

# Public Document Pack



## Regulatory Committee

Monday, 22 November 2010 6.30 p.m.  
Civic Suite, Town Hall, Runcorn



**Chief Executive**

### COMMITTEE MEMBERSHIP

<b>Councillor Ged Philbin (Chairman)</b>
<b>Councillor Kath Loftus (Vice-Chairman)</b>
<b>Councillor Bob Bryant</b>
<b>Councillor Mike Fry</b>
<b>Councillor Harry Howard</b>
<b>Councillor Diane Inch</b>
<b>Councillor Alan Lowe</b>
<b>Councillor Tony McDermott</b>
<b>Councillor Peter Murray</b>
<b>Councillor Ernest Ratcliffe</b>
<b>Councillor Pamela Wallace</b>

*Please contact Gill Ferguson on 0151 471 7394 or e-mail [gill.ferguson@halton.gov.uk](mailto:gill.ferguson@halton.gov.uk) for further information.  
The next meeting of the Committee is on Monday, 17 January 2011*

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

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES</b>	
<b>2. DECLARATION OF INTEREST</b>	
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.	
<b>3. CREAMFIELDS EVENT 2010</b>	<b>1 - 7</b>
<b>4. EQUALITY ACT 2010 - TAXI AND PRIVATE HIRE PROVISIONS</b>	<b>8 - 12</b>

**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 Board has a discretion to exclude the press and public and 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 to the Act.

<b>5. TAXI LICENSING MATTER</b>	<b>13 - 16</b>
<b>6. TAXI LICENSING MATTER</b>	<b>17 - 19</b>

***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:** Regulatory Committee  
**DATE:** 22 November 2010  
**REPORTING OFFICER:** Chief Executive  
**SUBJECT:** Creamfields Event 2010  
**WARDS:** Borough-wide

#### **1. PURPOSE OF REPORT**

To consider a report from responsible authorities on issues arising from the carrying out of the Creamfields Event 2010

#### **2. RECOMMENDED**

**That the Committee considers the reports from the responsible authorities.**

#### **3. SUPPORTING INFORMATION**

- 3.1 The Creamfields Event application was granted on 2 March 2010 for 3 years during the following periods of time and subject to conditions:
- 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.
- 3.2 The Creamfields events have taken place in Daresbury each year in August since 2006 and feedback on the events was presented to members at the meetings of the Regulatory Committee following the events.
- 3.3 The purpose of this report is to present the facts from the viewpoint of the responsible authorities who have now had the opportunity of dealing with four events.
- 3.4 It is also recognised that at the hearing on 2 March 2010 the Committee considered representations from a number of interested parties as well as responsible authorities. It is not appropriate for this report to seek to represent the views of interested parties.
- 3.5 Reports on the event have been received from Cheshire Police and Halton Borough Council Environmental Health – Noise Control and Health & Safety and these reports are set out at Appendix A.  
The responsible authorities have been invited to attend the Committee to introduce their reports and to answer any questions raised by the Committee

#### **4. POLICY IMPLICATIONS**

None

**5 OTHER IMPLICATIONS**

None

**6 IMPLICATIONS FOR THE COUNCILS PRIORITIES**

**9.1 Children and Young People in Halton**

None

**9.2 Employment Learning and Skills in Halton**

N/A

**9.3 A healthy Halton**

N/A

**9.4 A Safer Halton**

None

**9.5 Halton's Urban Renewal**

N/A

**7 RISK ANALYSIS**

N/A

**8 EQUALITY AND DIVERSITY ISSUES**

N/A

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

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

## **APPENDIX A**

### **CHESHIRE POLICE**

### **REPORT TO HALTON LICENSING COMMITTEE REGARDING CREAMFIELDS 2010**

This report summarises the views of Cheshire Constabulary regarding the planning and operation of the Creamfields 2010 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**

Each year the planning of Creamfields becomes easier due to continuity within the police planning team, a greater understanding of the event and clearer defined roles and responsibilities of the organisers, security and other agencies. This we are already building on for 2011. Scheduled meetings are in place with Loudsound and Security along with both Local Authorities to discuss the plans for 2011 and the role of the Police and security for future events.

The Police operation was reviewed in full and took into consideration the outcomes of the community, Police and multi agency debriefs. As in previous years, officers with specialist knowledge were appointed to create individual strategies within their area of expertise. Further to this, Insp McIntyre (Warrington South NPU Inspector) and Nicola Linder (Lead Planner) met with members of the Parish Councils on a regular basis to discuss and try to resolve the Communities' concerns.

The key dates agreed in the licence were useful and the same should be done for 2011. The final sign-off was too late and we would require the entrances to be completed earlier for 2011 to ensure they meet both security and Police requirements.

During the planning phase the organisers requested a number of changes, some of which were refused and some of which were agreed to. Two such requests (opening the arena and car parks earlier and an extra entrance to the arena) involved an increase in Police resources and therefore an increase of cost: this was agreed to by the organisers.

The security sub group worked well and resulted in excellent results in dealing with the behaviour of the unauthorised ticket sellers on the North car park.

#### **LICENSING OBJECTIVES**

##### **Prevention of Harm to Children**

Challenge "21" was enforced by the Designated Premise Supervisor (DPS) and his staff during the event.

The following details are the results of those checks:

	<b>CHALLENGES MADE</b>
2006	150
2007	1500
2008	2324
2009	4728
<b>2010</b>	<b>7653</b>

In total over the festival weekend 7653 challenges were made, of these checks 2 persons were refused entry, however they later returned with valid ID and were allowed into the event.

As can be seen in previous years there continues to be significant rises in the numbers of challenges made by the DPS and his staff.

Further to this the Police did not receive any complaints relating to concerns for young persons at the event site.

### **Prevention of Public Nuisance**

As in previous years, sub groups were set up and the Traffic Management group ensured that the Traffic Management of this event was an improvement on previous years. Blue Arrow were appointed as the Traffic Management company as opposed to the company indicated in the licence hearing: however they provided improved signage and being a local firm were able to deal with any last minute signs that were requested. Overall we were happy with the company. Feedback from the communities and de-brief has been good and no major issues raised. There was a hold up in car park staff being ready at 0700 hours which caused standing traffic for a short period.

However, this was resolved and the contingency plans for both the car parks and the motorway worked efficiently.

The Community Strategy has evolved significantly over the years and we now have a small group of Parish Councillors that attend monthly meeting with the Police planning team. During these meetings, issues and concerns were raised and we were able to incorporate the feedback into our strategy. With regards to the Traffic Management Plan, a representative from Halton Local Authority attends to present that plan. During the event, each Parish had a designated Beat Manager and we had roaming patrols to deal with any reports of crime, disorder or anti social behaviour.

Particular attention was focussed on attendees entering the event site as quickly as possible and the removal of alcohol from persons drinking on the public highway (pedestrians).

Officers were supported in their role by the area being deemed an “alcohol free zone” and the introduction of Section 27 of the Violent Crime Reduction Act 2006. This allowed officers to remove persons from a specified area if they were acting in an anti-social manner and alcohol was involved. In total we issued 12 Section 27 notices.

The Community Policing Strategy for the event operated a hotline for residents which had patrols available to respond. We had 22 calls (48 in 2009) to the hotline, the majority of which were for information only.

During the debriefs we have discussed how we will deal with unauthorised tickets sellers in 2011 as they will undoubtedly return again and use the surrounding roads to sell the tickets. Work is being done to invoke a Section 30 and a Hawkers Licence for the effected areas.

### Prevention of Crime and Disorder

The Crime Strategy includes working in partnership with other agencies, the organisers, Security and other Forces who host similar events to collate intelligence and respond to emerging crime trends.

Crime Type (Home Office Group)	Creamfields Figures 2009	Creamfields Figures 2010	Difference (Number)	Difference (Percentage)
Criminal Damage	-	2	2	200%
Drug Offences	25	129	104	416%
Robbery	1	12	11	1100%
Theft	74	66	-8	-11%
Violence Against a Person	8	14	6	75%
Vehicle Crime	11	12	1	9%
Other	1	-	-1	-100%
Total	120	235	115	129%

Due to the increase in attendees and with the festival selling out before the weekend began, it was anticipated crime figures would increase slightly from last year.

Recorded crimes for Creamfields 2010 have more than doubled compared to last year’s event with a 129% (115) increase in recorded crimes. The greatest increases were for drug offences (104) and robbery (11). The increase in robbery offences are believed to be accounted for by one group of offenders and may relate to one offence with a number of victims, hence a greater number of reported crimes. This group of offenders were identified late on Saturday evening and were removed from the site. No more offences of robbery were reported during the weekend after the removal of these individuals. The increase in drug offences was due to the policing policy and position of the amnesty bins.



The overall detection rate for recorded crimes at this year's event is 57% which is an improvement against the detection rate last year (22.5%). Detection rate for violent offences has also improved from last year's rate with an increase of 30.5%.

### **Public Safety**

The promoters, Security and Police worked together to ensure the appropriate levels of security, stewards and Police were in attendance throughout the event to maintain the safety of the public attending, living in the local communities and working at the event. Close attention was given to key times during the event and the management/deployment of staff. Detailed strategies are in place as to how we best deal with emerging threats which allows a fast and effective response.

During the event the Police and stewards worked closely to ensure that the egress of festival attendees to the campsites was less problematic and that we did not have a repeat of the potential 'crushing' incident in 2009.

As noted above, the reported increase in robberies did cause some concern. All of these incidents occurred in the campsites and the majority in one particular campsite. Investigations are still on going and all victims have been contacted and provided statements. Early indications show that these offences can be linked to the same group of males, some of which were evicted by security late on Saturday and some by Police in the early hours of Sunday morning. Although we had no evidence to make arrests we had no further reports of such incidents. Security of the campsite needs to be improved for 2011 and discussions have already taken place between the Police, promoters and security to deal with this issue for 2011.

### **Conclusion**

The Police are satisfied that the Creamfields 2010 event was a success and the Operational Policing Plan was effective in meeting its aims and objectives. The working relationships with the organisers, the Multi-Agency Planning Team and the Community continue to build on creating a safe event for the public to attend.

Nicola Linder  
Cheshire Constabulary

**HALTON BOROUGH COUNCIL ENVIRONMENTAL HEALTH**

**Creamfields 2010: Report of Regulatory Services, Halton BC**

Officers from the Division's Building Control and Occupational Health & Safety services visited the Creamfields site in the week prior to the event and the site was found to be satisfactory.

A list of businesses who had applied to attend at the event was received by the Food & Health & safety team within the period requested and pre-checks with the registering authorities were carried out. Prior to the start of the event these businesses were inspected by the service teams and there were no outstanding problems.

Officers from the Environmental Protection service carried out noise monitoring both on and off-site, throughout the event. The purpose of this was, as in previous years, to ascertain compliance with license conditions and respond to complaints from local residents. Officers from Warrington BC were also present on the site and responded to complaints from Warrington residents.

No complaints were received regarding noise on Saturday 28<sup>th</sup> August.

License conditions specify levels, averaged across 15 minutes that should not be breached prior to 23:00 hours. During Saturday 28<sup>th</sup> August and the early hours of Sunday 29<sup>th</sup> August, monitoring was undertaken around the area in sensitive locations. No breaches of the license conditions were observed. Warrington BC officers have also confirmed that they did not observe any breaches of the license conditions.

On Sunday 29<sup>th</sup> August Halton BC received 5 complaints from residents in the Norton, Daresbury and Sandymoor areas of the Borough. The complaints were received between 21:50 and 22:40 when the headline act was performing. Prior to receipt of the complaints, officers monitoring off site had observed noise levels approaching the limits set out in the license and with the experience of headline groups in past years, they were able to contact the on-site consultants immediately and levels were reduced.

Warrington BC received 3 complaints prior to midnight on 29<sup>th</sup> August and 4 after midnight. 3 further complaints were forwarded to Warrington BC following the event. They did not observe any breach of the license conditions.

On both 28<sup>th</sup> and 29<sup>th</sup> August, the main stage and sound systems at the fairground finished by 23:00, as specified within the license.

It is evident, therefore, that the Noise Management Plan, together with close working between Halton BC and the organiser's noise consultants, ensured compliance with all noise conditions set.

Yeemay Sung  
October 2010

**REPORT TO:** Regulatory Committee

**DATE:** 22 November 2010

**REPORTING OFFICER:** Chief Executive

**SUBJECT:** Equality Act 2010 – Taxi &  
Private Hire Vehicle Provisions

**WARDS:** Boroughwide

## **1. PURPOSE OF REPORT**

To advise the Committee of relevant provisions contained in the Equality Act 2010

## **2. RECOMMENDED: That the report be noted.**

## **3. SUPPORTING INFORMATION**

- 3.1 The Equality Act 2010 consolidates and amends most of the existing legislation relating to disability.
- 3.2 A small part of the Act (sections 160 to 173) relates to taxis and private hire vehicles.
- 3.3 Some of these provisions came into effect in October 2010 but will have no effect until regulations have been made to provide detailed rules to augment the principles which are set out in the Act.
- 3.4 Appendix 1 contains guidance issued to drivers of taxis and private hire vehicles. This guidance is somewhat sketchy at this time.

## **4. ISSUES FOR THE COMMITTEE**

- 4.1 At this stage there are no decisions to be made.
- 4.2 It is anticipated that matters will become clearer early in 2011.

## **5. POLICY IMPLICATIONS**

- 5.1 Until the relevant regulations have been drafted it is not possible to determine the policy implications of these provisions.

## **6. OTHER IMPLICATIONS**

- 6.1 There are no other implications arising out of this report.

**7. IMPLICATIONS FOR THE COUNCILS PRIORITIES**

**7.1 Children and Young People in Halton**

There are no new implications arising out of this report

**7.2 Employment Learning and Skills in Halton**

There are no new implications arising out of this report

**7.3 A Healthy Halton**

There are no new implications arising out of this report

**7.4 A Safer Halton**

There are no new implications arising out of this report

**7.5 Halton's Urban Renewal**

There are no new implications arising out of this report

**8. RISK ANALYSIS**

N/A

**9. EQUALITY AND DIVERSITY ISSUES**

The legislation is based on equality considerations.

**10. LIST OF BACKGROUND PAPERS UNDER SECTION 100D LOCAL GOVERNMENT ACT 1972**

This report is based on the Equality Act 2010 and information provided by the DfT and HMSO.

## **Equality Act 2010**

### **Are you a taxi or private hire vehicle driver?**

There are some changes in the law which will come into effect in October 2010 which might affect you.

The Equality Act, which was passed earlier this year, includes some provisions relating specifically to taxis and private hire vehicles (PHVs) and disability.

Certain parts of the Act do not become law until the Government makes commencement orders to bring each part of it into force. The Government intends to bring into force several parts of the Act in October 2010, including some, but not all, of the provisions that are specific to taxis and PHVs. Other provisions will come into force later – but not before April 2011.

This note describes what will happen in October in relation to those parts of the Act that are specific to taxis and PHVs, and what the implications will be for taxi and PHV drivers.

This note focuses on the implications for the taxi and PHV trades of the October provisions. A separate note has been prepared for licensing authorities.

### **Duties on drivers to assist passengers in wheelchairs.**

The Equality Act is due to place duties on the drivers of designated wheelchair accessible taxis and PHVs to provide physical assistance to passengers in wheelchairs. A further announcement will be made on when the duties will come into force, but it will not be before April 2011.

The duties will apply to the driver of any wheelchair accessible taxi or PHV which is on the licensing authority's list of "designated vehicles".

If you are the driver of a wheelchair accessible taxi or PHV, it is advised that you find out whether your licensing authority intends to maintain a list of designated vehicles, and therefore whether the duties are likely to apply to you.

Before the duties are brought into force, any drivers who suffer from a disability or a condition which would make it difficult for them to provide physical assistance can apply for an exemption from the duties to offer assistance.

The opportunity to apply for exemptions starts on 1 October.

### **What do I need to do?**

If you are the driver of a wheelchair accessible taxi or PHV, the first thing you need to do is establish whether your licensing authority intends to keep a list of designated vehicles. We are encouraging licensing authorities to make their decision known to drivers and perhaps establish a "shadow" list as soon as possible.

If your licensing authority does intend to maintain a list of designated vehicles, and your wheelchair accessible vehicle is to be included on the list, you will be required to carry out the duties to assist wheelchair users.

### **What are the duties?**

The duties being placed on the drivers of designated wheelchair accessible taxis and PHVs are:

to carry the passenger while in a wheelchair

not to make any additional charge for doing so

if the passenger chooses to sit in a passenger seat, to carry the wheelchair

to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and

to give the passenger such mobility assistance as is reasonably required.

**What does mobility assistance mean?**

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance.

If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle.

If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle.

The driver must also offer to load the passenger's luggage into and out of the vehicle.

**What if my licensing authority does not intend to keep a list of designated vehicles?**

If a licensing authority does not intend to maintain a list of designated vehicles then the duties will not apply; the duties only apply to drivers of vehicles which are on the licensing authority's list of designated vehicles.

**What if I have a back condition which makes it impossible for me to help a passenger in a wheelchair get into a cab?**

The new Act allows for exemptions from the duties on medical grounds or if the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with those duties.

It is the responsibility of drivers who require an exemption to apply for one from their licensing authority before the duties come into force; they will have at least six months to go through this process.

**Who decides if a driver is exempt?**

The local licensing authority decides if a driver should be exempt from the duties.

**What if the licensing authority says that I am ok to carry out the duties and I disagree?**

The legislation allows a driver to appeal to the magistrates' court within 28 days if the licensing authority decides not to issue an exemption certificate.

**How will passengers know that I am exempt from the duties to assist passengers?**

The Department will be printing and issuing to licensing authorities special Exemption Notices which exempted drivers must display on their vehicles in order that passengers will know that the driver is exempt from duties.

**When will the duties come into force?**

A further announcement will be made about when the actual duties to assist will come into force, but it will not be before April 2011.

Drivers with a medical condition that prevents them from carrying out the duties will be able to apply to their licensing authority for an exemption from October 2010, before the duties come into force.

**Guide Dogs**

The other thing that will happen on the 1<sup>st</sup> of October is that the duties placed on taxi and PHV drivers and on PHV operators to carry guide dogs and other assistance dogs will transfer from the Disability Discrimination Act 1995 to the

Equality Act 2010. In practice, the duties will remain exactly the same as they are now.

Any person who is currently exempt from the duty to carry an assistance dog on medical grounds will continue to be exempt.

That is because we have made a change in the law so that all existing exemption certificates and all existing exemption notices remain in force as though they had been made under the Equality Act 2010.

**Will I have to take a different approach to the carriage of guide dogs from 1 October?**

No. The change is a purely technical one; the duties to carry guide dogs and other assistance dogs will not change at all.

**I have an exemption certificate which says that it was issued under the Disability Discrimination Act 1995 – do I have to get a new one?**

No, you do not have to get a new certificate, the certificate which you have been granted remains valid until its expiry date.

**I have a special notice in my taxi/PHV which says that I am exempt from carrying guide dogs and mentions the Disability Discrimination Act 1995 – do I need to get a new one?**

No, you do not have to get a new exemption notice; the notice which was provided by the licensing authority remains valid until its expiry date.

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