

## REGULATORY COMMITTEE

*At a meeting of the Regulatory Committee on Thursday, 29 May 2008 in the Council Chamber, Runcorn Town Hall*

Present: Councillors Philbin (Chairman), Wallace (Vice-Chairman), Bryant, Drakeley, Howard, A. Lowe, Murray and Wainwright

Apologies for Absence: Councillors D. Inch, Nelson and E. Ratcliffe

Absence declared on Council business: None

Officers present: L. Capper, K. Cleary and J. Tully

Also in attendance: 16 Members of the public

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

#### REG2 APPLICATION FOR A PREMISES LICENCE ON LAND AT DARESBUY

*Action*

The Committee considered 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.

The Committee heard representations in person on behalf of:

- 1 the applicant;
- 2 Cheshire Constabulary and Halton Borough Councils Environment Enforcement and Building Control Division, and Warrington Borough Council (as responsible authorities); and
- 3 Mr & Mrs Harris, Dr Barlow and Mr Priestner of Higher Walton and Mr Owen of Daresbury (as interested parties)

The Committee also considered all written relevant representations.

As part of their presentation Cheshire Constabulary outlined a number of conditions which they had requested to be attached to the premises licence should the application be granted with the exception that condition No. 3 was amended from "All CCTV must comply with the recommendations laid down by the Force Architect and CCTV Liaison Officer" to "An agreed level of CCTV coverage is to be determined by consultations between the organisers and a multi agency group taken from the Responsible Authorities". The applicant accepted the proposed conditions.

Halton Borough Councils Environmental Health and Building Control Division and Warrington Borough Council advised the Committee that the conditions requested by both authorities (as set out at Appendix 2 and Appendix 3 of the Committee Agenda) dealt with the same issues and were effectively duplications of each other. Consequently, both authorities agreed that the set of conditions as tabled by Halton Borough Council (Appendix 2) would be the conditions being requested in their representations. The Divisional Manager Halton Borough Council Environmental Health gave an undertaking to consult with Warrington Borough Council Environmental Health on any relevant issues. The applicant accepted the proposed conditions.

Five interested parties addressed the Committee in person.

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

(a) RESOLVED: That

Having considered the application in accordance with section 4 Licensing Act 2003 and all other relevant considerations the committee decided that the application be granted subject to the following conditions.

The conditions shall be those set out at Appendix 1 of the Agenda (subject to condition 3 being amended as above) and Appendix 2 of the Agenda

The reason for the determination was that the Committee felt that the application was consistent with the Licensing Objectives.

**The conditions to be imposed on the premises licence are as follows**

- 1 All activities, structures, stages and facilities shall be positioned in accordance with the application plan. No changes shall be made to the plan without prior permission in writing from the Operational Director (Environment & Regulatory Services) or the Divisional Manager (Environmental Health, Building Control & Enforcement).
- 2 The licensee shall appoint a suitably qualified and experienced Noise Control Consultant who shall be required to advise the Licensee on managing noise generated during the licensed events and to liaise with all relevant parties ie the Licensee, the Environmental Health officers of Halton Borough Council and Warrington Borough Council, Event Promoters, sound system suppliers, sound engineers and performers prior to and during the licensed event.
- 3 The Music Noise Level (MNL) shall not exceed 65dBLAeq (15 min) 1 metre from the façade of any noise sensitive premises prior to 23:00 hours.
- 4 After 23:00 hours music noise levels 10m from the mixer desk in each marquee including any concessionary (marquees) shall not exceed 95dB.
- 5 The sound systems associated with each ride on the fairground shall not be operated after 23:00 hours
- 6 Music noise levels from the main stage shall not exceed 98dBLAeq at a position 40 metres from the main speakers.
- 7 The use of main stage shall finish at 23:00 hours.
- 8 The 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 Environmental Health Officer appointed or authorised by the Environmental Health, Building Control & Enforcement Division of Halton Borough Council upon request. This shall include any remedial action taken.
- 9 The 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 and 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. Halton Borough Council's Environmental Health Officers shall be informed of the tests at least

one hour prior to commencement.

- 10 The licence holder shall submit a noise management plans to the Divisional Manager (Environmental Health, Building Control& Enforcement) no later than 28 days before the commencement of the event.
- 11 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, Building Control& Enforcement).
- 12 If, in the opinion of the Environmental Health Officer appointed or authorised by the Environmental Health, Building Control& Enforcement Division of Halton Borough Council or the Noise Control Consultant appointed in accordance with Condition B, that the noise levels become unacceptable and a significant disturbance is being, or is likely to be caused during the operation of the licence, and notwithstanding compliance with any other noise condition, the Licence holder shall take appropriate steps to avoid or abate any such disturbance as directed by such Environmental Health Officer or the appointed Noise Control Consultant .
- 13 The Licensee 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 Licensee or the Licensees Noise Control Consultant.
- 14 Provide an adequate number and type of toilet facilities for the number of people expected. Arrange for all the toilet facilities to be serviced regularly to keep them fully operational, clean and hygienic throughout the event. Provide directional signs to indicate the location of the toilets and provide adequate lighting where necessary

**The reason for conditions 1-14** is the prevention of public nuisance.

- 15 The stage and tower structures shall be supplied by competent contractors who shall issue full structural plans and calculations to Halton's Borough Council Building Control Manager.
- 16 All electrical installations shall be designed, installed and operated in accordance with current legislation specifically the Electricity at Work Regulations 1989; B.S. 7671:2001 as amended, B.S.5266: 1998 and IEE Guidance Note No 7 including all amendments,

and HSE guidance NoteGS50The installation/s shall be inspected, tested and certified by competent person/s. Where more than one person is involved their responsibilities shall be clearly identified and agreed between relevant parties.

- 17 The Licence holder shall ensure that a nominated council representative the Environmental Health Manager (Food and Health & Safety), the Divisional Manager (Environmental Health, Building Control& Enforcement) or the Principal Environmental Health Officer (Food Safety, Health & Safety) is kept informed of the progress of the notified at key stages, namely (i) of designated contractors on site to prepare for the event, (ii) start of event set up, (iii) final safety checks prior to opening, (iv) at any other key stages in the executing and operating of the event.
- 18 The Licence holder shall furnish the Environmental Health Manager (Food Health & Safety), the Divisional Manager (Environmental Health, Building Control& Enforcement) or the Principal Environmental Health Officer (Food, Health & Safety) with a list of all contractors who will be operating at the event at the earliest available time but within a minimum of 48 hours prior to the opening of the event to the public. In particular the list of food concessions should be reported to the Division a minimum of 3 weeks prior to the event.
- 19 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 Licence holder to be ready to be opened to the public.
- 20 The Licence holder shall advise the Environmental Health Manager (Food and Health & Safety), the Divisional Manager (Environmental Health, Building Control& Enforcement) or the Principal Environmental Health Officer (Food Safety, Health & Safety) a minimum of 48 hours prior to the event opening to the public, all activities to be carried out by sponsors with particular attention to those involving public participation.
- 21 The Licence holder shall ensure the Environmental Health Manager (Food and Health & Safety), the Divisional Manager (Environmental Health, Building Control& Enforcement) or the Principal Environmental Health Officer (Food Safety, Health & Safety) shall always have an up to date copy of the event risk assessment.

22 The event shall be managed and operated in accordance with the Health & Safety policy and procedures statement included in the application. The Division shall be kept informed by the Licence holder of all key activities relating to public safety. In particular, any activities that require specific individual risk assessments to ensure safe operation such as the use of lasers, strobes, pyrotechnics, bomb tanks, smoke machines and fireworks etc must be reported to the division with suitable supporting evidence within reasonable time, prior to the event.

**The reason for conditions 15 - 22** is to protect public safety. With regard to condition 17 the information concerning food concessions is required in the interest of public safety as their presence may affect the circulation of people on site.

23 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 reason for condition 23** - Protection of Children from Harm

24 All Public Footpaths running across the site must be closed for the duration of the licence, and suitable alternative routes to be identified and displayed.

**The reason for condition 24** - Prevention of Public Safety and Prevention of Crime and Disorder

25 An agreed level of CCTV coverage is to be determined by consultations between the organisers and a multi agency group taken from the Responsible Authorities.

**The reason for condition 25** – Prevention of Crime and Disorder

26 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.

**The reason for condition 26** – Prevention of Crime and Disorder

- 27 There will be a final sign-off time of 18:00 hrs on Friday, 22<sup>nd</sup> August 2008.

**The reason for condition 27 – Public Safety**

- 28 The minimum number of stewards and security staff shall not be less than:  
Saturday – Event :250, 232 of which shall be SIA registered.  
Saturday – Campsite:80, 48 of which shall be SIA registered.  
Sunday – Event: 230, 160 of which shall be SIA registered.  
Sunday – Campsite: 80, 48 of which shall be SIA registered.

**The reason for condition 28 – Prevention of Crime and Disorder**

- 29 An appointed representative from the organisers shall attend meetings arranged between the Police and the S.I.A.

**The reason for condition 29 – Prevention of Crime and Disorder**

- 30 Members of the Senior Management shall attend Adversarial Briefings with senior Police staff when arranged prior to the event.

**The reason for condition 30 – Prevention of Crime and Disorder**

**Time that the licence shall take effect**

The licence shall commence on Saturday 23 August 2008 and shall continue in accordance with the application dated 4 April 2008 subject to the conditions specified in the operating schedule together with those imposed as part of this determination. Note that mandatory conditions apply automatically.

*Meeting ended at 10.20 p.m.*