

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Wednesday, 27 April 2011 in the Council Chamber, Town Hall, Runcorn

Present: Councillors Philbin (Chairman), Loftus (Vice-Chairman), Bryant, Fry, A. Lowe, McDermott, E. Ratcliffe and Wallace

Apologies for Absence: Councillors Howard and Inch

Absence declared on Council business: None

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

Also in attendance: Cheshire Police – 4 representatives, Applicant 4 representatives, Members of the Public 4; and Councillors M Bradshaw, J Bradshaw and Jones.

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

REG17 MINUTES

The minutes of the meeting held on 21st March 2011 were taken as read and signed as a correct record.

REG18 APPLICATION FOR A PREMISES LICENCE ON LAND AT DARESBUY

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.

Following an introduction by the chairman the Council's legal representative outlined the procedures to be followed and summarised the content of the printed agenda together with information which had been received after the agenda had been printed.

Action

At the commencement of the hearing the Committee were advised that certain proposed conditions as set out in the agenda were invalid or would have to be amended (if the substance of the conditions were approved) to improve clarity and to avoid duplication and other errors. Alternative wording was also proposed by the applicant in respect of conditions which had been proposed by Cheshire Constabulary.

The Council's legal representative also advised the Committee that in addition to the list of interested parties set out at page 23 of the agenda a further letter received from the Foster family as interested parties was initially dealt with as a late representation. On further investigation it was found that this letter was received on time and was therefore dealt with as a relevant representation. A copy of this letter was forwarded to the applicant and the Committee prior to the hearing.

Letters making representations had been received from 19 interested parties (total 24 people). 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 of calculation 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 were not related to the licensing objectives (for example, traffic congestion)

Representations had been made by the following responsible authorities: Cheshire Constabulary, Halton Borough Council and Warrington Borough Council.

The Committee heard representations in person on behalf of:

The Applicant C I (Events) Ltd who were represented by Simon Taylor of Freeth Cartwright LLP Solicitors who

was accompanied by Jim King, Warren King (Vanguardia Acoustic Consultant) and Adam Oliver (Designated Premises Supervisor)

Cheshire Constabulary who were represented by Chief Superintendent Guy Hindle, Ian Seville Cheshire Constabulary Licensing Officer, PC Paul Mace and Nicola Linder

Halton Borough Council's Environmental Health, Public Health and Health Protection Division who were represented by Yeemay Sung Divisional Manager Regulatory Services, Isobel Mason Lead Environmental Health Officer. Stephen Rimmer, Divisional Manager Traffic, also assisted in answering questions put during the hearing.

Warrington Borough Council who were represented by Philip Ramsden Community Safety and Enforcement Team Leader and Paul Johnson

Parish Councillor Hilary Greaves on behalf of Daresbury Parish Council and Councillor Paul Kennedy Hatton Stretton and Walton Ward as interested parties

The Applicant began by outlining the nature and background to the application. The two fundamental objections raised by Cheshire Constabulary had been resolved. Specifically: (1) the security development plan and the traffic management plan had been agreed; and (2) the issue regarding special Cheshire Constabulary services was to be agreed within the next 28 days. [Since Cheshire Constabulary did not pursue the second fundamental objection its status as a relevant representation was not examined at the hearing and did not form part of the determination].

The applicant confirmed that part of the application was to be amended. The application to have bars within 15 of the campsite areas was amended to have bars within two campsite areas: these were the campsite areas within field number 8205 and field number 1801.

The applicant confirmed that both of the "Elemental Objections" raised by Cheshire Constabulary remained in dispute but that there was no objection to the other conditions proposed by Cheshire Constabulary. The first "Elemental Objection" related to the supply of alcohol from bars within the campsite areas and the second related to the timing of the opening of the campsite areas to the public on Friday mornings of each event.

Cheshire Constabulary confirmed that the “Elemental Objections” remained and elaborated on the reasons for their objections. Cheshire Constabulary later clarified their position on the second “Elemental Objection” by confirming that it related to the opening of the arena areas as well as the campsites.

Halton Borough Council’s Environmental Health, Public Health and Health Protection Division proposed a number of conditions should a licence be granted. These included new and a reworded condition to those set out in the agenda to take into account proposals made by Warrington Borough Council. Mr. Ramsden confirmed on behalf of Warrington Borough Council that the revised set of conditions was agreed.

Parish Councillor Mrs Greaves elaborated the points raised in the Daresbury Parish Council written representation (letter reference number 17).

Councillor Kennedy elaborated on the points raised in his written representation (letter reference number 9).

The speakers were invited to sum up their cases but only Cheshire Constabulary and the applicant (Parish Councillor Mrs Greaves having left by this time) summed up their cases. The applicant confirmed that the existing premises licence [reference number LPA 0308] issued in 2010 would be surrendered if the current application were granted.

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.

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:

Chief Executive

- first, for the period commencing on Friday 26 August 2011 and ending on Monday 30 August 2011;
- secondly, for the period commencing on Friday 24 August 2012 and ending on Monday 27 August 2012; and
- thirdly, for the period commencing on Friday 23 August 2013 and ending on Monday 26 August 2013.

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 were imposed. Note that a number of detailed conditions and matters are set out in the Notice of Determination but are not set out in full in this minute. These include for example mandatory conditions and conditions consistent with the operating schedule.

CONDITIONS

The following conditions shall be attached to the Premises Licence

F MISCELLANEOUS CONDITIONS

Conditions relating to public safety and prevention of crime and disorder

The retail sale of alcohol on the campsite area.

1. There shall be no retail supply or sale of alcohol within the campsite areas except from one bar in field number 8205 and one bar in field number 1801. For the avoidance of doubt, the operating procedures relating to bars set out in Annexe 1 to these conditions shall apply to these bars.

The opening of the campsite and arena areas at 12.00hrs on Fridays.

2. The campsite and arena areas shall not be open to the public prior to 12.00 on the Friday of any event authorised by the Premises Licence.

Challenge 21

3. 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 Cheshire Constabulary staff. The operating procedures are set out in Annexe 1 to these conditions and constitute part of this Condition.

CCTV

4. All CCTV must comply with the recommendations of Cheshire Constabulary.

SIA Registered Staff

5. The numbers of SIA registered staff and stewards and their deployment areas and times of duty shall be set by Cheshire Constabulary.

Meetings

6. An appointed representative of the Premises Licence Holder shall attend meetings arranged between the Cheshire Constabulary and the SIA.

7. An appointed representative of the Premises Licence Holder shall attend advisory briefings with senior Cheshire Constabulary staff appointed by Cheshire constabulary when arranged prior to any event.

Public Footpaths

8. 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.

Fencing

9. The 'Steelshield/T-Shield' fencing around the designated camping areas shall not be reduced in size or altered in any other specification what-so-ever without prior consultation with and approval of Cheshire Constabulary.

Key Dates

10. The time-table set out in the Key Dates below shall be complied with by the Premises Licence Holder in each year that the Premises Licence remains in force:-

Key Date 1 - 29 March – The Premises Licence Holder shall submit the draft Security and Stewarding Plan to Cheshire Constabulary for consultation.

Key Date 2 - 29 March – The Premises Licence Holder shall consult with Halton Borough Council, Cheshire Constabulary and the Highways Agency on traffic management and traffic management plans.

Key Date 3 - 24 April – The Premises Licence Holder shall supply to Halton Borough Council the first draft of the Traffic Management Plan (on CD in PDF format or paper copies) drawn up by the appointed traffic management company.

Key Date 4 - 24 April – The Premises Licence Holder shall advise Halton Borough Council of any temporary traffic orders they seek to be imposed.

Key Date 5 - 12 July – The Premises Licence Holder shall

supply the final Traffic Management Plan that has been agreed by Halton Borough Council & the Highways Agency & Cheshire Constabulary.

Key Date 6 – 9 August – The Premises Licence Holder shall submit to Cheshire Constabulary the detailed security plan for the duration of the event.

NOTE: In respect of the 2011 event the Premises Licence Holder has complied with all Key Date requirements which pre-date the issue of the Premises Licence.

Reasons for conditions 1 to 10 - The prevention of crime and disorder and Public safety.

**Annexe 1
(Conditions 1 and 3 refer to this Annexe)**

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

Noise

11. 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 (Environmental Health, Public Health & Health Protection) Halton Borough Council and Warrington Borough Council, event promoters, sound system suppliers, sound engineers and performers prior to and during the licensed event.

12. 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 when the two main stages are operational.

13. After 23:00 hours music noise levels 10m from the mixer desk in each marquee including any concessionary marquees shall not exceed 95dB(A)eq (15 min).
14. The sound systems associated with each ride on the fairground shall not be operated after 23:00 hours.
15. Music noise levels from the main stages shall not exceed 98dB(A)eq (15 min) at a position 40 metres from the main speakers.
16. The use of main stages shall finish at 23:00 hours.
17. No speakers shall be operated on the premises (excluding the campsite areas) prior to 12.00 hours on the Saturday of the event or after 23.00 hours on the Sunday
18. No speakers shall be permitted on the campsites at any time.
19. 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 Environmental Health, Public Health and Health Protection Division of Halton Borough Council, upon request. This shall include any remedial action taken.
20. 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 Environmental Health, Public Health and Health Protection Division shall be informed of the tests at least one hour prior to commencement.
21. 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, Public Health and Health Protection).

22. If, in the opinion of any Officer appointed by the Environmental Health, Public Health and Health Protection 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 to any other noise condition.

23. 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 Holder's Noise Control Consultant.

24. The Premises Licence Holder shall submit a copy of the noise assessment containing a detailed appraisal of the ambient noise levels together with details of predicted noise levels during the event at residential locations (taking into account all amplified noise sources) to Halton Borough Council and Warrington Borough Council by or on 20th May in each year for which the licence is in force.

25. Within 28 days of the conclusion of each festival event the Premises Licence Holder shall provide a noise report from their commissioned consultants to both Warrington and Halton Borough Councils.

Reason for conditions 11 to 25-The Prevention of Public Nuisance

Health and Safety and Food Safety

26. All stage and tower structures shall be supplied by competent contractors.

27. The Premises Licence Holder has overall responsibility for health and safety on the premises. The Premises Licence Holder is therefore responsible for ensuring that all contractors, sub-contractors and any other person connected to the events, comply with all health and safety legislation.

28. 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 in place.

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

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

30. A representative of Halton Council's Environmental Health and Building Control Services 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.

31. Specific risk assessments shall be carried out for pyrotechnics, lasers, 'bomb tanks', smoke machines, strobes or firework displays and any other special effects as deemed necessary by Halton Borough Council.

32. The Premises Licence 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.

33. 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.

Food Safety

34. All mobile food vendors shall be legally registered with the local authority in which the mobile unit is based. No unregistered food vendor will be permitted to trade on site.

35. A list of all registered mobile food vendors who will be

trading shall be forwarded to the Halton Borough Council Food Safety team in the Environmental Health, Public Health and Health Protection Environmental Health Division at least 4 weeks prior to the event.

Reason for conditions 26 to 35 - Public Safety

36. No licensable activity shall take place in any field except within the area on the site plan as designated for such activity.

Reason for condition 36 - All licensing objectives

Clarification of Premises Licence to be employed.

37 The Premises Licence Holder has undertaken to surrender the Premises Licence granted by Halton Borough Council reference number LPA 0308 issued in 2010 ("Licence A"). Pending the surrender of Licence A the Premises Licence Holder shall be deemed to hold any event held at the premises under the Premises Licence granted following this notice of determination and not under Licence A.

Reason for condition 37 - All licensing objectives

Time that the licence shall take effect

The licence shall commence on 27 April 2011

Following the announcement of the Committee decision the Chairman of the Committee advised that the concerns raised by the Police regarding the safety aspect in the two fields where alcohol would be sold would be addressed by Health & Safety matters relating to lighting. He also advised that car parking attendants should be in place from 07.00 on the Friday of each event to deal with any possible problems relating to event persons arriving early.

Meeting ended at 7.25 p.m.