

REGULATORY COMMITTEE

At a meeting of the Regulatory Committee on Wednesday, 27 January 2016 in the Civic Suite, Town Hall, Runcorn

Present: Councillors K. Loftus (Chair), Wallace (Vice-Chair), Fry, P. Hignett, Howard, A. Lowe, McDermott, Nelson, G. Stockton and Wall

Apologies for Absence: Councillor Lea

Absence declared on Council business: None

Officers present: K. Cleary and J. Tully

Also in attendance: Simon Taylor Kennedy's LLP Solicitors, John Probyn Festival Director, Scott Barton C I Events Limited , Zac Webster representative of Blue Arrow (Traffic Management), Inspector Stewart Sheer Cheshire Police, Ian Seville Police Licensing Officer and Bob Hardie Chairman of Walton Parish Council.

ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

REG33 APPLICATION FOR A PREMISES LICENCE ON LAND AT DARESBURY

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.

Following an introduction (introducing all of the persons present at the hearing) by the Chairman – Councillor K Loftus and the Council's legal representative John Tully – Group Solicitor Environment and Licensing, outlined the procedures to be followed and summarised the points which were relevant to the conduct of the hearing.

Mr Tully summarised the information set out in the agenda.

The agenda set out which licensable activities had been applied for, together with the hours and days during which those activities would take place. A summary table had been prepared to assist with identifying the licensable activities together with the changes between the existing premises licence and the current application.

The representations from responsible authorities were contained in the agenda and the representations from other persons (still referred to by the former title of 'interested parties') were set out in a separate bundle which had been previously sent to the Committee members and to the parties.

Since the agenda was prepared negotiations had continued between the applicant and other parties resulting in agreed conditions with Cheshire Police and with Halton Borough Council Environmental Protection, Halton Borough Council Environmental Health, Health and Safety and Food Safety and Halton Borough Council Trading Standards.

Representations had been made by the following responsible authorities: Cheshire Constabulary, Halton Borough Council Environmental Protection, Environmental Health – Health and Safety and Food Safety, Halton Borough Council Trading Standards and Warrington Borough Council Environmental Protection. The Committee was advised that the conditions requested by Warrington Borough Council Environmental Protection were in the main consistent with the conditions requested by Halton Borough Council's Environmental Health and it was agreed that the Halton Borough Council Environmental Health Officer (EHO) conditions were accepted by the applicant. Since Warrington Borough Council had not confirmed its position with respect to the outcome of negotiations it was for the Committee to determine which conditions it would impose. The position regarding the Halton Trading Standards proposed 'Challenge 25' conditions had been resolved the day before the hearing when the Cheshire Constabulary 'Challenge 21' position was accepted.

Letters making representations had been received from a total of 9 other persons. Two of the representations received were invalid because they did not constitute relevant representations. Details of the interested parties who made relevant representations were set out at Appendix 5 of the Committee report. Only relevant representations were taken into account by the Committee (the Committee having determined what constituted a relevant representation from other persons). 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 had been raised which were not related to the licensing objectives.

At the conclusion of these introductory matters the Committee heard representations in person on behalf of:

1. The Applicant C I (Events) Ltd who were represented by Simon Taylor of Kennedy's LLP Solicitors, who was accompanied by John Probyn Festival Director, Scott Barton Managing Director CI Events Limited and Zac Webster a representative of Blue Arrow (Traffic Management).
2. Cheshire Police who were represented by Inspector Stewart Sheer and Ian Seville, Cheshire Police Licensing Officer.
3. Parish Councillor Bob Hardie, Chairman of Walton Parish Council, addressed the committee on behalf of the Parish Council and also Mr Peter Priestner.

Representations on behalf of the applicant

Mr Taylor, on behalf of the applicant, began by outlining the nature and background to the application.

He informed the Committee that his client was regarded as a leading UK festival organiser. He commented as to how limited the new application was in relation to the existing premises licence. Mr Taylor further explained that the request for an additional day on the Thursday came about following a debrief of the previous festival when it was considered that in order to ease the congestion on the road network the festival site should be available for a limited number of ticker holders on the Thursday of the event. Mr Taylor confirmed the agreed conditions (as amended) with the responsible authorities. The Halton noise condition 11 was highlighted as providing a 'safety net' for noise control. In addition, more noise consultant operatives would be on hand at each of the event performance stages together with an operative to 'roam' in response to any complaints.

If a licence were to be granted the festival organisers would be writing to each of the residents who made representations to address their individual concerns.

The Committee was advised that Mr Taylor had already written to residents to assure them that concerns over 'creep' were unfounded. The Committee was given a categorical assurance that there was no intention to extend the length of the event beyond the additional day which was the subject of the current application and furthermore there was no intention to apply for the 'silent disco' element of the application to be removed in the future.

Mr Taylor had been invited by Mr Tully to state the applicant's intentions regarding the current premises licence since it would not be acceptable to have two licences in existence at the same time. Mr Taylor agreed that it was unacceptable to have two premises licences to exist at the same time and gave an undertaking that the existing licence would be surrendered (should the current application be granted) as soon as the appeal period had expired.

Representations on behalf of Cheshire Constabulary

Ian Seville and Inspector Stewart Sheer outlined the approach adopted by Cheshire Police and confirmed that the conditions were agreed as amended. Since the conditions requested by Cheshire Constabulary it was not strictly necessary for them to attend the hearing but it was hoped that their presence would give the Committee an opportunity to ask questions.

Representations on behalf of Walton Parish Council and Mr Peter Priestner

Parish Councillor Bob Hardie, Chairman of Walton Parish Council, elaborated on the points raised in the Parish Council's representation and also on the representations put forward by Mr Peter Priestner.

Parish Councillor Hardie felt that although the application seemed innocuous this was not so. He conceded that he was ill-prepared with hard evidence but did not agree with the Vanguardia Report of 2015. That had referred to over 40 complaints. He disagreed with the effect of the noise levels in the Report and with the proposed level of staffing which had been explained by Mr Taylor in his presentation. With respect to the points he was making on behalf of Mr Priestner he highlighted negative impact claimed regarding biodiversity.

The speakers were invited to sum up their cases, Mr Hardie declined the invitation (having just presented his case) and the Police and the applicant's representative

summed up their cases.

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 other persons that had been made.

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

RESOLVED: That

1. 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 which would be detailed in this notice of determination a premises licence be granted;
2. 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; and
3. The licence shall commence on 27th January 2016.

Meeting ended at 8.20 p.m.