

## REGULATORY COMMITTEE

*At a meeting of the Regulatory Committee on Thursday, 23 January 2014 in the Council Chamber, Runcorn Town Hall*

Present: Councillors K. Loftus (Chairman), Wallace (Vice-Chairman), Fry, P. Hignett, Lea, McDermott and G. Stockton

Apologies for Absence: Councillors Fraser, Howard and A. Lowe

Absence declared on Council business: None

Officers present: G. Ferguson, K. Cleary, J. Tully, Garnett, I. Mason and S. Rimmer

Also in attendance: Councillor Paul Kennedy (Warrington Borough Council), Phil Crier PBC Licensing Solicitors, Paul Cook Live Nation, Scott Barton C I Events Limited, Johnathan Whittle Warrington Borough Council, Judith Godley Hatton Parish Council and 2 members of the public.

### ITEMS DEALT WITH UNDER DUTIES EXERCISABLE BY THE COMMITTEE

*Action*

#### REG10 MINUTES

The minutes of the meeting held on 18<sup>th</sup> November 2013 were taken as read and signed as a correct record.

#### REG11 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 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 points which were relevant to the hearing. Specifically:-

- The application was for a Premises Licence for an indefinite period for the Creamfields events commencing with the August Bank Holiday of 2014. Previous licences had been for fixed periods of 1 or 3 years.
- Details of the application were set out in the agenda. 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 jointly with Warrington Borough Council. These had been circulated to Members.
- The agenda set out which licensable activities have been applied for, together with the hours and days during which those activities would take place. However, the agreed conditions had reduced the hours being applied for.
- The question of where activities were to take place within the Premises had also been the subject of clarification since the agenda was prepared. The area which was the subject of the application was shown edged in red on the application plan (plan 1). A second plan (plan 2) had been provided to show an enlargement of the central area of the site.
- Most activities were requested to take place within the areas described as the Event Arena Fields. Other activities were requested to take place in areas described as the Campsite Areas. The Campsite Areas were to be restricted to Late Night Refreshment and (subject to agreement with Cheshire Police and the Safety Advisory Group) the supply of alcohol.
- The applicant and Cheshire Police confirmed that a modification of an agreed condition (Condition 3 third bullet point) had been the subject of further discussion and had been agreed as modified to read: "The arena areas shall cease to be open to the public by 24.00hrs and may be re-opened to the public from 10.00hrs on Saturdays."
- The agreed conditions accepted that the precise locations of the Campsite Areas could be altered within the Premises.
- Immediately prior to the hearing the applicant discussed with representatives of Cheshire Police

and Halton Borough Council Environmental Protection the question of the identification of the areas described as the Event Arena Fields. The parties agreed to clarify the agreed conditions by treating the location of the Event Arena Fields in a way analogous to the Campsite Areas. It was therefore agreed that the location of the Event Arena Fields could be altered within the Premises subject to agreement and to an appropriately drafted condition.

- A summary of the impact of the agreed conditions on the hours of operation was attached as Appendix 1.

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

Letters making representations had been received from 3 other persons: Warrington Borough Council Councillor Paul Kennedy (member for Hatton Stretton and Walton Ward); Hatton Parish Council; and Mr. Brian J. Handley. The full detail of the representations were printed in the Committee agenda. 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.

The Committee heard representations in person on behalf of:

1. The Applicant C I (Events) Ltd who were represented by Phil Crier PBC Licensing Solicitors and who was accompanied by Paul Cook, Group Head of Health Safety and Security Live Nation and Scott Barton Managing Director C I Events Limited
2. Cheshire Police who were represented by Ian Seville, Cheshire Police Licensing Officer
3. Halton Borough Council's Environmental Protection who were represented by Isobel Mason, Lead Environmental Health Officer.
4. Councillor Paul Kennedy.

Mr Crier, on behalf of the applicant, began by outlining the nature and background to the application. He informed the Committee that his clients were very experienced operators of this type of event and thorough planning had taken place. Mr Cook advised the Committee that in 2013 the operator had introduced a Community Response Team to deal with incidents of alleged anti-social behaviour and cleaning issues and regularly engaged with the local residents but stressed the company needed to extend the community engagement. He further advised that substantial drainage work had been carried out at the event site following previous flooding issues. Mr Crier confirmed that the agreed conditions had been accepted and commented on the requirement for flexibility to move event activities within the Premises subject to proper controls.

Ian Seville then outlined the approach adopted by Cheshire Police and confirmed that the circulated conditions were agreed as amended.

Isobel Mason then outlined the approach adopted by Halton Borough Council Environmental Protection and Warrington Borough Council Environmental Protection confirmed that the circulated conditions were agreed as amended.

Councillor Kennedy elaborated on the points raised in his written representation.

The speakers were invited to sum up their cases but only the applicant's representative summed up their case.

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:**

(1) having considered the application in accordance with section 4 of the 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. 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 mandatory conditions and conditions consistent with the operating schedule.

## **CONDITIONS**

The following conditions shall be attached to the Premises Licence:-

The Premises Licence Holder shall comply with the following conditions:

### **C Conditions agreed by the Premises Licence Holder during the Licence application process**

#### **SECTION C.1 - Conditions agreed with Cheshire Constabulary**

**[Reasons for conditions: in the interests of prevention of crime and disorder]**

#### **Maximum numbers on Fridays**

1) The maximum number of members of the public (ticket holders) present at the Premises on any Friday into Saturday morning of any event authorised by the Premises Licence shall not exceed 30,000.

#### **Opening of Campsite areas on Fridays**

2) The campsites and arena areas shall not be open to the public prior to 12.00hrs on the Friday of any event authorised by the Premises Licence, unless by prior agreement of the Cheshire Police or the Safety Advisory Group.

#### **Other restrictions on Fridays**

3) On the Friday night into Saturday morning of any event authorised by the Premises Licence for the purposes of the arena areas only the following provisions shall apply:

- Regulated Entertainment shall cease at 23.00hrs. For the avoidance of doubt Regulated Entertainment shall not be permitted elsewhere within the Premises in any event.
- Supply of Alcohol and Late Night Refreshment shall cease at 23.30hrs. For the avoidance of doubt the Supply of Alcohol shall not be permitted, elsewhere in the Premises except as provided for elsewhere within the Premises Licence but there shall be no restriction on the provision of Late Night Refreshment within the campsites.
- The arena areas shall cease to be open to the public by 24.00hrs and may be reopened to the public at 10.00hrs on the Saturdays.

### **Supply of Alcohol in Campsites**

4) Any bars located within the campsites will be agreed in advance with the Cheshire Constabulary and the Safety Advisory Group.

### **Challenge 21**

5. 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 each entry gate, where checks can be carried out by event and Cheshire Constabulary staff. The operating procedures are set out in Annex 1 to these conditions and constitute part of this Condition.

### **CCTV**

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

6.2 A CCTV Liaison Officer shall be appointed by the organisers who will have continuity of access to material both during and after the event. All subsequent requests for CCTV material will then be directed through this person.

### **SIA Registered Staff**

7.1 The numbers of SIA registered staff and stewards and their deployment areas and times of duty shall be set by the security provider and agreed by Police.

7.2 Sufficient numbers of security staff shall remain on duty to complete the egress process and this number shall be agreed at Safety Advisory Group meetings.

7.3 Each member of security staff shall continue to wear uniquely numbered tabards for the duration of the event.

7.4 There shall be no replacement of Police personnel by civilian security staff without the prior agreement of the Safety Advisory Group.

### **Meetings**

8. There shall be and the Premises Licence Holder shall be responsible for:-

- A review of concerns of the community in relation to public nuisance on an annual basis;
- A review of crime and disorder on an annual basis;
- Not less than 3 months prior to the event a draft Event Management Plan and site maps shall be submitted to both the Local Authority and Police. These site maps must clearly show and identify the exact location of each bar, using a unique and non-variable system of notation that is clearly marked on all copies of the site plan; and
- Review of event management and security plan shall take place on an annual basis with the Safety Advisory Group.

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 and after any event.

### **Public Footpaths**

9. 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. (This period of closure shall be determined with the prior agreement of the Safety Advisory Group).

### **Fencing**

10. 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**

11. 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** – **Not later than 150 days before the commencement date** – The Premises Licence Holder shall submit the draft Security and Stewarding Plan to Cheshire Constabulary for consultation.

**Key Date 2** – **Not later than 120 days before the commencement date** – 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** – **Not later than 90 days before the commencement date** – 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** – **Not later than 90 days before the commencement date** – The Premises Licence Holder shall advise Halton Borough Council of any temporary traffic orders they seek to be imposed.

**Key Date 5** – **Not later than 60 days before the commencement date** – The Premises Licence Holder shall submit to Cheshire Constabulary the detailed security plan for the duration of the event.

**Key Date 6** – **Not later than 30 days before the commencement date** – The Premises Licence Holder shall supply the final Traffic Management Plan that has been agreed by Halton Borough Council and the Highways Agency and Cheshire Constabulary.

**Annex 1**  
**(Condition 5 refers to this Annex)**

### **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 18's 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 shall 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.

**Section C.2 - Conditions agreed with Halton Borough Council Environmental Protection and Warrington Borough Council Environmental Protection**

**[Reasons for conditions: in the interests of prevention of public nuisance]**

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 managing noise generated during the licensed events and to liaise with all the relevant parties: i.e. the Premises License Holder, the Consultant in Public Health (Environmental Health, Public Health and Health Protection,), of Halton Borough Council or equivalent, and Warrington Borough Council, event promoters, sound system and performers prior to and during licensed events.

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 when the 2 main stages are operational.

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 (15min).

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 stages shall not exceed 98dB LAeq (15min) at a position of 40m from the main speakers.

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

18 Loud speakers on the campsites shall be used for emergency announcements only.

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 Protection Division, or equivalent, 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 propagation tests prior to any 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 close 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, Public Health and Protection Division, or equivalent, 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 and 08:00 hours unless otherwise agreed in writing by the Consultant in Public Health (Environmental Health, Public Health and Health Protection), of Halton Borough Council or equivalent.

22 If in the opinion of any Officer appointed by the Environmental Health, Public Health and Health Protection Division of Halton Borough Council, or equivalent, 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 any sound system supplier, sound engineer, sound equipment operator or performer is informed of the noise conditions contained within the 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 by or on 20<sup>th</sup> May each year for which the applicant intends to run the event.

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

26 No music shall be played through loud speakers after 23:00 hours on the Friday night until 14:00 hours on the Saturday, between 04:00 and 12:00 on the Sunday, after 23:00 hours on the Sunday or at any time on the Monday.

27 The main stages shall only operate between the hours of 14:00 and 23:00 hours on the Saturday and between 12:00 and 23:00 hours on the Sunday of the event.

**SECTION C.3 – Condition agreed to be drafted to recognise the flexibility of areas within the Premises**

28. The location within the Premises of the Arena Event Areas and the Campsite Areas may be varied within the Premises to allow for flexibility in managing events provided that any change in such location shall be agreed with Cheshire Police and the Safety Advisory Group not later than 28 days prior to any event permitted under the Premises Licence.

**Conditions relating to public safety and prevention of crime and disorder**

**Time that the licence shall take effect**

The licence shall commence on 27 January 2014.

## APPENDIX 1

### Summary comparison of application with agreed conditions

Activity		Area in which licensable activities permitted
Film		Event Arena Fields
Live Music		Event Arena Fields
Recorded Music		Event Arena Fields
Performance of Dance		Event Arena Fields
LNR		Event Arena Fields and Campsite Areas
Alcohol		Event Arena Fields and may extend to Campsite Areas if agreed with Cheshire Police and Safety Advisory Group
Open to Public		Whole of Premises

#### Details of hours of activities in application

Activity	Friday into Saturday	Saturday into Sunday	Sunday into Monday
F	12.00 to 04.00	14.00 to 04.00	10.00 to 01.00
LM	12.00 to 04.00	14.00 to 04.00	12.00 to 23.00
RM	12.00 to 04.00	14.00 to 04.00	12.00 to 01.00
PoD	12.00 to 04.00	14.00 to 04.00	12.00 to 01.00
LNR	23.00 to 05.00	23.00 to 05.00	23.00 to 05.00
Alc	12.00 to 04.30	12.00 to 04.30	10.00 to 01.30
OtP	07.00 to ....	.....	.... to 14.00

#### Details of hours of in agreed conditions

Activity	Friday into Saturday	Saturday into Sunday	Sunday into Monday
F	12.00 to 23.00	14.00 to 04.00 ^^^	10.00 to 01.00 ^^^

LM	12.00 to 23.00	to	14.00 to 04.00 ^^^	12.00 to 23.00 ^^^
RM	12.00 to 23.00	to	14.00 to 04.00 ^^^	12.00 to 01.00 ^^^
PoD	12.00 to 23.00	to	14.00 to 04.00 ^^^	12.00 to 01.00 ^^^
LNR	23.00 to 05.00 (23.30 in Event Arena Areas)	to	23.00 to 05.00	23.00 to 05.00
Alc	12.00 to 23.30	to	12.00 to 04.30	10.00 to 01.30
OtP	12.00 to .... (Except that Event Arena Areas cease to be open to the public at 24.00)	to	..... (Event Arena Areas re-open to public from 10.00)	..... to 14.00

^^^ Use of main stages to cease at 23:00 on any day

*Meeting ended at 8.05 p.m.*