic management and traffic management plans
29 March	The Premises Licence Holder shall submit to the Halton Borough Council and Cheshire Police event operating plan and site plan.
29 March	The Premises Licence Holder shall supply a Sound Report to Halton Borough Council
29 March	The Premises Licence Holder shall submit the draft Security and Stewarding Plan to the Cheshire Police for consultation.
24 April	The Premises Licence Holder shall supply to, Halton Borough Council, the first draft of Traffic Management Plan (on CD in PDF format or paper copies) drawn up by the appointed traffic management company.
24 April	The Premises Licence Holder shall advise Highways and Transport Department of Halton Borough Council of any temporary traffic orders they seek to be imposed.
12 July	The Premises Licence Holder shall supply the final Traffic Management Plan that has been agreed by Highways Department of Halton Borough Council & the Highways Agency & Cheshire Police.
12 July	The Premises Licence Holder shall supply a road cleaning programme to Halton Borough Council’s Highways Department.
9 August	<p>The Premises Licence Holder shall supply to Halton Borough Council</p> <ul style="list-style-type: none"> • Full details of all temporary structures (including all structural plans and calculations) i.e. tents, marquees, stages, fencing and stage barriers to be submitted to Building Control Dept. • Risk assessments completed on emergency fire cover arrangements for

	<p>the Arena, Campsite and Car Park areas.</p> <ul style="list-style-type: none"> • Plan of the arena showing access and egress points. Position of all structures in the arena area. • Plan of any onsite campsites showing all access routes, fire lanes etc. • Plan of all car parks showing access and egress routes. • Details and risk assessments of any proposed special effects, pyrotechnics, lasers, 'bomb tanks', smoke machines, strobes or firework displays. • Details of any LPG usage. • Submission of a detailed security plan for the duration of the event. • Submission of detailed site plans. The plans will clearly show all access/egress points, on site access roads, temporary structures/buildings and on site facilities. • Submission of plans, to be agreed with Environmental Health division of the licensing authority, relating to the following: i) The provision of sanitary accommodation throughout site. ii) The collection and disposal arrangements for litter, refuse and other waste arising throughout the site. iii) Control of noise levels and the intended monitoring arrangements throughout event. • Submission of the names and address of all authorised food vendors.
9 August	The Premises Licence Holder shall submit a "Final" Event Management Plan. Any amendments to the plan shall only be carried out with the consent of Halton Borough Council.
9 August	The Premises Licence Holder shall provide details of any vendors proposing to offer ear piercing, tattooing or other form of skin piercing on the licensed site to Halton Borough Council (Environmental Health).
18 August	The Premises Licence Holder shall ensure that all traffic management signage is checked at the Traffic Management Contractors depot.
20 August	Plans identifying the location of the drinking water points throughout the site shall be submitted by the Premises Licence Holder to Halton Borough Council.

20 August	The Premises Licence Holder shall confirm the Final Site Plan for the entire site. This plan will show all parts of the site, including all access/egress points, on site access roads, temporary structures/buildings, on site facilities and campsites. Any amendments to the plan shall only be carried out with the consent of Halton Borough Council.
20 August	The Premises Licence Holder shall start to install main event signage.
26 August 2010 25 August 2011 23 August 2012	The Premises Licence Holder shall organise and facilitate an on site inspection by representatives of the licensing authority.
26 August 2010 25 August 2011 23 August 2012	The Premises Licence Holder shall confirm that the erection of all temporary structures have been "signed off" by each of the competent site erectors.
27 August 2010 26 August 2011 24 August 2012	The Premises Licence Holder shall ensure that all event road signage will be installed and ready to be put in place for all identified traffic management.
Within 5 days of the event finishing	The Premises Licence Holder shall ensure that all temporary traffic management (except for dismantling works signage) have been removed to the satisfaction of the licensing authority highways officer.

31 October	The Premises Licence Holder shall attend and contribute to local authority debriefs
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Note that mandatory conditions apply automatically.

Following the determination the Chairman of the Committee made the following comments

The Committee wished it to be known that in the development of the Traffic Management Plan it expected particular attention to be given to minimise the congestion around the site and in particular at the entrances (including the camping area) to the site. It also wished it to be known that there should be a focus on minimising litter before during and after the events. Finally, with reference to page 11 item 5 of the Committee agenda, the Committee wished that there should be further consideration given to the advisability of automatic confiscation of tickets because of possible unintended consequences.

Meeting ended at 22.02 pm