

Document Pack

**Democratic Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



Wednesday, 13 June 2012

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room (Room G05), City Hall on Wednesday, 20th June, 2012 at 4.30 p.m., for the transaction of the business noted below.

You are requested to attend.

Yours faithfully

PETER McNANEY

Chief Executive

AGENDA:

1. Routine Matters

- (a) Minutes
- (b) Apologies
- (c) Declarations of Interest

2. Delegated Matters

- (a) Licences Issued under Delegated Authority (Pages 1 - 4)
- (b) Applications for Stationary Street Trading Licences - Donegall Quay (Pages 5 - 8)
- (c) Competing Applications for a Stationary Street Trading Licence - Donegall Square North (Pages 9 - 16)

- (d) Application to Amend the Standard Hours on an Entertainments Licence – Belsonic Event, Custom House Square (Pages 17 - 36)
- (e) Application to Amend the Hours Permitted on an Outdoor Entertainments Licence - Feile An Phobail Event, Falls Park (Pages 37 - 56)
- (f) Application for the Grant of Seven-day Annual Entertainments Licences (Outdoor and Indoor) - Boucher Road Playing Fields (Pages 57 - 76)
- (g) Application for the Grant of a Seven-day Annual Outdoor Entertainments Licence – Merchant Hotel, 16 Skipper Street (Pages 77 - 86)
- (h) Application for the Grant of a Fourteen-day Occasional Outdoor Entertainment Licence - Belfast Zoo, Antrim Road (Pages 87 - 94)
- (i) Applications for the Renewal and Renewal/Variation of Seven-day Annual Entertainments Licences – Botanic Inn/Eglantine Inn/Wellington Park Hotel (Pages 95 - 116)
- (j) Application for the Renewal of a Seven-day Annual Entertainments Licence - Kremlin Bar, 96 Donegall Street (Pages 117 - 118)

3. **Non-Delegated Matters**

- (a) Request to Address Committee - Police Service of Northern Ireland (Pages 119 - 120)
- (b) Appointment to Institute of Licensing (Pages 121 - 122)
- (c) Co-Ordination of Fire Safety Enforcement in Premises Regulated and Licensed by District Councils (Pages 123 - 140)



Belfast City Council

Report to:	Licensing Committee
Subject:	Licences Issued under Delegated Authority
Date:	20th June, 2012
Reporting Officer:	Suzanne Wylie, Director of Health and Environmental Service, ext 3260
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

1	Relevant Background Information
1.1	Under the Scheme of Delegation, the Director of Health and Environmental Services is responsible for exercising all powers in relation to the issue, but not refusal, of permits and licences, excluding provisions relating to the issue of entertainments licences where adverse representations have been made. For your information those applications dealt with under the Scheme are listed below.

2	Key Issues			
2.1	Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following entertainment licences were issued since your last meeting:			
	Premises and Location	Type of application	Hours licensed	Applicant
	Belfast Harlequins 45A Deramore Park	Renewal	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Mr Angus Mills
	York Road Civil Defence Association 30 St Aubyn Street	Renewal	Mon – Sun: 08.00 – 01.00	Mr Thomas Moore
	Ballymac Glentoran Supporters Club 72-74 Wilgar Street	Renewal	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Mr Michael Magee
	Mount Masonic Social Club 45 Park Avenue	Renewal	Mon – Sat: 11.30 – 23.00 Sun: 12.30 - 22.00	Mr Randal Armstrong

	Belmont Presbyterian Church 92 Sydenham Avenue	Grant	Mon – Sun: 08.00 – 01.00	Mr Marshall Adams	
	St Bride's Church Hall 36-38 Derryvolgie Avenue	Grant	Mon – Sun: 08.00 – 01.00	Fr Edward O' Donnell	
	The Merchant Hotel 16 Skipper Street	Renewal	Mon – Sat: 11.30 – 01.00 Sun: 12.30 – 00.00	The Merchant Hotel Ltd	
	Ballynafeigh Orange Hall 413 Ormeau Road	Renewal	Mon – Sun: 08.00 – 01.00	Mr Cecil Hall	
	Albert Foundry Bowling Club Paisley Park 95 West Circular Road	Renewal	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Mr Samuel Gurnett	
	Sandy Row Rangers Club 37-41 Donegall Road	Renewal	Mon – Sat: 11.30 – 23.00 Sun: 12.30 – 22.00	Mr Thomas Lisk	
	West Belfast Sports and Social Club 370 Falls Road	Renewal	Mon – Wed: 11.30 – 23.00 Thurs – Sat: 11.30 – 01.00 Sun: 12.30 – 00.00	Mr John Hughes	
	The Whistling Pig 67-69 Botanic Avenue	Renewal	Mon – Sat: 11.30 – 01.00 Sun: 12.30 – 00.00	Mr Eamon McCusker	
	Double Yellow Space 11 Bruce Street	Grant	Mon – Sat: 11.30 – 00.00 Sun: 12.30 – 00.00	Ms Moira McKenna	
2.2	Under the terms of the Street Trading Act (Northern Ireland) 2001, the following street trading licences were issued since your last meeting:				
	Location	Type of application	Commodity	Hours licensed	Applicant
	Ballymurphy and Turf Lodge area	Renewal Mobile	Groceries, confectionery and non alcoholic beverages	Mon – Sat: 13.00 – 15.00 & 17.00 – 20.00	Mr Paul McCartan
	Shaw's Bridge roundabout on grass verge at House of Sport	Grant Temporary	Hot food and non alcoholic beverages	12 July 2012: 08.30 – 17.30	Mr David Deacon
	Shaw's Bridge roundabout on grass verge at House of Sport	Grant Temporary	Hot food and non alcoholic beverages	12 July 2012: 07.30 – 17.30	Mr David Deacon

3	Resource Implications
3.1	<u>Financial</u> None
3.2	<u>Human Resources</u> None
3.3	<u>Asset and Other Implications</u> None

4	Equality Implications
4.1	There are no equality and good relations issues.

5	Recommendation
5.1	The Committee is requested to note the applications which have been issued under the Scheme of Delegation.

6	Key to Abbreviations
	None

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Belfast City Council

Report to:	Licensing Committee
Subject:	Applications for Stationary Street Trading Licences - Donegall Quay
Date:	20th June, 2012
Reporting Officer:	Trevor Martin, Head of Building Control, Ext. 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435

1	Relevant Background Information
1.1	At its meeting on 22nd September 2008, having considered all of the representations made, the Committee agreed to designate three sites at Donegall Quay beside the Lagan Lookout building as a place in respect of which it might grant three individual Stationary Street Trading Licences for the sale of commodities including hot and cold food and beverages, confectionery, tourist gifts and other services.
1.2	As the Belfast City Centre Regeneration Directorate of the Department for Social Development are the landowner and the area is also a significant public space, it was agreed that the Council would seek DSD's opinion on street trading licence applications for the sites to ensure they would be willing to give permission to the applicant to use their land for the proposed purpose.
1.3	The Council has now received two separate applications for two of the three sites, both of which comply with the designating resolution for the sites. The details of the applications are outlined below: Site 1.
1.4	Mr George Grimley has applied to sell tour, event and concert tickets, souvenir T-shirts and caps, at one of the sites in Donegall Quay, from a small trailer unit measuring 3m x 1.5m.
1.5	His proposed hours of operation are as follows: Monday to Saturday from 9.00 a.m. to 9.00 p.m., and Sunday from 10.00 a.m. to 9.00 p.m.
1.6	DSD Belfast City Centre Regeneration Directorate has met with Mr Grimley and agreed in principle that he can trade from one of the sites subject to obtaining a Street Trading Licence.
1.7	Mr Grimley will also have to enter into a licence agreement with DSD for the use of their land.

	<p>Site 2.</p>
1.8	Miss Sinead Hyndman has applied to sell cold food, confectionery, hot and cold non alcoholic beverages, tour tickets and postcards at one of the sites in Donegall Quay, from a silver Citroën HY van measuring 4.25m x 2m.
1.9	Her proposed hours of operation are as follows: Monday to Saturday from 8.00 a.m. to 6.00 p.m., and Sunday from 11.00 a.m. to 6.00 p.m.
1.10	The size of the stall is larger than a normal City centre street trading pitch which is 3m x 1.5m (4.5sqm) as stated at Section 5.4 of the Stall Design Policy. Members are however advised that Section 5.9 of the Policy allows in any individual case, and for whatever reason, that Committee may decide to grant a design which varies from the agreed Policy and that such a decision would not be taken to have created any kind of precedent in respect of future applications. The Committee has previously granted licences for larger pitch sizes at a number of different locations in the City centre.
1.11	There are no objections to the larger stall size.
1.12	DSD Belfast City Centre Regeneration Directorate have met with Miss Hyndman and agreed in principle that she can trade from one of the sites subject to obtaining a Street Trading Licence.
1.13	Miss Hyndman will also have to enter into a licence agreement with DSD for the use of their land.

2	Key Issues
2.1	Members are reminded that the normal process for dealing with a Stationary Street Trading Licence application, which is not the subject of objections or competition, is that the Director of Health and Environmental Services will grant the licence as provided for in the Council's Scheme of Delegation.
2.2	However, these applications include the sale of bus tour tickets, and as such it is deemed appropriate for Committee to consider this matter.
2.3	The applicants have been invited to appear before Committee and make a brief presentation and to answer any questions you may have.

3	Resource Implications
3.1	<p><u>Financial Implications</u> The application fee for each Street Trading Licence is £100 and the Licence fee, if licensed Monday to Sunday, will be £1017 per annum.</p>
3.2	<p><u>Human Resources</u> None.</p>
3.3	<p><u>Asset and Other Implications</u> None.</p>

4	Equality Implications
4.1	There are no equality and good relations issues.

5	Recommendation
5.1	<p>Based on the submissions presented and considering any amendments to the applications the Committee is required to consider each application in turn and then make a decision regarding each as follows:-</p> <ol style="list-style-type: none"> 1. To approve the application for the grant of a Street Trading Licence; or 2. To approve the application with additional conditions; or 3. That you are minded to refuse the application for the grant of a Street Trading Licence under the discretionary grounds as set out at Section 9 (1) of the Act.
5.2	<p>Section 9 (1) of the Act states that a council may refuse an application on any of the following grounds:-</p> <p>(a) that –</p> <ol style="list-style-type: none"> (i) the location at which the applicant wishes to trade as a stationary trader is unsuitable; (ii) the space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street; (iii) the area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas; (iv) there are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade; or (v) the nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade; <p>(b) that the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;</p> <p>(c) that the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;</p> <p>(d) that the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;</p> <p>(e) that the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;</p> <p>(f) that the applicant has failed to provide the particulars required by the council to deal with the application;</p> <p>(g) that the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.</p>

5.3	When minded to refuse a licence application the applicant must be informed that they will be permitted to make representation regarding the refusal to the Council, with such representations to be made not less than twenty-one days from the date of notice.
5.4	As a consequence, the actual decision to refuse the licence will be considered at a meeting on a later date.
5.5	There is a right of appeal to the Magistrate's Court against any refusal on these grounds.

6	Decision Tracking
<p>If a licence is granted and assuming all outstanding technical matters have been dealt with, the applicant will be sent a copy of the licence within 7 days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>If you are minded to refuse an application, the applicant will be advised in writing within 7 days of their right to make written representation regarding this decision. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p>	



Belfast City Council

Report to:	Licensing Committee
Subject:	Competing Applications for a Stationary Street Trading Licence - Donegall Square North
Date:	20th June, 2012
Reporting Officer:	Trevor Martin, Head of Building Control, ext. 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

1	Relevant Background Information
1.1	The Council has received two separate and competing street trading licence applications for the site in Donegall Square North which is situated at the front of City Hall, close to its junction with Donegall Square West.
1.2	Members are reminded that consideration of competing Street Trading Licence applications is a matter for this Committee and not delegated to the Director of Health and Environmental Services in the Council's Scheme of Delegation.
1.3	Members will recall that, further to your meeting on 15th February 2012, you agreed to change the designated commodities for this site to allow that a variety of commodities could be determined but to prohibit the sale of hot food and bus tour tickets. Both of the applications comply with the designating resolution for the site.
1.4	Details of the applications are outlined below: Applicant 1.
1.5	Miss Christina Rea has applied to renew her Street Trading Licence to sell flowers and plants. Miss Rea has held the Licence for one year.
1.6	Miss Rea has applied to sell the additional commodities of arts and crafts, hair accessories, health and beauty products, cosmetics, perfumes and toiletries, pop and sport memorabilia, wrapping paper and cards, jewellery, sun glasses, umbrellas, fancy dress costumes, stationary, novelty items; e.g. LED/glow products, CD's, seasonal items; e.g. Christmas novelties, religious and cultural merchandise, mobile phone covers and accessories, fruit and vegetables, fresh fruit juices and smoothies, slush puppies, hot and cold beverages, cold foods, walking tour tickets and event tickets, all from a traditional market type stall measuring 3m x 1.5m.
1.7	Her proposed hours of operation are as follows: Monday to Saturday from 9.00 a.m. to 9.00 p.m.,and Sunday from 10.00 a.m. to 5.00 p.m.

1.8	Miss Rea has held the licence for this site from 1st February, 2011. Our records indicate that when we have carried out 5 routine site inspections Miss Rea has not been trading during this period. Members are advised that the general Terms and Conditions of a street trading licence states that " <i>the Licence holder shall avail himself to a reasonable extent of his right to trade under this licence</i> ".
1.9	As such, Miss Rea was asked to provide evidence that she had traded at the designated site during the period she was licensed or to provide any reason why she did not trade.
1.10	Following the request for evidence of trade, Miss Rea's father, Mr Joseph Rea (a licensed trader) was found to be trading at the site under Miss Rea's licence on 17 March 2012.
1.11	In a letter to the Council (attached) Miss Rea has stated that the sale of flowers and plants is no longer providing a profitable income. She states that she traded on three occasions during the period of her licence; on Saturday 2nd April, 2011 for Mother's Day, Saturday 24th December, 2011 for Christmas, and on Tuesday 14th February 2012 for Valentine's Day and on each occasion was unable to generate enough income to pay for her stock.
1.12	Miss Rea states in her letter that the addition of the other commodities would generate sufficient income to allow her to trade on a regular basis.
	Applicant 2.
1.13	Mr Desmond Grehan has applied to sell drawings of listed buildings in Belfast, books, pamphlets and postcards from a trailer type stall measuring 4.35m x 1.4m. His proposed hours of operation are as follows: Monday to Sunday from 10.00 a.m. to 7.00 p.m.
1.14	The size of the stall is larger than a normal City centre street trading pitch which is 3m x 1.5m (4.5sqm) as stated at Section 5.4 of the Stall Design Policy. Members are however advised that Section 5.9 of the Policy allows in any individual case, and for whatever reason, that Committee may decide to grant a design which varies from the agreed Policy and that such a decision would not be taken to have created any kind of precedent in respect of future applications. The Committee has previously granted licences for larger pitch sizes at a number of different locations in the City centre.
1.15	The PSNI and DRD Roads Service have no objections to the larger stall size as there is adequate space to accommodate the small increase in size.

2	Key Issues
2.1	The Street Trading Act (Northern Ireland) 2001 (the Act) places a statutory obligation on a district council to grant an application for a street trading licence unless there are sufficient grounds to refuse it.
2.2	Section 8 of the Act sets out circumstances in which an application must be refused, however there are no such grounds of refusal applicable to these licence applications.
2.3	Section 9 of the Act sets out discretionary grounds under which a district council may refuse to grant an application. 9.(1) A council may refuse an application on any of the following grounds:- (a) that –

- (i) the location at which the applicant wishes to trade as a stationary trader is unsuitable;
 - (ii) the space in the designated street in which the applicant wishes to trade as a stationary trader is inadequate for the applicant to do so without causing undue interference or inconvenience to persons or vehicles using the street;
 - (iii) the area or areas of the district in which the applicant wishes to trade as a mobile trader are unsuitable for the applicant to do so without causing undue interference or inconvenience to persons or vehicles in the area or areas;
 - (iv) there are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade;
 - (v) the nature of the articles, things or services in which the applicant wishes to trade is such that their sale or supply, or their preparation for sale or supply, would adversely affect the general amenity of the area in which the applicant wishes to trade;
- (b) that the applicant has, in connection with the application, made a statement which he knows to be false in a material particular;
- (c) that the applicant is, on account of misconduct or some other reason relating to trading activities, unsuitable to hold a street trading licence;
- (d) that the applicant has, without reasonable excuse, failed to avail himself to a reasonable extent of a previous street trading licence;
- (e) that the applicant has at any time been granted a street trading licence by the council, which was revoked or could have been revoked on the grounds that he had refused or neglected to pay fees or other charges due to the council in respect of the licence;
- (f) that the applicant has failed to provide the particulars required by the council to deal with the application;
- (g) that the applicant has failed to provide or identify suitable or adequate arrangements for storing any articles, things or receptacles in or with which he proposes to trade.

2.4 There is a right of appeal to the Magistrate's Court against any refusal on these grounds.

2.5 Members are reminded that the Council, in March 2011, agreed an amended Street Trading Licensing Policy to allow for circumstances where there are two or more applications for the same designated pitch within the City. Section 5 of the Policy provides guidance on how to deal with competing licence applications and states that, without prejudice to the discretionary grounds for refusing an application, the Council may also take the following into account:

1. The suitability of the application in the context of the area or street;
2. The suitability of allowing more than one application in the area or street;
3. The commodities or services which each applicant intends to sell or supply;
4. The merits of each application in the context of the character and appearance of the proposed area;
5. Whether a mobile trader/a number of mobile traders will affect the character and appearance of the proposed area;

	<p>6. Any potential adverse impact caused to the character and appearance of the proposed location by the application, by a mobile trader or by a number of mobile traders;</p> <p>7. The extent to which the sale of the commodity will provide a useful service not otherwise provided in the area.</p> <p>2.6 Members are reminded that the ability to trade on the public highway should not be regarded as a right in perpetuity, but a privilege, and there is no absolute right for someone holding a licence to be granted it again when it comes up for renewal, consideration must be given to the merits of each application for the site.</p> <p>2.7 The applicants have been invited to appear before Committee and make a brief presentation on matters such as how the business will be operated, the design of the stall, how the commodities they propose to sell will add to the area and address any concerns with their proposals.</p> <p>2.8 After considering representations from the applicants you will then be required to grant one of the applications and refuse the other.</p>
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3	Resource Implications
3.1	<p><u>Financial</u></p> <p>If the Committee grants a licence, the Street Trading Licence fee is as follows:</p> <ul style="list-style-type: none"> • application fee of £100, and • a Licence fee, for Monday to Sunday, of £1017 per annum.
3.2	<p><u>Human Resources</u></p> <p>None.</p>
3.3	<p><u>Asset and Other Implications</u></p> <p>None.</p>

4	Equality Implications
4.1	There are no equality or good relations issues

5	Recommendation
5.1	<p>Based on the submissions presented and considering any amendments to the applications, the Committee is requested to consider each application in turn, taking into account Section 5 of the Street Trading Licensing Policy outlined in paragraph 2.5, and decide whether it is minded to:</p> <ol style="list-style-type: none"> 1. grant and approve the Licence to Miss Christina Rea; or 2. grant and approve the Licence to Mr Desmond Grehan; or, 3. grant and approve the Licence to one of the applicants with additional conditions, and then;

	<p>4. refuse the licence application, under the discretionary grounds as outlined at paragraph 2.3 above, of the applicant who has not been granted a licence.</p>
5.2	Members may attach any reasonable conditions when granting a licence.
5.3	When minded to refuse a licence application, the applicant must be informed that they will be permitted to make representation regarding the refusal to the Council, with such representations to be made not less than twenty-one days from the date of notice.
5.4	As a consequence, the actual decision to grant and refuse the licences will be considered at a meeting on a later date. There is a right of appeal to the Magistrate's Court against any refusal on these grounds.

6	Decision Tracking
<p>If a licence is granted and assuming all outstanding technical matters have been dealt with, the applicant will be sent a copy of the licence within 7 days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>If you are minded to refuse an application, the applicant will be advised in writing within seven days of their right to make written representation regarding this decision. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p>	

7	Key to Abbreviations
<p>Act – The Street Trading Act (N.I.) 2001 PSNI - Police Service of Northern Ireland DRD – Department for Regional Development</p>	

8	Document Attached
<p>Letter from Ms Rea</p>	

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8-3-12

Dear Neil,

in response to your letter dated 20th February 2012, I wish to state that I believe that I have availed to a reasonable extent my right to trade under this license because the products I.E flowers and plants are no longer generating a profitable income to cover costs and provide a wage e.g. Mothers Day eve, Saturday 2011 to the best of recollection because of transport problems I did not get out until late in the day, approximately 2pm and at 4.30pm had around £36.00 in takings, my father (who I believe has discussed the commercial inviability of these products in today's market place with you on a number of occasions at length) transported the remainder of the flowers around to his pitch in Castle Lane because there was a much better chance of selling them there, years of experience determined this action. The same process occurred on Christmas Eve 2011 were from 10am until 4pm had generated £50.00 in takings and again on St Valentines Days from 10am until 4pm £38.00 was obtained in takings. None of the aforementioned amounts were near enough to pay the cost of the stock bills. These are the busiest times of the year for these products to be sold by street traders so these are my reasons for the infrequency in trading, however with the possibility of the addition of other commodities to my license which have the potential of enabling me generate an income that would secure me a wage, I would like my license to be renewed and afford me that opportunity.

Thank You.

Christina Rea

Christina Rea

BELFAST BUILDING CONTROL SERVICE		
08 MAR 2012		
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Wizard		
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Head of Service		
DR	SH	

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Belfast City Council

Report to:	Licensing Committee
Subject:	Application to Amend the Standard Hours on an Entertainments Licence – Belsonic Event, Custom House Square
Date:	20th June, 2012
Reporting Officer:	Trevor Martin, Head of Building Control, ext. 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

1.0	Relevant Background Information
1.1	Notification has been received from the organisers of Belsonic to hold a 10 day music event running from 15th to 26th August at Custom House Square.
1.2	Custom House Square hosts numerous and varied musical and cultural events throughout the year and is the responsibility of the Department for Social Development, which holds a Seven-day annual licence permitting outdoor entertainment and entertainment in a marquee.
1.3	The standard days and hours, during which Custom House Square is currently licensed to provide entertainment are: Monday to Sunday: 11:30 a.m. to 11:00 p.m.
1.4	In addition, a special condition on the Custom House Square licence allows the licensee to apply for additional hours, later than 11:00pm, which may or may not be granted dependent upon any noise issues, which may have arisen from previous events there. <u>Extended hours previously granted to Belsonic</u>
1.5	Members may recall that at your meeting on 22nd June 2011, you considered an application from Belsonic Limited to hold a 10 day outdoor music event, with 4 of those nights providing entertainment beyond the 11:00 p.m. standard licence hours at Custom House Square.
1.6	At the same meeting, Committee also agreed that the Open House Festival could provide entertainment at the Square beyond the 11:00 pm standard licence hours at Custom House Square on 2 nights.
1.7	Members may also recall that, at your meeting on 17th February 2010, you agreed that Belsonic could hold a 3 day outdoor music event which also extended beyond the 11:00pm standard licence hours. Then, at your meeting on 16th June you agreed to an extended event and that 6 of the additional 9 nights could run to midnight or later in August 2010.

<p>1.8</p>	<p>However, the following specific conditions were also attached:</p> <ul style="list-style-type: none"> • prior to the event proceeding, the promoters of Belsonic are required to demonstrate evidence of early consultation in relation to the intended event. • the event is staged subject to the promoter using the advanced technology sound system described in their supporting letter. • a robust system, agreed in advance with the Council, to deal with any complaints from local residents over the course of the event is put in place. • if a significant number of complaints are received about noise or the complaint is of such significant impact, then the finishing time for subsequent evenings of the event will be reduced and the promoter should make contingency arrangements for this eventuality.
<p>1.9</p>	<p>At those meetings, the Service advised Members that there had been an increasing number of applications from promoters to hold outdoor events late into the evening, often at locations that are close to residential premises. Whilst recognising that such outdoor music events can bring enjoyment to hundreds and in some cases thousands of people and boost the overall ‘vibrancy’ of a city, it was also highlighted that noise from these events has the potential to cause widespread disturbance to those living and working in the vicinity.</p>
<p>1.10</p>	<p>The Council already receives a considerable number of applications from promoters for outdoor musical events at the Square and in the summer months these can sometimes occur on a weekly basis.</p>
<p>1.11</p>	<p>Furthermore, Members may also be aware of a new piece of legislation, which came into force in Northern Ireland on 1st April 2012, namely, the Clean Neighbourhoods and Environmental Act (Northern Ireland) 2011. This legislation extends the Council’s powers under the Noise Act 1996, which applies night time noise control between the hours of 11:00 pm to 7:00 am for noise from residential dwellings to include night time noise control over any licensed premises and/or <i>any place</i> in relation to which entertainment may take place.</p>
<p>1.12</p>	<p>While Council officers already investigate noise complaints for noise emanating from entertainment premises and/or places, this new legislation gives Council officers additional enforcement powers after 11:00pm.</p>
<p>1.13</p>	<p>From April 2012, Council officers investigating complaints about entertainment noise after 11:00 p.m. may issue a Warning Notice on a responsible person associated with the event and if this Notice is not complied with within 10 minutes of service, officers may, after taking appropriate noise measurements, issue a fixed penalty notice of £500 or decide to prosecute the Promoter for non-compliance with the Warning Notice.</p>

<p>2.0</p>	<p>Key Issues</p>
<p>2.1</p>	<p>Belsonic is now established as one of the largest outdoor music events in Northern Ireland. Many of the events are sold out some weeks in advance and in excess of 40,000 people attend throughout the period of the event. This year it will be providing an array of world class acts such as Tom Jones, Emile Sande, David Guetta, James Morrison, and Noel Gallagher.</p>
<p>2.2</p>	<p>For this year’s event a request has been made that you give consideration to only one of the nights to running beyond 11:00 pm. The organisers have asked that the final night of the event be extended to finish at 12:00 am. The other remaining 9 nights will cease at 11:00pm.</p>

2.3	A copy of the events running order is attached at Appendix 3.
2.4	As these are not applications to vary the terms of a licence, but a request for Council's permission to extend hours under an existing licence condition, there is no requirement for public advertisement in this case.
2.5	Further details of the Event Management Plan are needed for Council Officers to ensure that all technical requirements will be met, but work is ongoing in this regard. Representatives of Belsonic Limited will be available should you wish to seek further information on these proposals.
Representations	
2.6	An objection has been received from a resident of the apartments in Ulster Street to any concert, particularly with excessive noise disruption such as Belsonic, being held in Custom House Square.
2.7	The objector has stated that this is a mixed area with a large residential contingent including Custom House Residences which front onto the Square, the Queens Buildings apartments, The Boat House apartments and the Obel Tower.
2.8	The objector argues that noise levels recorded at this event previously showed levels in excess of permitted levels and in some instances the building vibrates when the bass levels are excessive.
2.9	It is his view that noise management measures will not address this problem and anything the organisers do to minimise the problem has been a complete waste of time. As such he considers that no licence should be granted to Belsonic and certainly nothing beyond the watershed of 11.00pm on a Sunday night.
2.10	The objector was invited to attend the meeting and has declined but asked that his representation be placed before Members. A copy of the objection is attached as Appendix 1.
Building Control	
2.11	Officers from the Building Control Service have carried out during performance inspections over the duration of these events in previous years and have always found the organisers to be professional in their approach and have had no issues with the health, safety and welfare management of the events during that time.
2.12	Environmental Protection The Environmental Protection Unit (EPU) of the Environmental Health Service has been consulted in relation to the request for late night entertainment for the Belsonic event at Custom House Square.
2.13	The Unit has confirmed that they have no major issues with the Belsonic event, but are concerned that the organisers have requested for one of the nights to run beyond the 11:00pm standard licence hours at Custom House Square particularly in view of the additional noise control powers under the Clean Neighbourhoods and Environment (NI) Act 2011(an extract of which is contained in the appendix 4 to this report for your information)..
2.14	They have stated that they are supportive of all events aimed at improving the attractiveness and diversity of the City but that this should be achieved while in compliance with the relevant legislation and recognising and respecting the rights of residents to enjoy their property by exercising appropriate control of such events, as is expected by the public.

<p>2.15</p> <p>2.16</p> <p>2.17</p> <p>2.18</p> <p>2.19</p> <p>2.20</p> <p>2.21</p>	<p>Consequently, EPU has requested that Committee consider an additional condition on the licence for the event as follows:</p> <ul style="list-style-type: none"> ▪ that the licensee, at least one month in advance of the event, submits a suitable noise assessment and noise management plan. The noise assessment must be completed by a suitably qualified and experienced noise control consultant and demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises. <p>Officers will consider the above reports to ensure the technical requirements are in accordance with all relevant legislation and guidance(see appendices 4 and 5 attached to this report for your information).</p> <p>EPU has also advised that the Council received a total of 10 complaints from disturbed residents regarding the Belsonic 2011 event and a total of 20 from the 2010 event.</p> <p>In view of the apartments situated in close proximity to the stage for the proposed Belsonic event EPU feel it is important to protect the night time period between 11:00 p.m and 7:00am for residents. It is noted that of the 10 nights proposed for Belsonic 2012 the Promoter intends to finish at 11:00 p.m on all but one night for which a finish time of 12:00 a.m. is requested on the last August bank holiday Sunday night. Members are requested to consider this later finish time on one occasion over the event in view of the new legislation which extends Council officers noise control powers at night.</p> <p>An officer from EPU will be available at your meeting to advise on any concerns regarding the proposed event and any potential noise impact it may have on nearby residents.</p> <p>PSNI</p> <p>The PSNI have also been consulted in relation to the applications for both events and their response was outstanding at the time of writing this report. Their views will be available for consideration at your meeting.</p> <p>However, in their comments for last year’s Belsonic event, the PSNI stated that, given that the police can only object to an entertainment licence on the basis of public safety and the Council will be assessing this prior to agreeing to the event taking place, they do not believe there are grounds to object to the request for additional nights.</p>
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<p>3.0 Resource Implications</p>	
<p>3.1</p> <p>3.2</p> <p>3.3</p>	<p><u>Financial</u> Officers will be required to carry out inspections at the event but this is catered for within existing budgets.</p> <p><u>Human Resources</u> None</p> <p><u>Asset and Other Implications</u> None</p>

<p>4.0 Equality and Good Relations Considerations</p>	
<p>4.1</p>	<p>There are no equality or good relations issues.</p>

5.0	Recommendations
5.1	<p>Having considered this information and any representations received you are then required to determine, subject to all technical requirements being met:</p> <ol style="list-style-type: none"> 1. if the proposed event on 26th August 2012 should be permitted to take place beyond the standard hours of licence and, if so; 2. an appropriate finishing time for the proposed extended night of the event.
5.2	<p>To assist Members, should you be of a mind to permit the event to take place, the following are possible conditions to consider attaching to the licences for the event:</p> <ul style="list-style-type: none"> ▪ that the licensee, at least one month in advance of the event, submits a suitable noise assessment and noise management plan. The noise assessment must be completed by a suitably qualified and experienced noise control consultant and demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises • prior to the event proceeding, the promoters are required to demonstrate evidence of early consultation in relation to the intended event. • a robust system, agreed in advance with the Council, to deal with any complaints from local residents over the course of the event is put in place.

6.0	Decision Tracking
<p>Any approval is subject to the applicant fully complying with any technical requirements to the satisfaction of the Officers of the Council, including the submission of the necessary certificates, insurances and other documents in relation to each event.</p> <p>The person responsible for this action is Trevor Martin, Head of Building Control.</p>	

7.0	Documents Attached
<p>Appendix 1 - Objection from local resident</p> <p>Appendix 2 - Location map</p> <p>Appendix 3 - Event running order</p> <p>Appendix 4 - Extract from Clean Neighbourhoods and Environment Act(NI) 2011</p> <p>Appendix 5 - Guidance on noise control at outdoor concerts</p>	

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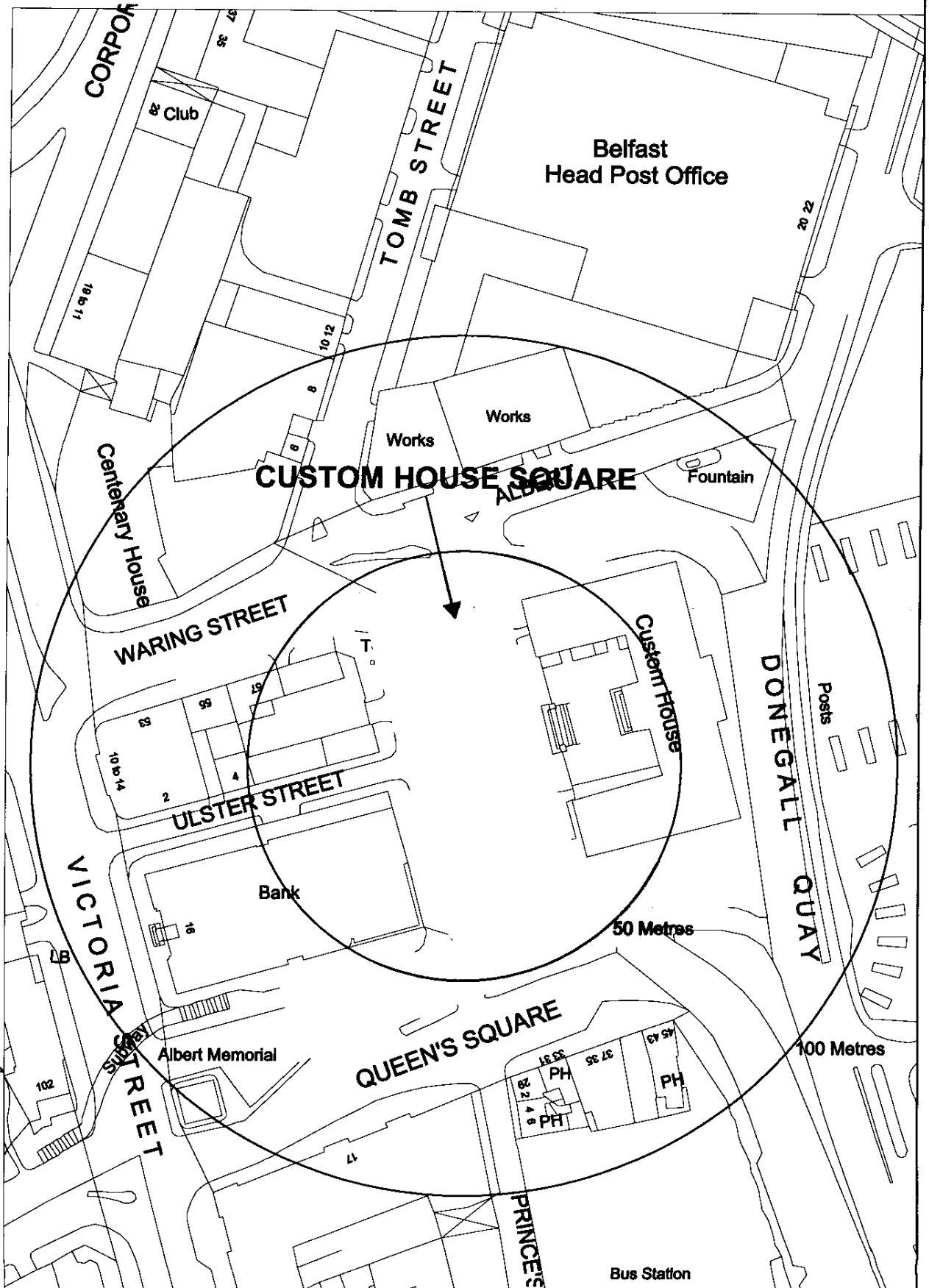


Building Control Service

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BELSONIC 2012

- 1. Day 1 Wednesday 15 August**
Skrillex & supports TBC
Doors 6:00pm event end no later than 11:00pm.

- 2. Day 2 Thursday 16 August**
Emile Sande & supports TBC
Doors 6:00pm event end no later than 11:00pm.

- 3. Day 3 Friday 17 August**
Madness & supports TBC
Doors 6:00pm event end no later than 11:00pm.

- 4. Day 4 Saturday 18 August**
Thin Lizzy / Darkness & supports TBC
Doors 5.30 pm event end no later than 11:00pm.

- 5. Day 5 Sunday 19 August**
Artists TBC
Doors 5.30 pm event end no later than 11:00pm.

- 6. Day 6 Monday 20 August**
Noel Gallagher's high flying birds & supports TBC
Doors 6:00pm event end no later than 11:00pm.

- 7. Day 7 Thursday 23 August**
Skrillex & supports TBC
Doors 6:00pm event end no later than 11:00pm.

- 8. Day 8 Friday 24 August**
Tom Jones & supports TBC
Doors 6:00pm event end no later than 11:00pm.

- 9. Day 9 Saturday 25 August**
James Morrison & supports TBC
Doors 6:00pm event end no later than 11:00pm.

- 10. Day 10 Sunday 26 August (Public Holiday weekend)**
David Guetta & supports TBC
Doors 6:00pm event end no later than 12:00am.

SCHEDULES

SCHEDULE 1

Section 62.

APPLICATION OF THE NOISE ACT 1996 TO LICENSED PREMISES ETC.

1. The Noise Act 1996 (c. 37) is amended as follows.
2. In the heading to section 2, omit the words "from a dwelling".
- 3.—(1) Section 2 (investigations of complaints of noise) is amended as follows.
 - (2) In subsection (2), after the words "emitted from" insert "(a)" and at the end insert ", or
 - (b) any of the following (referred to in this group of sections as "the offending premises")—
 - (i) any premises in relation to which an exhibition licence has effect;
 - (ii) any place in relation to which an entertainment licence has effect;
 - (iii) any licensed premises;
 - (iv) a place at which the sale of intoxicating liquor is for the time being authorised by an occasional licence;
 - (v) any premises where meals or refreshments are supplied whether for consumption on or off the premises;
 - (vi) any premises occupied by a registered club."
 - (3) After subsection (2) insert—

“(2A) For the purposes of subsection (2)(b)—

“exhibition licence” means a licence granted under Article 3 of the Cinemas (Northern Ireland) Order 1991;

“entertainment licence” means a licence granted under paragraph 3 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985;

“intoxicating liquor”, “licensed premises” and “occasional licence” have the same meanings as in the Licensing (Northern Ireland) Order 1996;

“registered club” has the same meaning as in Article 2(2) of the Registration of Clubs (Northern Ireland) Order 1996.”.
 - (4) In subsection (4)(a), after the words “the offending dwelling” insert “or the offending premises”.
 - (5) In subsection (7)—
 - (a) after the words “the offending dwelling is” insert “, or the offending premises are,”;
 - (b) after the words “if the offending dwelling” insert “or the offending premises”.
- 4.—(1) Section 3 (warning notices) is amended as follows.

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2011

SCH. 1

(2) In subsection (1)—

(a) in paragraph (a)(i), after the words “offending dwelling” insert “or the offending premises”;

(b) for paragraph (b) substitute—

“(b) give warning—

(i) in a case where the complaint is in respect of a dwelling, that any person who is responsible for noise which is emitted from the offending dwelling in the period specified in the notice and which exceeds the permitted level, as measured from within the complainant’s dwelling, may be guilty of an offence;

(ii) in a case where the complaint is in respect of other premises, that the responsible person in relation to the offending premises may be guilty of an offence if noise which exceeds the permitted level, as measured from within the complainant’s dwelling, is emitted from the premises in the period specified in the notice.”

(3) In subsection (3), at the beginning insert “In a case where the complaint is in respect of a dwelling.”

(4) After subsection (3) insert—

“(3A) In a case where the complaint is in respect of other premises, a warning notice must be served by delivering it to the person who appears to the officer of the district council to be the responsible person in relation to the offending premises at the time the notice is delivered.”

(5) After subsection (5) insert—

“(6) For the purposes of this group of sections, the responsible person in relation to offending premises at a particular time is—

(a) in the case of any premises mentioned in sub-paragraph (i), (ii), (iii) or (iv) of section 2(2)(b)—

(i) the holder of the licence if he is present at the premises at that time,

(ii) where that person is not present at the premises at that time, any other person who is present at the premises at that time and in charge of the premises;

(b) in the case of any premises mentioned in sub-paragraph (v) of section 2(2)(b), any person who is present at the premises at that time and in charge of the premises;

(c) in the case of any premises mentioned in sub-paragraph (vi) of section 2(2)(b)—

(i) any official of the club who is present at the premises at that time;

(ii) where no such official is present at the premises at that time, any other person who is present at the premises at that time and in charge of the premises;

and for the purposes of this paragraph "official" has the same meaning as in Article 2(2) of the Registration of Clubs (Northern Ireland) Order 1996."

5. In the heading to section 4, after the words "where noise" insert "from a dwelling".

6. After section 4 (offence where noise exceeds permitted level after notice) insert—

"Offence where noise from other premises exceeds permitted level after service of notice

4A.—(1) If—

- (a) a warning notice has been served under section 3 in respect of noise emitted from premises,
- (b) noise is emitted from the premises in the period specified in the notice, and
- (c) the noise exceeds the permitted level, as measured from within the complainant's dwelling,

the responsible person in relation to the offending premises at the time at which the noise referred to in paragraph (c) is emitted is guilty of an offence.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale."

7. In section 5 (permitted level of noise), in subsection (1) after the words "from any dwelling" insert "or other premises".

8. In section 6 (approval of measuring devices), in subsection (3) after the words "section 4" insert "or 4A".

9.—(1) Section 7 (evidence) is amended as follows.

(2) In subsection (1), after the words "section 4" insert "or 4A".

(3) After subsection (3) insert—

"(3A) In proceedings for an offence under section 4A, evidence that noise, or noise of any kind, measured by a device at any time was noise emitted from any other premises may be given by the production of a document—

- (a) signed by an officer of the district council, and
- (b) stating that he had identified those premises as the source at that time of the noise or, as the case may be, noise of that kind."

(4) In subsection (4), for the words "or (3)(a)" substitute ", (3)(a) or (3A)(a)".

10.—(1) Section 8 (fixed penalty notices) is amended as follows.

(2) In subsection (1), after the words "section 4" insert "or 4A".

(3) In subsection (2)(b), after the words "the offending dwelling" insert "or the offending premises (as the case may be)".

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11.—(1) Section 9 (section 8: supplementary) is amended as follows.

(2) After subsection (2) insert—

“(2A) If a fixed penalty notice is given to a person in respect of noise emitted from other premises in any period in a warning notice—

- (a) no further fixed penalty notice may be given to that person in respect of noise emitted from the premises during that period, but
- (b) that person may be convicted of a further offence under section 4A in respect of noise emitted from the premises after the fixed penalty notice is given and before the end of that period.”.

(3) In subsection (5), after the words “section 4” insert “or 4A”.

12.—(1) Section 10 (powers of entry and seizure etc.) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a), after the words “a dwelling” insert “or other premises”;
- (b) in paragraph (b), after the words “the dwelling” insert “or other premises”.

(3) In subsection (2), after the words “the dwelling” insert “or other premises”.

(4) In subsection (4)—

- (a) in paragraph (a), after the words “a dwelling” insert “or other premises”;
- (b) in paragraph (b), after the words “the dwelling” insert “or other premises”;
- (c) in paragraph (c), after the words “the dwelling” insert “or other premises”;
- (d) after the words “to enter the” insert “dwelling or other”.

(5) In subsection (5)—

- (a) after the words “enters any” insert “dwelling or other”;
- (b) for the words from “the premises are unoccupied” to the end substitute “the dwelling is, or the other premises are, unoccupied, must leave it or them as effectively secured against trespassers as he found it or them.”.

13. In the Schedule (powers in relation to seized equipment), in paragraph 1(a)(i), after the words “section 4” insert “or 4A”.

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Licensing of Outdoor Music Concerts:
Guidance for Members on Noise and Disturbance Factors

An increasing number of applications are received by Belfast City Council to hold outdoor music events throughout the City but increasingly promoters are enquiring about holding these events late into the evening, often at locations that are close to residential premises. Such outdoor music events can bring enjoyment to hundreds and in some cases thousands of people and boost the overall 'vibrancy' of a city. However, noise from these events also has the potential to cause widespread disturbance to those living and working in the vicinity.

As with any licence determination the Council should seek to strike a reasonable balance between the public and private interest. It must also be recognised that the Council has powers and duties in respect of the prevention or abatement of noise nuisance.

Since it is not unreasonable to anticipate that residents living close to a park or open space used for an open air music event will experience some degree of noise disturbance, event organisers and those attending events must recognise that there may be a need for noise level or finish time restrictions to be imposed to protect the local community from being unreasonably disturbed by noise.

A brief benchmarking exercise has been conducted in recent months with other Local Authorities in the UK of similar profile to Belfast to try and establish 'common good practice' which is followed by colleagues involved in assessing applications for outdoor music events. Whilst entertainment licensing legislation differs in the rest of the UK the same concerns apply regarding potential disturbance associated with these outdoor events. From the findings of the benchmarking exercise the following was noted:

- No set criteria can be easily applied in reviewing all outdoor music events as they vary in the nature of music, venue, size, duration, perception by the general public, and event management;
- The CIEH/Noise Council 'Code of Practice on Environmental Noise Control at Concerts' 1995 is a common source of reference used in recommending conditions which are deemed good practice for licensing outdoor music events. This Code of Practice advises that for events held between the hours of 11:00pm and 9:00am music should not be audible within noise-sensitive premises with windows open. All authorities consulted advised that the Code is voluntary yet they do try to have due regard to it while at the same time not being strictly confined to following it;
- In the case of applications for outdoor music events beyond 11.00pm which may potentially have an adverse impact on nearby residents/businesses such events were often presented to Licensing Committee for a decision by elected members;
- Conditions attached to Licences issued in the authorities consulted tend to be prescriptive with set noise limits which are not to be exceeded at particular locations over the duration of the event; a breach of these levels leading to appropriate enforcement action on the night or shortly thereafter. Attaching such conditions requires monitoring of music noise levels during the events to ensure compliance.

Licences for outdoor music events issued in Belfast commonly have a less prescriptive condition attached regarding the control of noise levels so as to avoid annoyance to occupiers in the vicinity. Complaints of noise from an event are generally directed on the night to the Council's Night Time Noise Service, a Building Control contact officer or the Event Organiser. At this point the organiser is required to reduce sound levels at the mixing desk but often this can prove difficult to achieve in practice without affecting audience satisfaction of the event.

In many cases where the complainant has the facility to speak with a Council Officer or the organiser during an event they are satisfied and find this helpful. In any case the complaints received provide a useful indicator of problems with management of the event or suitability of a venue for future use.

In the first instance an applicant for any outdoor music event is advised that it should generally not continue beyond 11:00pm where the venue is in close proximity to residential premises and events beyond this time should be the exception and not the rule. The primary reason for this is to safe guard the hours between 11:00pm to 7:00am to allow for undisturbed sleep time.

Recent WHO (World Health Organisation) Night Noise Guidelines for Europe, published in October 2009, are designed to offer guidance in reducing the health impacts of noise based on expert evaluation of scientific evidence in Europe. Noise has emerged as a leading environmental nuisance and excessive noise is an increasingly common public complaint. As well as affecting enjoyment of one's property exposure to night time noise also impairs a person's ability to perform tasks the next day and can lead to a wide range of associated health effects.

These most recent WHO guidelines present evidence of the damage exposure to night time noise can have on people's health. With this in mind obviously the finish time and number of outdoor events at a given location can impact on sleep disturbance and quality of life for the neighbouring community.

Given this background it is appropriate that these applications for outdoor music events where entertainment is to be provided beyond 11:00pm are considered by this Committee. In this way elected members can arrive at a decision that has due regard to the commercial interest and the benefits brought to the city by hosting such events and at the same time ensuring the rights of residents not to be unreasonably disturbed by noise.



Belfast City Council

Report to:	Licensing Committee
Subject:	Application to Extend the Hours Permitted on an Outdoor Entertainments Licence - Feile An Phobail Event, Falls Park
Date:	20th June, 2012
Reporting Officer:	Trevor Martin, Head of Building Control, ext. 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

1.0	Relevant Background Information
1.1	Applications have been received from the organisers of Féile an Phobail to hold an 11 day music event running from Thursday 2nd to Sunday 12th August at Falls Park.
1.2	The Park currently has an Outdoor Entertainment Licence in place and has been used to hold numerous types of events throughout the year. The Licence is the property of the Parks and Leisure Department of the Council and is transferred for each event to the promoters. The Licence is a Seven-day Annual Entertainments Licence permitting outdoor entertainment and entertainment in a marquee.
1.3	The standard days and hours for Outdoor Entertainments Licences and those during which Falls Park is currently licensed to provide entertainment are: Monday to Sunday: 11:30 a.m. to 11:00 p.m.
1.4	In addition, a special condition on the Falls Park Licence allows the licensee to apply for additional hours, later than 11:00pm, which may or may not be granted dependent upon any noise issues, which may have arisen from previous events there.
1.5	The festival was first established in 1988 and has operated from different venues in West Belfast since then, such as Beechmount Leisure Centre, Andersonstown Leisure Centre and Falls Park. The organisation has also previously held several open-air concerts at Falls Park and operated within the conditions of the Entertainment Licence.
1.6	The event is a celebration of the creativity and energy of the local community and its passion for the arts and sport. The Féile is also aimed at providing events and entertainment at an affordable price for the community.
1.7	The event consists of an opening carnival parade of floats, bands and GAA clubs walking to an open-air venue and music events taking place from various venues throughout West Belfast including from an open-air venue.

1.8	Over the years, Féile an Phobail has grown to be regarded as one of the largest community festivals in Europe. The carnival parade routinely brings together over 20,000 participants for a colourful, musical procession with specially-designed floats representing a chosen theme, dancers and children in costume and face-masks.
1.9	It has grown from a one-week festival into a year-round programme with many events. It established the first ever children's arts festival in Northern Ireland, called the Draíocht Children's Arts Festival, with activities ranging from sports to multi-cultural and educational events through both Irish and English.
1.10	In May 2009, Féile an Phobail launched Belfast's first dedicated comedy festival, Laugh at the Bank which has also been operating every year since then.
	Féile an Phobail Festivals
1.11	Féile an Phobail runs numerous festivals throughout the year and are as follows: <ul style="list-style-type: none"> ▪ August Féile - oldest project. Among Europe's largest community festivals. ▪ Féile an Earraigh - Springtime Irish traditional music festival. ▪ Draíocht - annual children's festival beginning in mid-October. ▪ Laugh at the Bank - Belfast's first comedy festival.
1.12	Members may also be aware of a new piece of legislation, which came into force in Northern Ireland on 1st April 2012, namely, the Clean Neighbourhoods and Environmental Act (Northern Ireland) 2011 (CNEA). This legislation extends the Council's powers under the Noise Act 1996, which applies night time noise control between the hours of 11:00pm to 7:00am for noise from residential dwellings, to include night time noise control over other 'offending premises'.
1.13	The definition of 'offending premises' includes any licensed premises and/or <i>any place</i> in relation to which entertainment may take place. Any place would, therefore, include an outdoor venue used for the purposes of entertainment. While Council officers already investigate noise complaints for noise emanating from entertainment premises and/or places, this new legislation gives Council officers additional enforcement powers after 11:00 p.m.
1.14	From April 2012, Council officers investigating complaints about entertainment noise after 11:00pm may issue a Warning Notice on a responsible person associated with the event and if this Notice is not complied with within 10 minutes of service, officers may, after taking appropriate noise measurements, issue a fixed penalty notice of £500 or decide to prosecute the Promoter for non-compliance with the Warning.

2.0	Key Issues
2.1	Since 1988, Féile an Phobail has developed to be regarded as one of the largest community festivals in Europe.
2.2	The events music concerts will operate on each night from various locations in West Belfast providing a range of music such as irish traditional, rock, indie rock, folk and ska music. The concerts will also stage well known performers such as Mary Black, Alabama 3 and Bad Manners.
2.3	The organisers have requested that you give consideration to four of the nights being permitted to run beyond 11:00 p.m. to 1:00 a.m. on 8th, 9th, 10th and 11th August. The other remaining nights will cease at 11:00 p.m.

2.4	A copy of the events running order is attached to this report for your information.
2.5	As these are not applications to vary the terms of a Licence, but a request for Council's permission to extend the hours under an existing licence condition, there is no requirement for public advertisement in this case.
2.6	The Service has received a copy of the Event Management Plan and relevant event details, but Officers are currently liaising with the Organisers to ensure that all technical requirements will be met, thus work is ongoing in this regard. Representatives of Féile an Phobail will be available at the meeting should you wish to seek further information.
<p><u>Extended hours previously granted to other Outdoor Venues</u></p>	
2.7	Members may recall that Custom House Square has been permitted to hold a number of events and music concerts beyond the 11:00pm standard hours of entertainment and the applications for your permission to do so have been brought before you in the past.
2.8	Other venues where concerts have taken place beyond 11:00pm include Botanic Gardens, Ormeau Park and most recently, applications have also been received for Boucher Road playing fields for the forthcoming Tennents Vital and Quays Viper festival.
2.9	Whilst recognising that such outdoor music events can bring enjoyment to hundreds and in some cases thousands of people and boost the overall 'vibrancy' of a city it should also be highlighted that noise from these events has the potential to cause widespread disturbance to those living and working in the vicinity.
2.10	<p>In respect of applications to extend the hours on events such as Belsonic, you previously agreed after consideration, that the standard hours for the Entertainments Licence relating to Custom House Square be amended with the following conditions</p> <ul style="list-style-type: none"> ▪ Prior to the event proceeding the promoters are required to demonstrate evidence of early consultation in relation to the intended event. ▪ The event is staged subject to the promoter using the advanced technology sound system described in their supporting letter. ▪ A robust system, agreed in advance with the Council, to deal with any complaints from local residents over the course of the event is put in place. ▪ if a significant number of complaints are received about noise or the complaint is of such significant impact, then the finishing time for subsequent evenings of the event will be reduced and the promoter should make contingency arrangements for this eventuality.
<p>Building Control</p>	
2.11	Officers from the Building Control Service have previously carried out during performance inspections over the duration of other events organised by Féile an Phobail and have always found the organisers to be professional in their approach and have had no issues with the health, safety and welfare management of the events during that time.
<p>PSNI</p>	
2.12	The PSNI has also been consulted in relation to the application for the event and they have confirmed that the organisers have been in contact with them about the event and have already informed them of the proposed extension of hours and they subsequently have no major concerns with the event.

2.13	However, Members should be aware that, as with all such events, a series of detailed planning meetings will be held, some of which have begun, to look at traffic management, transport and any wider operational policing issues.
2.14	Further information from the PSNI will be available at your meeting and a representative of the police will be available to answer any queries Members may have.
<p>Environmental Protection</p>	
2.15	The Environmental Protection Unit (EPU) of the Environmental Health Service has been consulted in relation to the request for late night entertainment for the event at Falls Park.
2.16	The Unit has confirmed that they have no major issues with the Féile event. However, they are concerned that the organisers have requested four consecutive nights to run beyond the 11:00pm standard Licence hours, particularly in view of the additional noise control powers under the Clean Neighbourhoods and Environment (NI) Act 2011. The cumulative impact of four late consecutive nights and potential sleep disturbance to nearby residents is also an issue.
2.17	Further to the potential disturbance from the music associated with such an event there are additional considerations in relation to the potential disturbance generated by both the dispersal of such a large crowd into the area as well as plant and machinery engaged in subsequent stage take down.
2.18	<p>In order to ensure protection of neighbouring residents EPU have requested that Committee consider an additional condition on the Licence for the event as follows:</p> <p style="padding-left: 40px;">That the licensee, at least one month in advance of the event, submits a suitable noise assessment and noise management plan. The noise assessment must be completed by a suitably qualified and experienced noise control consultant and demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises.</p>
2.20	Officers will consider the above reports to ensure the technical requirements are in accordance with all the relevant legislation and guidance (see appendices).
2.21	It is noted that on four of the dates the 8 th , 9 th , 10 th & 11 th of August the applicant has requested finish times of 1am. In view of the new CNEA powers discussed in paragraphs 1.12 to 1.13 above and the proximity of the venue to residential properties members are requested to consider the later finish times on these dates.
2.22	An officer from EPU will be available at your meeting to advise on any concerns regarding the proposed event and any potential noise impact it may have on nearby residents.
2.23	<p>Promoters</p> <p>Further details of the Event Management Plan for the event are required for Council Officers to ensure that all technical requirements will be met, but work is ongoing in this regard. Representatives of Féile an Phobail will be available at your meeting should you wish to seek further information on their proposals.</p>

<p>3.0 Resource Implications</p>	
3.1	<p>Financial</p> <p>Officers will be required to carry out inspections at the event but this is catered for within existing budgets.</p>

3.2	<u>Human Resources</u> None.
3.3	<u>Asset and Other Implications</u> None.

4.0 Equality and Good Relations Considerations	
4.1	There are no equality or good relations issues.

5.0 Recommendation	
5.1	Having considered this information and any representations received you are then required to determine, subject to all technical requirements being met: <ol style="list-style-type: none"> 1. If the proposed events on 8th, 9th, 10th and 11th August 2012 should be permitted to take place beyond the standard hours of Licence and, if so; 2. An appropriate finishing time for the proposed extended nights of the event.
5.2	To assist Members, should you be of a mind to permit the event to take place, the following are possible conditions to consider attaching to the Licences for the event: <ul style="list-style-type: none"> ▪ that the licensee, at least one month in advance of the event, submits a suitable noise assessment and noise management plan. The noise assessment must be completed by a suitably qualified and experienced noise control consultant and demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises ▪ prior to the event proceeding, the promoters are required to demonstrate evidence of early consultation in relation to the intended event. ▪ a robust system, agreed in advance with the Council, to deal with any complaints from local residents over the course of the event is put in place. ▪ if a significant number of complaints are received about noise or the complaint is of such significant impact, then the finishing time for subsequent evenings of the event will be reduced and the promoter should make contingency arrangements for this eventuality.

6.0	Decision Tracking
Any approval is subject to each applicant fully complying with any technical requirements to the satisfaction of the Officers of the Council, including the submission of the necessary certificates, insurances and other documents in relation to each event. The person responsible for this action is Trevor Martin, Head of Building Control.	

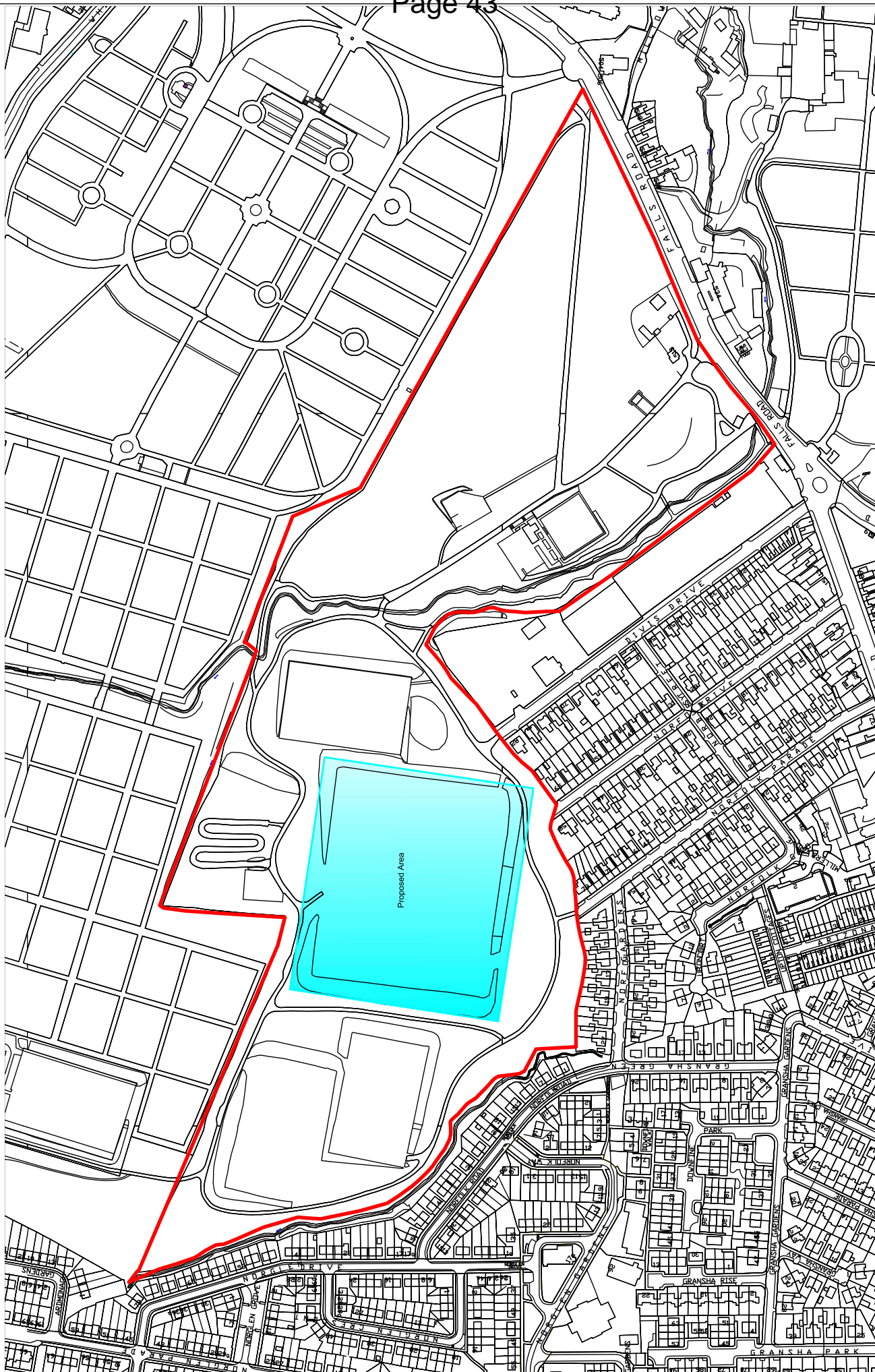
7.0	Documents Attached
<p>Appendix 1 - Location map Appendix 2- Event running order Appendix 3 - Current Entertainment Licence for Falls Park Appendix 4 - Extract from Clean Neighbourhoods and Environment (NI) Act 2011 Appendix 5 - Guidance on noise control at outdoor music events</p>	

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Building Control Service



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Falls Park
Falls Road

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FÉILE AN PHOBAIL 2012

- 1. Day 1 Thursday 2 August**
Discussions and forums
At various locations in West Belfast

- 2. Day 2 Friday 3 August**
Mary Black (Clonard Monastery)

- 3. Day 3 Saturday 4 August**
Discussions and forums
At various locations in West Belfast

- 4. Day 4 Sunday 5 August (Community Event)**
Carnival Parade finishes at Falls Park
Family fun events

- 5. Day 5 Monday 6 August**
Discussions and forums
At various locations in West Belfast

- 6. Day 6 Tuesday 7 August**
Discussions and forums
At various locations in West Belfast

- 7. Day 7 Wednesday 8 August (Community Event) (1am Finish)**
Artists TBC
8.45 1st Band
9.45 2nd Band

- 8. Day 8 Thursday 9 August (Comedy Night) (1am Finish)**
8.45 Paddy Mc Donnell
9.30 Daniel Dowling
10.15 Eric Lalor

- 9. Day 9 Friday 10 August (1am Finish)**
9.00 Shannon and the short cuts
10.00 Interlude
10.30 Alabama 3

- 10. Day 10 Saturday 11 August (1am Finish)**
Artists and times TBC

- 11. Day 11 Sunday 12 August**
8.45 Dog House Ska
9.45 Bad Manners

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OUTDOOR CONDITIONS

1. 28 days prior to any proposed event the following shall be provided to the satisfaction of Building Control Service:
 - Exact dates, proposed start and finish times and nature of the entertainment to be provided
 - An Event Management and Safety Plan including any relevant risk assessments
 - Layout plan (Scale 1:100) indicating the position of exits/entrances, seating, stage, toilet facilities, escape routes and any other features associated with the event.
 - A suitable noise assessment and noise management plan, which should also include the position and orientation of the stage and loudspeakers and details of proposals to ensure adequate neighbourhood consultation, is undertaken. The noise assessment must be completed by a suitably qualified and experienced noise control consultant and demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises in the vicinity.
2. Maximum numbers will be agreed at the discretion of the Service and will vary depending upon individual concert set up proposals.
3. If a stage is being used the following certification will be required confirming:
 - The design of the stage structure,
 - The stage has been erected in accordance with the manufacturers instructions,
 - The electrical installation is maintained and will prevent danger arising there from,
 - All fire extinguishers are properly maintained,
 - A sufficient and suitable range of fire extinguishers shall be provided. In particular, Carbon Dioxide (CO₂) fire extinguishers and a fire blanket shall be provided on any stage area.
4. A valid policy of insurance shall be held by the licensee throughout the period of the event insuring in respect of any liability, which may be incurred by him in respect of the death of or bodily injury to any person while in or about the marquee and site.
 - Scaffolding, metal frameworks, bars and beams on which electrical equipment is fixed should be sufficiently earthed. If earthing connections are looped, care must be taken that the conductor size is adequate throughout its length. Metalwork and portable electrical equipment shall be protected by residual current devices having a nominal tripping current of 30MA,
5. The licensee or a nominated responsible person shall, during the whole time that the place is open to the public, be readily identifiable at all times and shall be assisted by sufficient staff of competent adult attendants who will have been specifically instructed as to their duties, the main aim of which is the orderly evacuation of the place and the avoidance of panic in the event of an emergency. This shall include the method of calling the Fire and Rescue Service and the fastest means of evacuating the place in a safe and orderly matter.
6. Where necessary, adequate sanitary accommodation shall be provided to the satisfaction of the Service and at least one sanitary appliance shall be accessible to, and designed for use by, disabled persons. Sanitary accommodation and washing facilities shall be maintained in good Working order, kept clean, ventilated, disinfected and supplied with all proper requisites.
7. Facilities for access to and within the place for disabled people shall also be provided.
8. Suitable storage shall be made available for the accumulation of refuse, waste paper, etc. pending its removal from the place. Combustible waste shall be placed in metal containers pending refuse collection.
9. The Service may also introduce, modify or dispense with such conditions as it thinks appropriate for the event and type of entertainment.

SCHEDULES

SCHEDULE 1

Section 62.

APPLICATION OF THE NOISE ACT 1996 TO LICENSED PREMISES ETC.

1. The Noise Act 1996 (c. 37) is amended as follows.
2. In the heading to section 2, omit the words "from a dwelling".
- 3.—(1) Section 2 (investigations of complaints of noise) is amended as follows.
 - (2) In subsection (2), after the words "emitted from" insert "(a)" and at the end insert ", or
 - (b) any of the following (referred to in this group of sections as "the offending premises")—
 - (i) any premises in relation to which an exhibition licence has effect;
 - (ii) any place in relation to which an entertainment licence has effect;
 - (iii) any licensed premises;
 - (iv) a place at which the sale of intoxicating liquor is for the time being authorised by an occasional licence;
 - (v) any premises where meals or refreshments are supplied whether for consumption on or off the premises;
 - (vi) any premises occupied by a registered club."
 - (3) After subsection (2) insert—

“(2A) For the purposes of subsection (2)(b)—

“exhibition licence” means a licence granted under Article 3 of the Cinemas (Northern Ireland) Order 1991;

“entertainment licence” means a licence granted under paragraph 3 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985;

“intoxicating liquor”, “licensed premises” and “occasional licence” have the same meanings as in the Licensing (Northern Ireland) Order 1996;

“registered club” has the same meaning as in Article 2(2) of the Registration of Clubs (Northern Ireland) Order 1996.”.
 - (4) In subsection (4)(a), after the words “the offending dwelling” insert “or the offending premises”.
 - (5) In subsection (7)—
 - (a) after the words “the offending dwelling is” insert “, or the offending premises are,”;
 - (b) after the words “if the offending dwelling” insert “or the offending premises”.
- 4.—(1) Section 3 (warning notices) is amended as follows.

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2011

SCH. 1

(2) In subsection (1)—

(a) in paragraph (a)(i), after the words “offending dwelling” insert “or the offending premises”;

(b) for paragraph (b) substitute—

“(b) give warning—

(i) in a case where the complaint is in respect of a dwelling, that any person who is responsible for noise which is emitted from the offending dwelling in the period specified in the notice and which exceeds the permitted level, as measured from within the complainant’s dwelling, may be guilty of an offence;

(ii) in a case where the complaint is in respect of other premises, that the responsible person in relation to the offending premises may be guilty of an offence if noise which exceeds the permitted level, as measured from within the complainant’s dwelling, is emitted from the premises in the period specified in the notice.”

(3) In subsection (3), at the beginning insert “In a case where the complaint is in respect of a dwelling.”

(4) After subsection (3) insert—

“(3A) In a case where the complaint is in respect of other premises, a warning notice must be served by delivering it to the person who appears to the officer of the district council to be the responsible person in relation to the offending premises at the time the notice is delivered.”

(5) After subsection (5) insert—

“(6) For the purposes of this group of sections, the responsible person in relation to offending premises at a particular time is—

(a) in the case of any premises mentioned in sub-paragraph (i), (ii), (iii) or (iv) of section 2(2)(b)—

(i) the holder of the licence if he is present at the premises at that time,

(ii) where that person is not present at the premises at that time, any other person who is present at the premises at that time and in charge of the premises;

(b) in the case of any premises mentioned in sub-paragraph (v) of section 2(2)(b), any person who is present at the premises at that time and in charge of the premises;

(c) in the case of any premises mentioned in sub-paragraph (vi) of section 2(2)(b)—

(i) any official of the club who is present at the premises at that time;

(ii) where no such official is present at the premises at that time, any other person who is present at the premises at that time and in charge of the premises;

and for the purposes of this paragraph "official" has the same meaning as in Article 2(2) of the Registration of Clubs (Northern Ireland) Order 1996."

5. In the heading to section 4, after the words "where noise" insert "from a dwelling".

6. After section 4 (offence where noise exceeds permitted level after notice) insert—

"Offence where noise from other premises exceeds permitted level after service of notice

4A.—(1) If—

- (a) a warning notice has been served under section 3 in respect of noise emitted from premises,
- (b) noise is emitted from the premises in the period specified in the notice, and
- (c) the noise exceeds the permitted level, as measured from within the complainant's dwelling,

the responsible person in relation to the offending premises at the time at which the noise referred to in paragraph (c) is emitted is guilty of an offence.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale."

7. In section 5 (permitted level of noise), in subsection (1) after the words "from any dwelling" insert "or other premises".

8. In section 6 (approval of measuring devices), in subsection (3) after the words "section 4" insert "or 4A".

9.—(1) Section 7 (evidence) is amended as follows.

(2) In subsection (1), after the words "section 4" insert "or 4A".

(3) After subsection (3) insert—

"(3A) In proceedings for an offence under section 4A, evidence that noise, or noise of any kind, measured by a device at any time was noise emitted from any other premises may be given by the production of a document—

- (a) signed by an officer of the district council, and
- (b) stating that he had identified those premises as the source at that time of the noise or, as the case may be, noise of that kind."

(4) In subsection (4), for the words "or (3)(a)" substitute ", (3)(a) or (3A)(a)".

10.—(1) Section 8 (fixed penalty notices) is amended as follows.

(2) In subsection (1), after the words "section 4" insert "or 4A".

(3) In subsection (2)(b), after the words "the offending dwelling" insert "or the offending premises (as the case may be)".

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11.—(1) Section 9 (section 8: supplementary) is amended as follows.

(2) After subsection (2) insert—

“(2A) If a fixed penalty notice is given to a person in respect of noise emitted from other premises in any period in a warning notice—

- (a) no further fixed penalty notice may be given to that person in respect of noise emitted from the premises during that period, but
- (b) that person may be convicted of a further offence under section 4A in respect of noise emitted from the premises after the fixed penalty notice is given and before the end of that period.”

(3) In subsection (5), after the words “section 4” insert “or 4A”.

12.—(1) Section 10 (powers of entry and seizure etc.) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a), after the words “a dwelling” insert “or other premises”;
- (b) in paragraph (b), after the words “the dwelling” insert “or other premises”.

(3) In subsection (2), after the words “the dwelling” insert “or other premises”.

(4) In subsection (4)—

- (a) in paragraph (a), after the words “a dwelling” insert “or other premises”;
- (b) in paragraph (b), after the words “the dwelling” insert “or other premises”;
- (c) in paragraph (c), after the words “the dwelling” insert “or other premises”;
- (d) after the words “to enter the” insert “dwelling or other”.

(5) In subsection (5)—

- (a) after the words “enters any” insert “dwelling or other”;
- (b) for the words from “the premises are unoccupied” to the end substitute “the dwelling is, or the other premises are, unoccupied, must leave it or them as effectively secured against trespassers as he found it or them.”.

13. In the Schedule (powers in relation to seized equipment), in paragraph 1(a)(i), after the words “section 4” insert “or 4A”.

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Licensing of Outdoor Music Concerts:
Guidance for Members on Noise and Disturbance Factors

An increasing number of applications are received by Belfast City Council to hold outdoor music events throughout the City but increasingly promoters are enquiring about holding these events late into the evening, often at locations that are close to residential premises. Such outdoor music events can bring enjoyment to hundreds and in some cases thousands of people and boost the overall 'vibrancy' of a city. However, noise from these events also has the potential to cause widespread disturbance to those living and working in the vicinity.

As with any licence determination the Council should seek to strike a reasonable balance between the public and private interest. It must also be recognised that the Council has powers and duties in respect of the prevention or abatement of noise nuisance.

Since it is not unreasonable to anticipate that residents living close to a park or open space used for an open air music event will experience some degree of noise disturbance, event organisers and those attending events must recognise that there may be a need for noise level or finish time restrictions to be imposed to protect the local community from being unreasonably disturbed by noise.

A brief benchmarking exercise has been conducted in recent months with other Local Authorities in the UK of similar profile to Belfast to try and establish 'common good practice' which is followed by colleagues involved in assessing applications for outdoor music events. Whilst entertainment licensing legislation differs in the rest of the UK the same concerns apply regarding potential disturbance associated with these outdoor events. From the findings of the benchmarking exercise the following was noted:

- No set criteria can be easily applied in reviewing all outdoor music events as they vary in the nature of music, venue, size, duration, perception by the general public, and event management;
- The CIEH/Noise Council 'Code of Practice on Environmental Noise Control at Concerts' 1995 is a common source of reference used in recommending conditions which are deemed good practice for licensing outdoor music events. This Code of Practice advises that for events held between the hours of 11:00pm and 9:00am music should not be audible within noise-sensitive premises with windows open. All authorities consulted advised that the Code is voluntary yet they do try to have due regard to it while at the same time not being strictly confined to following it;
- In the case of applications for outdoor music events beyond 11.00pm which may potentially have an adverse impact on nearby residents/businesses such events were often presented to Licensing Committee for a decision by elected members;
- Conditions attached to Licences issued in the authorities consulted tend to be prescriptive with set noise limits which are not to be exceeded at particular locations over the duration of the event; a breach of these levels leading to appropriate enforcement action on the night or shortly thereafter. Attaching such conditions requires monitoring of music noise levels during the events to ensure compliance.

Licences for outdoor music events issued in Belfast commonly have a less prescriptive condition attached regarding the control of noise levels so as to avoid annoyance to occupiers in the vicinity. Complaints of noise from an event are generally directed on the night to the Council's Night Time Noise Service, a Building Control contact officer or the Event Organiser. At this point the organiser is required to reduce sound levels at the mixing desk but often this can prove difficult to achieve in practice without affecting audience satisfaction of the event.

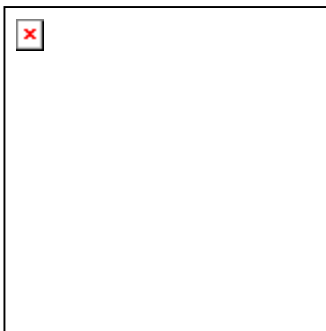
In many cases where the complainant has the facility to speak with a Council Officer or the organiser during an event they are satisfied and find this helpful. In any case the complaints received provide a useful indicator of problems with management of the event or suitability of a venue for future use.

In the first instance an applicant for any outdoor music event is advised that it should generally not continue beyond 11:00pm where the venue is in close proximity to residential premises and events beyond this time should be the exception and not the rule. The primary reason for this is to safe guard the hours between 11:00pm to 7:00am to allow for undisturbed sleep time.

Recent WHO (World Health Organisation) Night Noise Guidelines for Europe, published in October 2009, are designed to offer guidance in reducing the health impacts of noise based on expert evaluation of scientific evidence in Europe. Noise has emerged as a leading environmental nuisance and excessive noise is an increasingly common public complaint. As well as affecting enjoyment of one's property exposure to night time noise also impairs a person's ability to perform tasks the next day and can lead to a wide range of associated health effects.

These most recent WHO guidelines present evidence of the damage exposure to night time noise can have on people's health. With this in mind obviously the finish time and number of outdoor events at a given location can impact on sleep disturbance and quality of life for the neighbouring community.

Given this background it is appropriate that these applications for outdoor music events where entertainment is to be provided beyond 11:00pm are considered by this Committee. In this way elected members can arrive at a decision that has due regard to the commercial interest and the benefits brought to the city by hosting such events and at the same time ensuring the rights of residents not to be unreasonably disturbed by noise.



Belfast City Council

Report to:	Licensing Committee
Subject:	Application for the Grant of Seven-day Annual Entertainments Licences (Outdoor and Indoor) for Boucher Road Playing Fields
Date:	20th June, 2012
Reporting Officer:	Trevor Martin, Head of Building Control, ext. 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

1.0 Relevant Background Information										
1.1	<p>Applications were received on 18th April, 2012 from the Parks and Leisure Department of the Council for Seven-day Annual Entertainments Licences for the Playing Fields on the Boucher Road.</p> <table border="1"> <thead> <tr> <th>Venue and Licence</th> <th>Ref. No.</th> <th>Applicant</th> </tr> </thead> <tbody> <tr> <td>Boucher Road Playing Fields - Outdoor</td> <td>WK/201200605</td> <td>Fiona Holdsworth Parks& Leisure Department</td> </tr> <tr> <td>Boucher Road Playing Fields – Indoor (Marquee)</td> <td>WK/201200602</td> <td>Fiona Holdsworth Parks& Leisure Department</td> </tr> </tbody> </table>	Venue and Licence	Ref. No.	Applicant	Boucher Road Playing Fields - Outdoor	WK/201200605	Fiona Holdsworth Parks& Leisure Department	Boucher Road Playing Fields – Indoor (Marquee)	WK/201200602	Fiona Holdsworth Parks& Leisure Department
Venue and Licence	Ref. No.	Applicant								
Boucher Road Playing Fields - Outdoor	WK/201200605	Fiona Holdsworth Parks& Leisure Department								
Boucher Road Playing Fields – Indoor (Marquee)	WK/201200602	Fiona Holdsworth Parks& Leisure Department								
1.2	An Entertainment Licence was previously granted in 2008 for the Playing Fields but it expired in 2010 and new grant applications have therefore been made.									
1.3	<p>The standard days and hours for both an outdoor Entertainments Licence and for an Indoor Licence for a marquee are:</p> <p style="padding-left: 40px;">Monday to Sunday: 11:30 a.m. to 11:00 p.m.</p>									
1.4	The current application relates to two separate events in August, one of which wishes to operate beyond 11.00 p.m.									
1.5	Members may also be aware of a new piece of legislation, which came into force in Northern Ireland on 1st April 2012, namely, the Clean Neighbourhoods and Environmental Act (Northern Ireland) 2011 (CNEA). This legislation extends the Council's powers under the Noise Act 1996, which applies night time noise control between the hours of 11:00pm to 7:00am for noise from residential dwellings, to include night time noise control over other 'offending premises'.									

1.6	The definition of 'offending premises' includes any licensed premises and/or <i>any place</i> in relation to which entertainment may take place. Any place would, therefore, include an outdoor venue used for the purposes of entertainment. While Council officers already investigate noise complaints for noise emanating from entertainment premises and/or places, this new legislation gives Council officers additional enforcement powers after 11:00pm.
1.7	From April 2012, Council officers investigating complaints about entertainment noise after 11:00 p.m. may issue a Warning Notice on a responsible person associated with the event and if this Notice is not complied with within 10 minutes of service, officers may, after taking appropriate noise measurements, issue a fixed penalty notice of £500 or decide to prosecute the Promoter for non-compliance with the Warning Notice.

2.0	Key Issues						
2.1	The Parks and Leisure Committee has given approval for the use of Boucher Road Playing Fields for two separate events to be held at the Playing Fields in August subject to the event organisers meeting all statutory requirements including entertainment licensing.						
2.2	One event is 'Tennent's Vital' which has been held in North Down for the past 2 years and the other is the 'Quay Vipers MCC 11 th Snakebite Rally', which will be held in a marquee. This is an event organised by the Quay Vipers Motorcycle Club based in Carrickfergus.						
	<u>Tennent's Vital</u>						
2.3	Tennent's Vital is planned to take place on Tuesday 21 and Wednesday 22 August and the promoter for the event is MCD Promotions.						
2.4	The event was previously held in Ormeau Park in 2007 and 2010 and prior to that it took place in Botanic Gardens for a number of years.						
2.5	This year the headline acts are the Foo Fighters, who will perform on Tuesday 21 August. They will be supported by a number of acts including The Black Keys.						
2.6	On Wednesday 22 August the headline act will be The Stone Roses. They will be supported by several supporting acts including Florence and the Machine.						
2.7	45,000 tickets have been made available for sale for each night with entertainment planned to commence at 6:00pm and finish at approximately 10:45pm.						
2.8	The promoter has extensive experience of organising outdoor events and has organised many other events in Belfast such as previous Tennent's Vital Concerts at Botanic Gardens and Ormeau Park.						
	<u>Quay Vipers MCC 11th Snakebite Rally</u>						
2.9	Quay Vipers is planned to take place over 3 days in a marquee from 10th to 12th August at the following times:						
	<table style="margin-left: 40px;"> <tr> <td>Friday 10th August:</td> <td>7:15 pm – 1:00 am</td> </tr> <tr> <td>Saturday 11th August:</td> <td>6:45 pm – 1:30 am</td> </tr> <tr> <td>Sunday 12th August:</td> <td>6:30 pm – 11:00 am</td> </tr> </table>	Friday 10th August:	7:15 pm – 1:00 am	Saturday 11th August:	6:45 pm – 1:30 am	Sunday 12th August:	6:30 pm – 11:00 am
Friday 10th August:	7:15 pm – 1:00 am						
Saturday 11th August:	6:45 pm – 1:30 am						
Sunday 12th August:	6:30 pm – 11:00 am						
2.10	The Snakebite Rally has become an annual event within the local motorcycle fraternity and has been held at various locations over the years including the Drumnagreagh Hotel on the Antrim Coast Road and most recently at Benone Beach on the North Coast.						

2.11	The objective of the event is to attract motorcycle enthusiasts from all over the UK and the Republic of Ireland and produce a fun orientated weekend break that will encourage overseas visitors to return each year.
2.12	The organisers have agreed to reduce the hours of entertainment from their original submission to 11:00pm on the final night but have requested that they retain the later hours for the other 2 nights in order to maximise the appeal of the event which has run to this time in previous years in other council areas.
2.13	A custom bike show, a large selection of stalls, catering and full bar facilities will be provided on site. It is the organisers' intention that camping facilities will be provided on site as has previously been the case at Benone.
Representations	
2.14	No written representation has been lodged as a result of the public notices of the applications.
PSNI	
2.15	The PSNI have been consulted about the applications for the grant of the licences and have advised that they are unable to comment until further information has been provided in relation to the planned events. Police have general concerns regarding potential noise and the departure of large numbers associated with the Tennent's Vital event.
2.16	However, Members should be aware that, as with all such events, a series of detailed planning meetings will be held, some of which have begun, to look at traffic management, transport and any wider operational policing issues.
2.17	Further information from the PSNI will be available at your meeting and a representative of the police will be available at your meeting to answer any queries Members may have.
Environment Protection Unit (EPU)	
2.18	The Environmental Protection Unit (EPU) of the Environmental Health Service has been consulted in relation to this request for a 7-Day Annual Entertainments Licence.
2.19	Due to the number of events planned for this venue and their close proximity to each other, the Unit has confirmed that they have concerns that there is potential for disturbance from the music associated with the event. They are also concerned that there is potential for disturbance from the dispersal of such a large crowd in the area and the plant and machinery engaged in the subsequent stage take down.
2.20	In view of the additional noise control powers now available to the Council under the Clean Neighbourhoods and Environment (NI) Act 2011 EPU are also concerned that the application contains a request for two nights to run beyond 11:00pm(an extract of CNEA is appended to this report)
2.21	They have stated that they are supportive of all events aimed at improving the attractiveness and diversity of the City but that this should be achieved while in compliance with the relevant legislation and recognising and respecting the rights of residents to enjoy their property by exercising appropriate control of such events, as is expected by the public.
2.22	<p>Consequently, EPU have requested that Committee consider an additional condition on the licence for the event as follows:</p> <ul style="list-style-type: none"> ▪ That the licensee, at least one month in advance of the event, submits a suitable noise assessment and noise management plan. The noise assessment must be completed by a suitably qualified and experienced noise control consultant and demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises.

2.23	Officers will consider the above reports to ensure the technical requirements are in accordance with all relevant legislation and guidance (see appendices).
2.24	EPU feel it is important to protect the night time period between 11:00pm and 7:00am for residents. It is noted that on two of the dates proposed for the Quays Viper Event, the 10 th & 11 th August the finishing time applied for is 1 a m and 1.30 a m respectively. In view of the new CNEA powers discussed in paragraphs 1.5 to 1.7 above members are requested to consider the later finish times on these dates.
2.25	An officer from EPU will be available at your meeting to advise on any concerns regarding the proposed event and any potential noise impact it may have on nearby residents.
	Promoters
2.26	Further details of the Event Management Plans for each event are required for Council Officers to ensure that all technical requirements will be met, but work is ongoing in this regard. Representatives of MCD Promotions and Quay Viper will be available at your meeting should you wish to seek further information on their proposals.

3.0	Resource Implications
3.1	<u>Financial</u> Officers will be required to carry out inspections at both events but this is catered for within existing budgets.
3.2	<u>Human Resources</u> None
3.3	<u>Asset and Other Implications</u> None

4.0	Equality and Good Relations Considerations
4.1	There are no equality or good relations issues.

5.0	Recommendations
5.1	<p>Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. approve the application for the grant of a 7-day annual outdoor licence, or 2. approve the application for the grant with special conditions, or 3. if the proposed events should be permitted to take place beyond the standard hours of outdoor licence (23.00) and, if so 4. an appropriate finishing time for each of the proposed extended nights of the events, or 5. refuse the application for the grant of the licence <p>and</p> <ol style="list-style-type: none"> 6. approve the application for the grant of a 7-day annual indoor licence, or 7. approve the application for the grant with special conditions, or or 8. refuse the application for the grant of the licence

5.2	If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal outdoor entertainment may not be provided until any such appeal is determined.
5.3	<p>To assist Members, should you be of a mind to permit the events to take place, the following are possible conditions to consider attaching to the licences for the events:</p> <ul style="list-style-type: none">▪ That the licensee, at least one month in advance of each event, submits a suitable noise assessment and noise management plan. The noise assessment must be completed by a suitably qualified and experienced noise control consultant and demonstrate that noise from the events will not cause unreasonable disturbance to commercial and residential premises• Prior to the events proceeding, the promoters are required to demonstrate evidence of early consultation in relation to the intended events.• A robust system, agreed in advance with the Council, to deal with any complaints from local residents over the course of the events is put in place.• If a significant number of complaints are received about noise or the complaint is of such significant impact, then the finishing time for subsequent evenings of the events will be reduced and the promoter should make contingency arrangements for this eventuality.

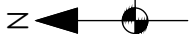
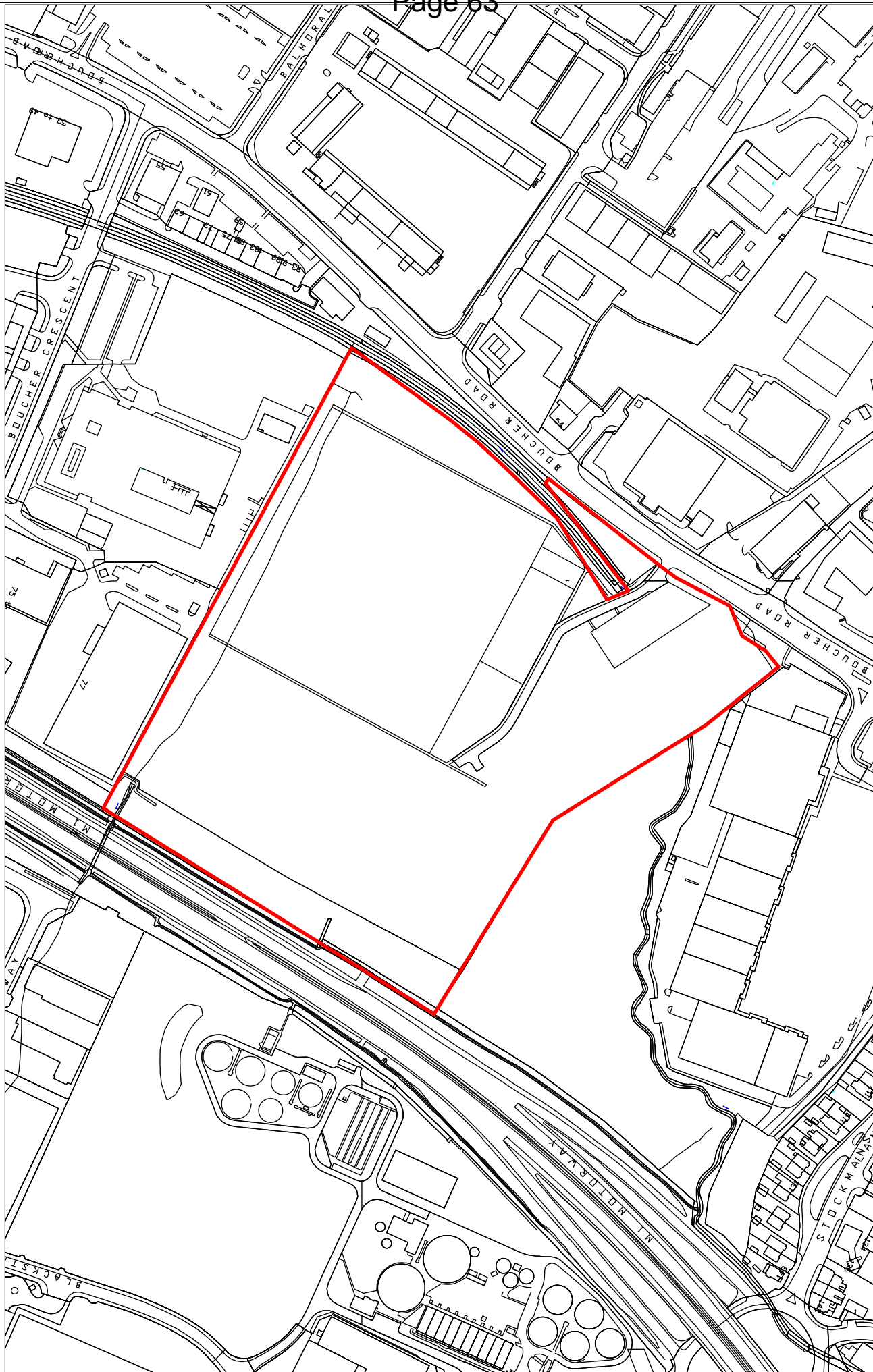
6.0	Decision Tracking
Any approval is subject to each applicant fully complying with any technical requirements to the satisfaction of the Officers of the Council, including the submission of the necessary certificates, insurances and other documents in relation to each event. The person responsible for this action is Trevor Martin, Head of Building Control.	

7.0	Documents Attached
Guidance on noise and disturbance factors at outdoor music concerts Location map Event running order Extract of Clean Neighbourhoods legislation	

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0 50 100 200 METRES

DRAWN BY: PWN
DATE: 11-06-12

Boucher Road Playing Fields
Boucher Road

SCALE: 1:2500
Ref No

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TENNENT'S VITAL 2012

1. Day 1 Tuesday 21 August

- Foo Fighters
- The Black Keys
- The Minutes
- Other acts to be announced

2. Day 2 Wednesday 22 August

- The Stone Roses
- Florence & the Machine
- Rodrigo y Gabriela
- Other acts to be announced

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QUAY VIPERS MCC 11TH SNAKEBITE RALLY

10th - 12th August

ENTERTAINMENT:

Rally Entertainment Line up

Music / Videos will start each day from 6pm in the main Marquee

FRIDAY 10/8/12:

7.15pm – 8.45pm Amorettes
8.45pm – 9.15pm Clann An Drumma
9.30pm – 11.00pm ABCD
11.30pm – 1.00am Bessie and the Zinc Buckets

SATURDAY 11/8/12:

6.45pm – 8.15pm Charlotte Yanni Band
8.30pm – 9.00pm Clann An Drumma
9.00pm – 9.30pm Presentations
9.30pm – 11.00pm Guns 2 Roses
11.30pm – 1.30am Dog House

SUNDAY 12/8/12:

6.30pm – 7.30pm Charlotte Yanni and Kev Charlton
8.00pm – 9.30pm Hard Chargers
10.00pm – 11.00pm Bessie and the Zinc Buckets

All supported by a professional Sound & light system

*Large Selection of Stalls

* Wooden Floored Marquees With indoor catering & Bar Facilities

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Boucher road
Belfast
Northern Ireland
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Email: quayvipersmcc@yahoo.co.uk

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Guests welcome

* UK Mainland Or R of I Guests welcome to Club Sunday Night Party*

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Phone: (+44) 07521787879

Email: quayvipersmcc@yahoo.co.uk

You may purchase tickets on-line. £17 + £1 service charge

Tickets by post are now available. £17

You may purchase tickets on a Monday night at Barn United Football Club. £17

Between 8:30 and 9:00pm only

You may purchase tickets on the gate. £20

As always numbers are limited

Licensing of Outdoor Music Concerts:
Guidance for Members on Noise and Disturbance Factors

An increasing number of applications are received by Belfast City Council to hold outdoor music events throughout the City but increasingly promoters are enquiring about holding these events late into the evening, often at locations that are close to residential premises. Such outdoor music events can bring enjoyment to hundreds and in some cases thousands of people and boost the overall 'vibrancy' of a city. However, noise from these events also has the potential to cause widespread disturbance to those living and working in the vicinity.

As with any licence determination the Council should seek to strike a reasonable balance between the public and private interest. It must also be recognised that the Council has powers and duties in respect of the prevention or abatement of noise nuisance.

Since it is not unreasonable to anticipate that residents living close to a park or open space used for an open air music event will experience some degree of noise disturbance, event organisers and those attending events must recognise that there may be a need for noise level or finish time restrictions to be imposed to protect the local community from being unreasonably disturbed by noise.

A brief benchmarking exercise has been conducted in recent months with other Local Authorities in the UK of similar profile to Belfast to try and establish 'common good practice' which is followed by colleagues involved in assessing applications for outdoor music events. Whilst entertainment licensing legislation differs in the rest of the UK the same concerns apply regarding potential disturbance associated with these outdoor events. From the findings of the benchmarking exercise the following was noted:

- No set criteria can be easily applied in reviewing all outdoor music events as they vary in the nature of music, venue, size, duration, perception by the general public, and event management;
- The CIEH/Noise Council 'Code of Practice on Environmental Noise Control at Concerts' 1995 is a common source of reference used in recommending conditions which are deemed good practice for licensing outdoor music events. This Code of Practice advises that for events held between the hours of 11:00pm and 9:00am music should not be audible within noise-sensitive premises with windows open. All authorities consulted advised that the Code is voluntary yet they do try to have due regard to it while at the same time not being strictly confined to following it;
- In the case of applications for outdoor music events beyond 11.00pm which may potentially have an adverse impact on nearby residents/businesses such events were often presented to Licensing Committee for a decision by elected members;
- Conditions attached to Licences issued in the authorities consulted tend to be prescriptive with set noise limits which are not to be exceeded at particular locations over the duration of the event; a breach of these levels leading to appropriate enforcement action on the night or shortly thereafter. Attaching such conditions requires monitoring of music noise levels during the events to ensure compliance.

Licences for outdoor music events issued in Belfast commonly have a less prescriptive condition attached regarding the control of noise levels so as to avoid annoyance to occupiers in the vicinity. Complaints of noise from an event are generally directed on the night to the Council's Night Time Noise Service, a Building Control contact officer or the Event Organiser. At this point the organiser is required to reduce sound levels at the mixing desk but often this can prove difficult to achieve in practice without affecting audience satisfaction of the event.

In many cases where the complainant has the facility to speak with a Council Officer or the organiser during an event they are satisfied and find this helpful. In any case the complaints received provide a useful indicator of problems with management of the event or suitability of a venue for future use.

In the first instance an applicant for any outdoor music event is advised that it should generally not continue beyond 11:00pm where the venue is in close proximity to residential premises and events beyond this time should be the exception and not the rule. The primary reason for this is to safe guard the hours between 11:00pm to 7:00am to allow for undisturbed sleep time.

Recent WHO (World Health Organisation) Night Noise Guidelines for Europe, published in October 2009, are designed to offer guidance in reducing the health impacts of noise based on expert evaluation of scientific evidence in Europe. Noise has emerged as a leading environmental nuisance and excessive noise is an increasingly common public complaint. As well as affecting enjoyment of one's property exposure to night time noise also impairs a person's ability to perform tasks the next day and can lead to a wide range of associated health effects.

These most recent WHO guidelines present evidence of the damage exposure to night time noise can have on people's health. With this in mind obviously the finish time and number of outdoor events at a given location can impact on sleep disturbance and quality of life for the neighbouring community.

Given this background it is appropriate that these applications for outdoor music events where entertainment is to be provided beyond 11:00pm are considered by this Committee. In this way elected members can arrive at a decision that has due regard to the commercial interest and the benefits brought to the city by hosting such events and at the same time ensuring the rights of residents not to be unreasonably disturbed by noise.

SCHEDULES

SCHEDULE 1

Section 62.

APPLICATION OF THE NOISE ACT 1996 TO LICENSED PREMISES ETC.

1. The Noise Act 1996 (c. 37) is amended as follows.
2. In the heading to section 2, omit the words "from a dwelling".
- 3.—(1) Section 2 (investigations of complaints of noise) is amended as follows.
 - (2) In subsection (2), after the words "emitted from" insert "(a)" and at the end insert ", or
 - (b) any of the following (referred to in this group of sections as "the offending premises")—
 - (i) any premises in relation to which an exhibition licence has effect;
 - (ii) any place in relation to which an entertainment licence has effect;
 - (iii) any licensed premises;
 - (iv) a place at which the sale of intoxicating liquor is for the time being authorised by an occasional licence;
 - (v) any premises where meals or refreshments are supplied whether for consumption on or off the premises;
 - (vi) any premises occupied by a registered club."
 - (3) After subsection (2) insert—

“(2A) For the purposes of subsection (2)(b)—

“exhibition licence” means a licence granted under Article 3 of the Cinemas (Northern Ireland) Order 1991;

“entertainment licence” means a licence granted under paragraph 3 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985;

“intoxicating liquor”, “licensed premises” and “occasional licence” have the same meanings as in the Licensing (Northern Ireland) Order 1996;

“registered club” has the same meaning as in Article 2(2) of the Registration of Clubs (Northern Ireland) Order 1996.”.
 - (4) In subsection (4)(a), after the words “the offending dwelling” insert “or the offending premises”.
 - (5) In subsection (7)—
 - (a) after the words “the offending dwelling is” insert “, or the offending premises are,”;
 - (b) after the words “if the offending dwelling” insert “or the offending premises”.
- 4.—(1) Section 3 (warning notices) is amended as follows.

c. 23 *Clean Neighbourhoods and Environment Act (Northern Ireland)*
2011

SCH. 1

(2) In subsection (1)—

(a) in paragraph (a)(i), after the words “offending dwelling” insert “or the offending premises”;

(b) for paragraph (b) substitute—

“(b) give warning—

(i) in a case where the complaint is in respect of a dwelling, that any person who is responsible for noise which is emitted from the offending dwelling in the period specified in the notice and which exceeds the permitted level, as measured from within the complainant’s dwelling, may be guilty of an offence;

(ii) in a case where the complaint is in respect of other premises, that the responsible person in relation to the offending premises may be guilty of an offence if noise which exceeds the permitted level, as measured from within the complainant’s dwelling, is emitted from the premises in the period specified in the notice.”

(3) In subsection (3), at the beginning insert “In a case where the complaint is in respect of a dwelling.”

(4) After subsection (3) insert—

“(3A) In a case where the complaint is in respect of other premises, a warning notice must be served by delivering it to the person who appears to the officer of the district council to be the responsible person in relation to the offending premises at the time the notice is delivered.”

(5) After subsection (5) insert—

“(6) For the purposes of this group of sections, the responsible person in relation to offending premises at a particular time is—

(a) in the case of any premises mentioned in sub-paragraph (i), (ii), (iii) or (iv) of section 2(2)(b)—

(i) the holder of the licence if he is present at the premises at that time,

(ii) where that person is not present at the premises at that time, any other person who is present at the premises at that time and in charge of the premises;

(b) in the case of any premises mentioned in sub-paragraph (v) of section 2(2)(b), any person who is present at the premises at that time and in charge of the premises;

(c) in the case of any premises mentioned in sub-paragraph (vi) of section 2(2)(b)—

(i) any official of the club who is present at the premises at that time;

(ii) where no such official is present at the premises at that time, any other person who is present at the premises at that time and in charge of the premises;

and for the purposes of this paragraph "official" has the same meaning as in Article 2(2) of the Registration of Clubs (Northern Ireland) Order 1996."

5. In the heading to section 4, after the words "where noise" insert "from a dwelling".

6. After section 4 (offence where noise exceeds permitted level after notice) insert—

"Offence where noise from other premises exceeds permitted level after service of notice

4A.—(1) If—

- (a) a warning notice has been served under section 3 in respect of noise emitted from premises,
- (b) noise is emitted from the premises in the period specified in the notice, and
- (c) the noise exceeds the permitted level, as measured from within the complainant's dwelling,

the responsible person in relation to the offending premises at the time at which the noise referred to in paragraph (c) is emitted is guilty of an offence.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale."

7. In section 5 (permitted level of noise), in subsection (1) after the words "from any dwelling" insert "or other premises".

8. In section 6 (approval of measuring devices), in subsection (3) after the words "section 4" insert "or 4A".

9.—(1) Section 7 (evidence) is amended as follows.

(2) In subsection (1), after the words "section 4" insert "or 4A".

(3) After subsection (3) insert—

"(3A) In proceedings for an offence under section 4A, evidence that noise, or noise of any kind, measured by a device at any time was noise emitted from any other premises may be given by the production of a document—

- (a) signed by an officer of the district council, and
- (b) stating that he had identified those premises as the source at that time of the noise or, as the case may be, noise of that kind."

(4) In subsection (4), for the words "or (3)(a)" substitute ", (3)(a) or (3A)(a)".

10.—(1) Section 8 (fixed penalty notices) is amended as follows.

(2) In subsection (1), after the words "section 4" insert "or 4A".

(3) In subsection (2)(b), after the words "the offending dwelling" insert "or the offending premises (as the case may be)".

c. 23 *Clean Neighbourhoods and Environment Act (Northern Ireland)*
2011

SCH. 1

11.—(1) Section 9 (section 8: supplementary) is amended as follows.

(2) After subsection (2) insert—

“(2A) If a fixed penalty notice is given to a person in respect of noise emitted from other premises in any period in a warning notice—

- (a) no further fixed penalty notice may be given to that person in respect of noise emitted from the premises during that period, but
- (b) that person may be convicted of a further offence under section 4A in respect of noise emitted from the premises after the fixed penalty notice is given and before the end of that period.”

(3) In subsection (5), after the words “section 4” insert “or 4A”.

12.—(1) Section 10 (powers of entry and seizure etc.) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a), after the words “a dwelling” insert “or other premises”;
- (b) in paragraph (b), after the words “the dwelling” insert “or other premises”.

(3) In subsection (2), after the words “the dwelling” insert “or other premises”.

(4) In subsection (4)—

- (a) in paragraph (a), after the words “a dwelling” insert “or other premises”;
- (b) in paragraph (b), after the words “the dwelling” insert “or other premises”;
- (c) in paragraph (c), after the words “the dwelling” insert “or other premises”;
- (d) after the words “to enter the” insert “dwelling or other”.

(5) In subsection (5)—

- (a) after the words “enters any” insert “dwelling or other”;
- (b) for the words from “the premises are unoccupied” to the end substitute “the dwelling is, or the other premises are, unoccupied, must leave it or them as effectively secured against trespassers as he found it or them.”.

13. In the Schedule (powers in relation to seized equipment), in paragraph 1(a)(i), after the words “section 4” insert “or 4A”.

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Belfast City Council

Report to:	Licensing Committee
Subject:	Application for the Grant of a Seven-day Annual Outdoor Entertainments Licence – Merchant Hotel, 16 Skipper Street
Date:	20th June, 2012
Reporting Officer:	Trevor Martin, Head of Building Control, ext. 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

1	Relevant Background Information						
1.1	<p>An application has been received from Mr Wosley for the grant of a Seven-day Annual Entertainments Licence for The Merchant Hotel, based on the Council's standard conditions to provide outdoor musical entertainment.</p> <table border="0"> <thead> <tr> <th align="left">Premises and Location</th> <th align="left">Ref. No.</th> <th align="left">Applicant</th> </tr> </thead> <tbody> <tr> <td>The Merchant Hotel 16 Skipper Street Belfast</td> <td>WK/20120309</td> <td>Mr William Wosley</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	The Merchant Hotel 16 Skipper Street Belfast	WK/20120309	Mr William Wosley
Premises and Location	Ref. No.	Applicant					
The Merchant Hotel 16 Skipper Street Belfast	WK/20120309	Mr William Wosley					
1.2	<p>The premises is currently licensed to provide indoor entertainment in the following areas with a maximum capacity of:</p> <ul style="list-style-type: none"> • The Merchant Hotel 300 persons • The Cloth Ear 300 persons • Ollie's Nightclub 550 persons • Ollie's VIP 20 persons • Bert's 240 persons • Conference Room 1 100 persons • Conference Room 2 60 persons • Conference Room 3 60 persons • 4th Floor Lounge 40 persons 						
1.3	<p>The days and hours during which the premises is licensed to provide entertainment are:</p> <p>Monday to Saturday: 11.30 a.m. to 01.00 a.m.</p> <p>Sunday: 12.30 p.m. to 12.00 midnight</p>						

1.4	In addition to the above hours, Ollie's nightclub is licensed to provide entertainment to 03:00 seven days a week.
1.5	The premises operate as follows: <ul style="list-style-type: none"> • The Merchant Hotel (The Great Room) with entertainment provided in the form of a pianist on Friday and Saturday nights. • The Cloth Ear with entertainment provided in the form of an acoustic guitar on Thursday and Sunday nights. • Ollie's nightclub with entertainment provided in the form of a DJ on Monday, Tuesday, Friday and Saturday nights. • Bert's Bar with entertainment provided in the form of jazz nightly. • Conference Rooms with entertainment provided ad hoc in the form of string quartet, harp or DJ when functions are provided.
1.6	There is an external area, to the front of the nightclub, which currently operates as a smoking area and it is this area that is proposed to be licensed to provide outdoor entertainment. The maximum permitted number for this area would be 60 persons.
1.7	If licensed, this area will not increase the maximum capacity of persons permitted on the indoor entertainment licence.
1.8	The days and hours the applicant has applied to provide outdoor entertainment are: Monday, Thursday, Friday and Saturday: 22:00 p.m. to 01:00 a.m.
1.9	The applicant has advised that, if a licence is granted, it is the intention to provide entertainment in the form of acoustic musicians.

2	Key Issues
2.1	Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections, is that the Director of Health and Environmental Services will grant the licence as provided for in the Council's Scheme of Delegation. However, at your meeting on 21st September 2011, you agreed that all future applications for outdoor entertainment be brought before Committee for your consideration.
	Objections
2.2	No written representation has been lodged as a result of the public notices of the application.
	Building Control
2.3	Within the past 12 months three during performance inspections have been carried out in the premises by Officers from the Service regarding the provision of indoor entertainment. An inspection in June, 2011 revealed issues that were resolved. Subsequent inspections revealed that the conditions of licence were being adhered to and that the management of the premises was satisfactory.
2.4	The applicant, or a representative, will be available at your meeting to answer any queries you may have in relation to the application.
	PSNI
2.5	The Police Service of Northern Ireland has been consulted and has no objection to the application.

	Environmental Protection Unit
2.6	Members may be aware of a new piece of legislation which came into force in Northern Ireland on 1 st April 2012, namely, the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011. This legislation extends the Council's powers under the Noise Act 1996, which applies night time noise control between the hours of 11:00 p.m. and 07:00 a.m. for noise from residential dwellings to include night time noise control over any licensed premises and/or <i>any place</i> in relation to which entertainment may take place.
2.7	While Council officers already investigate noise complaints for noise emanating from entertainment premises and/or places, this new legislation gives Council officers additional enforcement powers after 11:00 p.m.
2.8	From April, 2012, Council officers investigating complaints about entertainment noise after 11:00 p.m. may issue a Warning Notice on a responsible person associated with the event and if this Notice is not complied with within 10 minutes of service, officers may, after taking appropriate noise measurements, issue a fixed penalty notice of £500 or decide to prosecute the promoter for non-compliance with the Warning Notice.
2.9	An acoustic report has been submitted by the applicant. The acoustic report advises that the outdoor area to be used is within a commercial area in close proximity to other entertainment premises and bars. The report identifies the nearest sensitive premises as the bedrooms of the Merchant Hotel itself and the Premier Inn, approximately 80m away. The application proposes to provide live entertainment comprising of a person playing a guitar or a guitar and amplifier for patrons using the smoking area or queuing to get into the night club. The noise report advises that there are guest bedrooms in the hotel that face onto this area so music noise levels will be low in order to avoid disturbance to hotel guests. The nearest noise sensitive residential premises are identified in the noise report as Custom House apartments, approximately 90m away with a number of intervening buildings providing an element of screening. The report concludes that there will be no negative noise impact on the nearest noise sensitive premises based on a music noise level of 75 dB L _{Aeq} at 1m from the speakers. The Environmental Protection Unit of the Department has been consulted in relation to the acoustic report and advise that the following condition be attached to an entertainment licence: "the music noise level in this outdoor area must not exceed 75 dB A Leq measured 1 m from the speakers after 23:00 hours."
2.10	The applicant has confirmed that regular sound checks will be undertaken to ensure that the noise level does not exceed this measurement after 23:00 hours.
	NIFRS
2.11	The Northern Ireland Fire and Rescue Service were also consulted and have no objection to the application. However, a management system must be in place to prevent those persons using the designated area from re-entering the premises in the event of a fire. The evacuation strategy must also include provision for the evacuation of people from the designated area.

3	Resource Implications
3.1	<u>Financial</u> None
3.2	<u>Human Resources</u> None
3.3	<u>Asset and Other Implications</u> None

4	Equality and Good Relations Considerations
4.1	There are no equality or good relations issues.

5	Recommendations
5.1	<p>Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:</p> <ol style="list-style-type: none"> 1. approve the application for the grant of a Seven-day annual outdoor licence, or 2. approve the application for the grant with special conditions, or 3. refuse the application for the grant of the licence
5.2	<p>If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal outdoor entertainment may not be provided until any such appeal is determined.</p>

6	Decision Tracking
<p>If the licence is granted, assuming all outstanding technical matters have been dealt with, the applicant will be sent a copy of the licence within seven days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>If the application is refused, or special conditions are attached to the Licence to which the applicant does not consent the applicant will be advised in writing within 7 days of his right to appeal the Council's decision within 21 days notification of that decision to the Magistrates Court. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p>	

7	Key to Abbreviations
<p>EPU: Environmental Protection Unit NIFRS: Northern Ireland Fire and Rescue Service PSNI: Police Service of Northern Ireland</p>	

8	Documents Attached
<p>For your information, the following supporting documents are appended to this report:</p> <ul style="list-style-type: none"> • application form • location map • correspondence from PSNI 	

By virtue of paragraph(s) 1 of the Council's Policy on the
Publication of Committee Reports on the Internet.

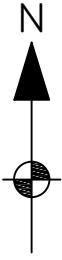
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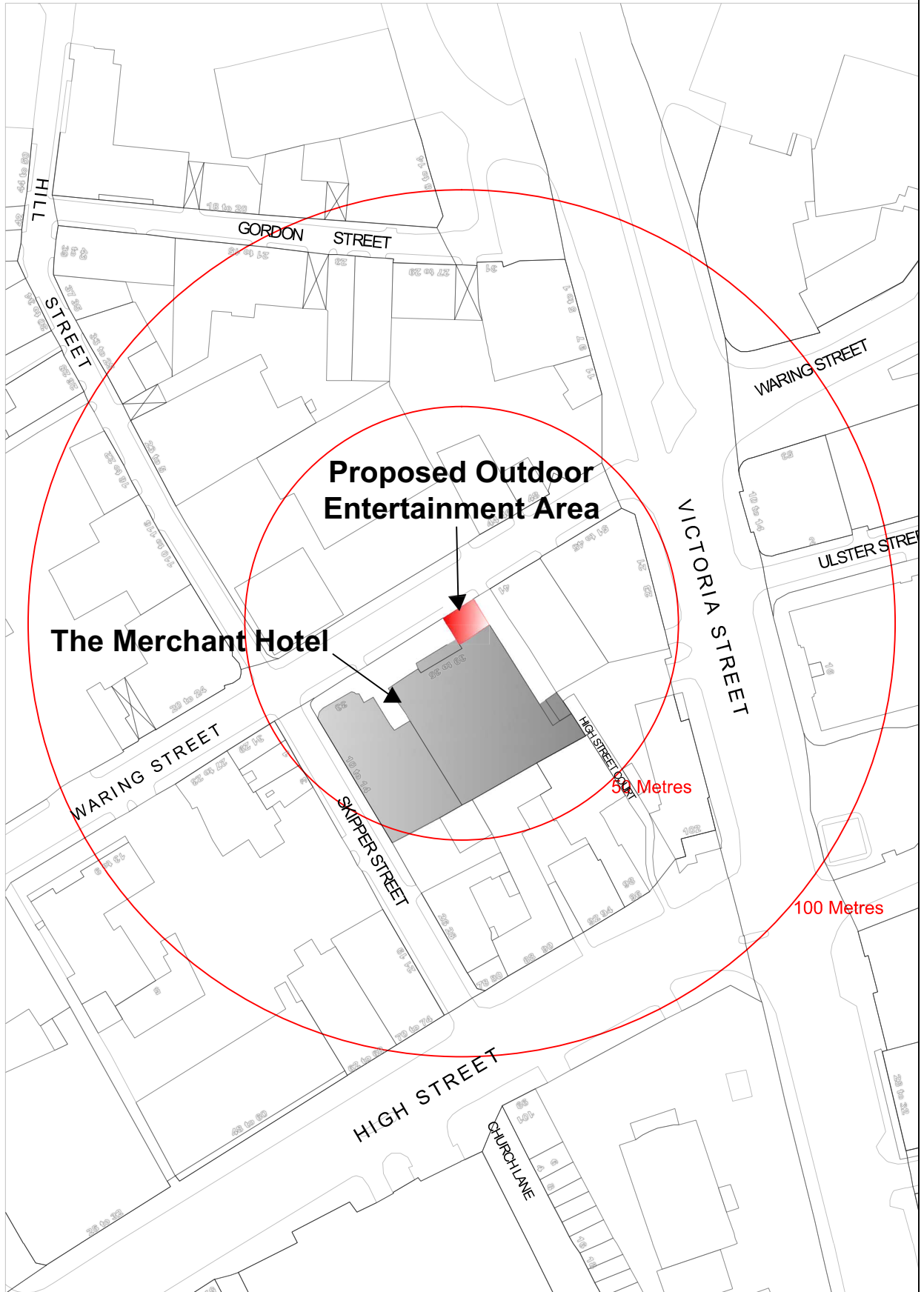


Building Control Service

Belfast Mapping Data v3.0
Prepared by I.S.B.
Based upon the Ordnance Survey
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permission of the Director & Chief Executive.
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100 METRES



DRAWN BY PWN
DATE 11-06-12

The Merchant Hotel
16 Skipper Street

SCALE 1:1250

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-----Original Message-----

From: JOHN.GUINNESS2@psni.pnn.police.uk [mailto:JOHN.GUINNESS2@psni.pnn.police.uk]
On Behalf Of LicensingBDistrict@psni.pnn.police.uk
Sent: 11 June 2012 13:38
To: Stacy Thompson (Building Control)
Subject: L.NOT PROTECTIVELY MARKED-All Networks:: Merchant Hotel

Merchant Hotel.

I have spoken to Mr Morgan one of the persons involved with the premises. He has explained the extent of the area and the nature of the reason for needing the entertainment for this area. Police are happy with the reasons to allow this and understand from Mr Morgan that it is licensed to allow consumption of alcohol in the area.

Please accept this email as Police having no objections to this matter.

Kind regards
John

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Belfast City Council

Report to:	Licensing Committee
Subject:	Application for the Grant of a Fourteen-day Occasional Outdoor Entertainment Licence - Belfast Zoo, Antrim Road
Date:	20th June, 2012
Reporting Officer:	Trevor Martin, Head of Building Control, ext. 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

1.0 Relevant Background Information							
1.1	An application was received on 18th May, 2012 from the Parks and Leisure Department of the Council for grant of a Fourteen-day Occasional Outdoor Licence at Belfast Zoo based on the Council's standard conditions to provide outdoor musical entertainment.						
	<table border="0"> <thead> <tr> <th>Premises and Location</th> <th>Ref. No.</th> <th>Applicant</th> </tr> </thead> <tbody> <tr> <td>Belfast Zoo Antrim Road Belfast, BT36 7PN</td> <td>WK/2012/00820</td> <td>Belfast City Council. Parks & Leisure Dept 24-26 Adelaide Street Belfast, BT2 6DG</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	Belfast Zoo Antrim Road Belfast, BT36 7PN	WK/2012/00820	Belfast City Council. Parks & Leisure Dept 24-26 Adelaide Street Belfast, BT2 6DG
Premises and Location	Ref. No.	Applicant					
Belfast Zoo Antrim Road Belfast, BT36 7PN	WK/2012/00820	Belfast City Council. Parks & Leisure Dept 24-26 Adelaide Street Belfast, BT2 6DG					
1.2	The Zoo currently does not hold any type of Entertainment Licence as they have never provided any Entertainment in the past.						
1.3	The main purpose for the application is to allow the Zoo to hold eight performances which will take place over six days running from Friday 10th August to Sunday 12th August and Friday 17th August to Sunday 19th August, 2012. The event is an operatic performance by NI Opera of Benjamin Britten's 'Noye's Fludde' which will be provided during the Zoo's normal operating times and will be ticket only.						
1.4	The area proposed to be licensed to provide Outdoor Entertainment is the area at the side of the Zoo's lake and a purpose built stage which will be built over the lake and secured on the hard standings around it.						
1.5	They propose to face the stage towards the playground area, which will allow the audience to sit on the grass surrounding the lake to ensure they have a good view of the performance.						
1.6	There is a slight 'amphitheatre' cambering on the grass area at this point and the organisers would like to maximise this for the event.						
1.7	The orchestra will be located on the road in front of the 'Sitatunga Enclosure'.						

1.8	The proposed area has a maximum capacity of approximately 600 persons and only 300 tickets will initially be available for each performance, thus the area could comfortably accommodate any increased demand for ticket sales.
1.9	There will be no seating provided and guests will be seated on the lawns and grassed areas around the lake. A site plan has been appended to this report for your information.
1.10	The organisers also intend to utilise some of the Zoo's rooms for changing rooms and a temporary marquee will be positioned at the side of the Floral Hall for the chorus.
1.11	Members should also be aware that each of the performances will be taking place during normal opening hours at the Zoo, so the audience for the performances will represent a relatively small percentage of the total number of Zoo visitors.
1.12	The applicant has advised that, if a licence is granted, it is not the intention to regularly provide entertainment and the application is mainly for this event. However, they may use the Licence for other similar events in the future.

2.0	Key Issues
2.1	Members are reminded that the normal process for dealing with Entertainments Licence applications which are not the subject of objections, is that the Director of Health and Environmental Services will grant the licence as provided for in the Council's Scheme of Delegation. However, at your meeting on 21 September 2011, you agreed that all future applications for outdoor entertainment be brought before Committee for your consideration.
	Objections
2.2	No written representation has yet been lodged as a result of the public notices of the application. However the 28 day objection period will not expire until 15 June 2012, after this report was written. Should any objections be made they will be placed before the Committee on the night of your meeting.
	PSNI
2.3	The Police Service of Northern Ireland has been consulted and has no objection to the application.
	EPU
2.4	The Environmental Protection Unit (EPU) of the Department has been consulted and do not envisage noise nuisance from the entertainment proposed.
	Building Control
2.5	Officers of the Service are currently liaising with the Parks and Leisure Departments Representative and the event Organisers to evaluate the Event Management Plan and respective site plan to ensure that all technical matters are being taken into consideration and dealt with.
	Licensee
2.6	The applicant will be available at your meeting to answer any queries you may have in relation to the application.

3.0	Resource Implications
3.1	<u>Financial</u> Officers will be required to carry out inspections at the event but this is catered for within existing budgets.
3.2	<u>Human Resources</u> None
3.3	<u>Asset and Other Implications</u> None

4.0	Equality and Good Relations Considerations
4.1	There are no equality or good relations issues.

5.0	Recommendations
5.1	Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either: <ol style="list-style-type: none"> 1. approve the application for the grant of a Fourteen-day Occasional Outdoor Licence, or 2. approve the application for the grant with special conditions, or 3. refuse the application for the grant of the licence.
5.2	If an application is refused, or Special Conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal outdoor entertainment may not be provided until any such appeal is determined.

6.0	Decision Tracking
<p>If the licence is granted, assuming all outstanding technical matters have been dealt with, the applicant will be sent a copy of the licence within 7 days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>If the application is refused, or special conditions are attached to the Licence to which the applicant does not consent the applicant will be advised in writing within 7 days of his right to appeal the Council's decision within 21 days notification of that decision to the Magistrates Court. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p>	

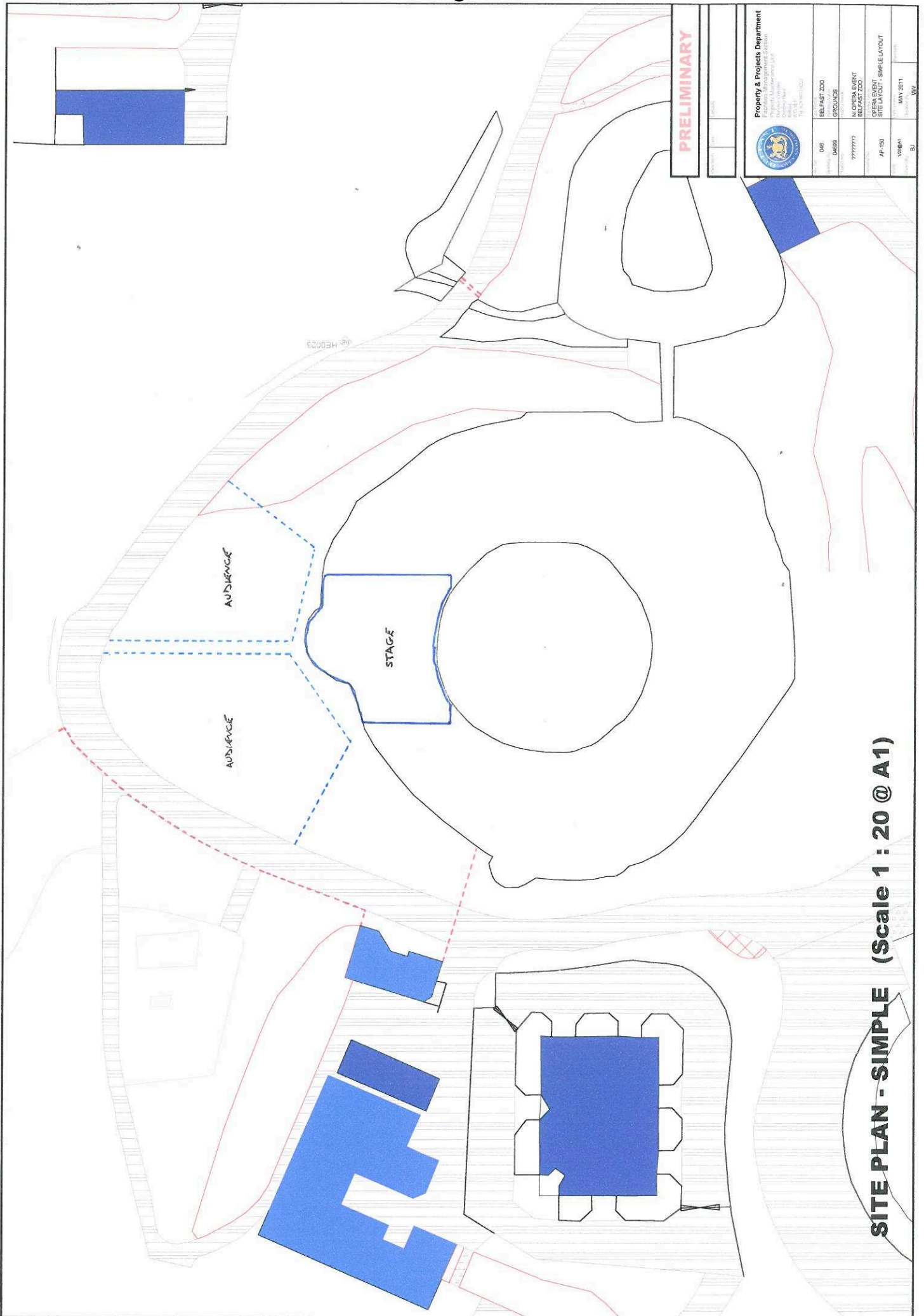
7.0	Documents Attached
<p>Application form</p> <p>Site Plan</p>	

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Belfast City Council

Report to:	Licensing Committee
Subject:	Applications for the Renewal and Renewal/Variation of Seven-day Annual Entertainments Licences – Botanic Inn/Eglantine Inn/Wellington Park Hotel
Date:	20th June 2012
Reporting Officer:	Trevor Martin, Head of Building Control, Ext. 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435

1	Relevant Background Information												
1.1	<p>Applications have been received for the renewal of Seven-day annual Entertainments Licences for the under-noted premises:</p> <table border="1"> <thead> <tr> <th>Premises and Location</th> <th>Ref. No.</th> <th>Applicant</th> </tr> </thead> <tbody> <tr> <td>Wellington Park Hotel 19-21Malone Road</td> <td>WK/2012/00555</td> <td>Dunadry Development Company Limited</td> </tr> <tr> <td>Botanic Inn 23-27 Malone Road</td> <td>WK/2012/00320</td> <td>Mr Gordon Harvey Botanic Inns Limited</td> </tr> <tr> <td>Eglantine Inn 32-40 Malone Road</td> <td>WK/2011/00338</td> <td>Mr Robert Davis Wine Inns Limited</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	Wellington Park Hotel 19-21Malone Road	WK/2012/00555	Dunadry Development Company Limited	Botanic Inn 23-27 Malone Road	WK/2012/00320	Mr Gordon Harvey Botanic Inns Limited	Eglantine Inn 32-40 Malone Road	WK/2011/00338	Mr Robert Davis Wine Inns Limited
Premises and Location	Ref. No.	Applicant											
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Botanic Inn 23-27 Malone Road	WK/2012/00320	Mr Gordon Harvey Botanic Inns Limited											
Eglantine Inn 32-40 Malone Road	WK/2011/00338	Mr Robert Davis Wine Inns Limited											
1.2	In addition, an application for the variation of the licence in respect of the Botanic Inn has been received.												
1.3	<p>Members are reminded that, at your meeting on 24th October 2011, the Committee, in its capacity as Licensing Authority, granted the renewal of Seven-day annual Entertainments Licences in respect of the Botanic Inn, the Eglantine Inn and the Wellington Park Hotel. The renewals were subject to:-</p> <ul style="list-style-type: none"> (i) each licensee, as agreed at the meeting, adhering to the Pubs of Ulster's voluntary code of practice in relation to drinks promotions; and (ii) quarterly meetings between the Building Control Service, the Lower Malone Residents' Association and the Police Service of Northern Ireland being facilitated by the Council's Community Safety Unit to address issues relating to the overall cleanliness of the area and the dispersal of patrons from the premises following closing time. 												

Wellington Park Hotel

1.4 An application has been received from Dunadry Development Company Limited for the renewal of a Seven-day annual Entertainments Licence for the Wellington Park Hotel based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.

1.5 The areas currently licensed to provide entertainment are the:-

1. Piper Bistro, ground floor, with a maximum capacity of 120 persons
2. Mooney and Brasserie Bars, ground floor, with a maximum capacity of 600 persons.
3. Blackshaw Lounge, ground floor, with a maximum capacity of 360 persons.
4. Dillon Room, first floor, with a maximum capacity of 50 persons.
5. Middleton Room, first floor, with a maximum capacity of 200 persons.
6. McWilliams Suite, first floor, with a maximum capacity of 500 persons.

1.6 The days and hours during which the premises are currently licensed to provide entertainment are:-

Monday – Saturday: 11.30 a. m to 1.00 a. m. the following morning
 Sunday: 12.30 p. m. to 10.00 p. m.

1.7 The premise operates as a hotel with entertainment being provided for private functions from Monday to Saturday. Public discos are held in the Mooney and Brasserie Bars on Saturday nights.

Botanic Inn

1.8 An application has been received from Botanic Inns Limited for the renewal and variation of a 7-day annual entertainments licence for the Botanic Inn based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of the like kind.

1.9 The areas currently licensed to provide entertainment are the:-

1. Ground floor, with a maximum capacity of 550 persons
2. First Floor, with a maximum capacity of 500 persons

1.10 The days and hours during which the premises are currently licensed to provide entertainment are:-

Monday & Tuesday: 11.30 a.m. to 11.00 p.m.
 Wednesday to Saturday: 11.30 a.m. to 1.00 a.m. the following morning
 Sunday: 12.30 p.m. to 12.00 midnight

1.11 With a special condition being attached to the Licence permitting entertainment to 12.30am on Easter Monday and if Christmas Eve, New Year's Eve, St. Patrick's day or Halloween fall on Monday or Tuesday night.

1.12 The nature of the variation applied for is to amend the hours of entertainment to permit entertainment to be provided as follows:-

Monday to Saturday: 11.30 a. m. to 1.30 a.m. the following morning
 Sunday: 12.30 p.m. to 12.30 a.m. the following morning

1.13 Currently the premise operates as a public bar and nightclub with entertainment being provided on the ground floor on Wednesday to Sunday in the form of DJs and live bands. Entertainment is provided on the first floor on Wednesday to Saturday in the form of a DJ.

<p>1.14</p>	<p>The licensee has stated that the variation to extend the permitted hours is required for the following reasons:-</p> <ol style="list-style-type: none"> 1. to facilitate the winding down of the crowd at the end of the night to ensure an orderly and controlled exit of the premises thus preventing a mass exodus causing crowding of exits 2. to help hold the crowd and stop the poaching of customers by the late night clubs in the City centre through promotion teams canvassing customers when they currently leave early as required by existing licence times 3. to provide flexibility to compete with late night City centre venues and provide entertainment to a reasonable time on other nights that do not clash with these venues 4. to give the Botanic Inn more equal hours of entertainment with the licensed premises in the greater University area <p><u>Eglantine Inn</u></p>
<p>1.15</p>	<p>An application has been received from Mr Robert Davis for the renewal of a 7-day annual entertainments licence for the Eglantine Inn based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of the like kind.</p>
<p>1.16</p>	<p>The areas currently licensed to provide entertainment are:-</p>
	<ol style="list-style-type: none"> 1. Ground floor lounge, with a maximum capacity of 300 persons 2. First Floor lounge, with a maximum capacity of 300 persons
<p>1.17</p>	<p>The days and hours during which the premises are currently licensed to provide entertainment are:-</p>
	<p>Monday and Tuesday: 11.30 a.m. to 11.00 p.m. Wednesday to Saturday: 11.30 a.m. to 1.00 a.m. the following morning Sunday: 12.30 p.m. to 12.00 midnight</p>
<p>1.18</p>	<p>With a special condition being attached to the Licence permitting entertainment to 12.30am on Easter Monday and if Christmas Eve, New Year's Eve, St. Patrick's day or Halloween fall on Monday or Tuesday night.</p>
<p>1.19</p>	<p>Currently the premise operates the ground floor as a public bar and first floor as a nightclub. Entertainment is provided on the ground floor in the form of a band on a Friday night only and the first floor in the form of a DJ from Wednesday to Saturday.</p>
<p>1.20</p>	<p>Since these 3 licences were granted they have been subject to many objections and complaints which have resulted in numerous Committee meetings and special meetings. Additionally, a number of decisions of the Council have been, in the past, appealed by the applicants and heard at Belfast Recorders Court.</p>

<p>2</p>	<p>Key Issues</p>
<p>2.1</p>	<p><u>Representations</u></p>
	<p>No objections have been received in relation to the renewal applications or to the application for the variation of the licence as a result of the public notices of application. However, given the history of objections associated with the premises it was deemed appropriate to bring the applications to your attention for consideration. In addition, Members are advised that the condition of licence restricting the hours of entertainment on Monday and Tuesday nights, which the Botanic Inn is now seeking to vary, was imposed by the Court some years ago.</p>

2.2	<p><u>PSNI</u> The Police Service of Northern Ireland has offered no objection to these applications.</p>
2.3	<p><u>Community Safety Report on Liaison Meetings</u> The first meeting, Chaired by Community Safety, took place on 28th February 2012 and was attended by representatives of Lower Malone Residents Association, Botanic Inn, Eglantine Inn, Wellington Park Hotel and PSNI.</p>
2.4	<p>At the meeting, the residents group expressed the view that the meetings were not functioning properly and that relationships between the residents and licensees continued to be difficult. Residents appeared extremely frustrated and felt there was nothing to be gained from the liaison meetings. They stated that there was little to no co-operation and commitment from the Licensees to address their concerns about alcohol related anti-social behaviour in the area, which they believe is directly linked to the licensed premises, and believed their issues were being ignored when the Licensing Committee considered the renewal of the licences for the premises.</p>
2.5	<p>From the licensees point of view they also felt some frustration about the liaison meetings but made it clear they were willing to continue with the meetings and engagement with residents. Police were happy to continue attending the meetings and felt that some communication was better than no communication.</p>
2.6	<p>It appeared that the meetings were delivering very little and that both parties, residents and licensees, were very much entrenched in their positions.</p>
2.7	<p>It was agreed that all parties involved would provide Community Safety with feedback and indicate whether or not they saw merit in continuing the liaison meetings. A commitment was given from Community Safety that they were happy to continue facilitation of the meetings. However the final decision on whether or not to continue was left with the parties around the table.</p>
2.8	<p>Feedback from the licensees has indicated that they are happy to continue with the meetings. However, residents have again expressed their frustration with the meetings and confirmed that they saw no merit in continuing with them. Instead they have expressed a preference to work directly with the Community Safety Unit in an attempt to resolve some of the ASB problems they are experiencing. The responses from participants of the liaison meetings are appended to this report.</p>
2.9	<p>The Community Safety Unit has agreed to work directly with residents and licensees to address any problems they raise. Any matters directly related to the entertainments licences for the premises can be raised at the Licensed Premises Group and, if necessary, brought to the attention of Committee.</p>
2.10	<p><u>Building Control</u> Since the Licensing Committee meeting in October 2011, two during performance inspections have been carried out on the Eglantine Inn, Wellington Park Hotel and the Botanic Inn, by Officers from the Service. Generally these inspections revealed that the conditions of licences were being adhered to and that the management of the premises was satisfactory.</p>
2.11	<p><u>Licensees</u> The applicants for all three premises have been invited to attend your meeting should you wish to hear any representations relating to their entertainment licence applications.</p>

3	Resource Implications
3.1	<u>Human Resources</u> None
3.2	<u>Financial</u> None
3.3	<u>Asset and Other Implications</u> None

4	Equality Implications
4.1	There are no equality or good relations issues.

5	Recommendation
5.1	<p>Taking into account the information presented and any representations received you are required to consider each of these applications for the renewal of an entertainments licence in turn and to:</p> <ol style="list-style-type: none"> 1. approve the applications for renewal, or 2. approve the applications for renewal with special conditions; in addition to the standard conditions, or 3. refuse the applications for the renewal of the licence.
5.2	<p>Thereafter, taking into account the information presented and any representations received you are required to consider the application for the variation of an entertainments licence for the Botanic Inn and to:-</p> <ol style="list-style-type: none"> 1. approve the application for variation, or 2. approve the application for variation with special conditions; in addition to the standard conditions, or 3. refuse the application for the variation of the licence.
5.3	<p>If the applications are refused, or special conditions are attached to the licences to which the applicants do not consent, then the applicants may appeal the Council's decision within 21 days of notification of that decision to the County Court. If the applicant decides to appeal, the Licence will continue with its present conditions until the Appeal is determined.</p>
5.4	<p>In the light of the discussion in relation to the usefulness of the liaison meetings and the opinions of the residents group the Committee may well decide to remove the condition of licence requesting that these meetings be held.</p>

6	Decision Tracking
<p>If the applications are granted, assuming all outstanding technical matters have been dealt with, the Licensees will be sent a copy of the licences within 7 days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>If any or all of the applications are refused, or special conditions are attached to the licences to which the applicants do not consent they will be advised in writing within 7 days of their right to appeal the Council's decision within 21 days of notification of that decision to the County Court. The person responsible for this action is Henry Downey, Democratic Services Officer.</p>	

7	Key to Abbreviations
LMRA: Lower Malone Residents Association PSNI: Police Service of Northern Ireland	

8	Documents Attached
For your information, the following supporting documents are appended to this report:- <ul style="list-style-type: none">• Responses from participants in liaison meeting• Application forms• Location map	

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Belfast City Council

Report to:	Licensing Committee
Subject:	Application for the Renewal of a Seven-day Annual Entertainments Licence - Kremlin Bar, 96 Donegall Street
Date:	20th June, 2012
Reporting Officer:	Suzanne Wylie, Director of Health of Environmental Services Ext 3260
Contact Officer:	Trevor Martin, Head of Building Control, ext. 2450

1	Relevant Background Information						
1.1	An application was received on 8th March 2012 from Anthology NI Ltd. for the renewal of a Seven-day Annual Entertainments Licence for the Kremlin Bar. <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Premises and Location</th> <th style="text-align: left;">Ref. No.</th> <th style="text-align: left;">Applicant</th> </tr> </thead> <tbody> <tr> <td>Kremlin Bar 96 Donegall Street Belfast, BT1 2GW</td> <td>WK/2012/0366</td> <td>Anthology NI Limited</td> </tr> </tbody> </table>	Premises and Location	Ref. No.	Applicant	Kremlin Bar 96 Donegall Street Belfast, BT1 2GW	WK/2012/0366	Anthology NI Limited
Premises and Location	Ref. No.	Applicant					
Kremlin Bar 96 Donegall Street Belfast, BT1 2GW	WK/2012/0366	Anthology NI Limited					
1.2	The applicant has requested that a renewal of the current hours (3.00 am) be granted.						
1.3	Public notice of the application was placed in the Irish News and the News Letter within 7 days of the application being made. No objections were received within the 28 day statutory period in response to the public notices.						

2	Key Issues
2.1	Written representation, objecting to the application, has been received from the Police Service of Northern Ireland (PSNI). The PSNI is objecting for the following reasons: <ul style="list-style-type: none"> ▪ The South Belfast District Police has negotiated with licensees in their area to enter into an agreement to reduce their entertainment hours from 3:00 a.m. to 2:00 a.m., therefore the same needs to apply to the Kremlin Bar in order to demonstrate consistency and fairness.
2.2	Members may also be aware from a report presented at the May Committee that certain licensees in City centre establishments have signed up to this voluntary agreement with the PSNI and Pubs of Ulster which entails them ceasing entertainments before the latest hour stipulated in their entertainment licence. This reduction in hours is an agreement reached by those parties and not therefore a change of conditions imposed by the Council
2.3	This is part of a recent campaign led by PSNI to bring all late night Entertainment Licences back to 2:00 a.m.

3	Resource Implications
3.1	<u>Financial</u> None
3.2	<u>Human Resources</u> None
3.3	<u>Asset and Other Implications</u> None

4	Equality Implications
4.1	There are no equality or good relations issues.

5	Recommendation
5.1	Under the terms of The Local Government (Miscellaneous Provisions) (NI) Order 1985 the Committee, when considering an application, must have regard to any representation from the PSNI.
5.2	As it is possible that this matter may take some time to consider, you are required to set a suitable date and time to receive the PSNI, the applicant and/or their representatives and, after having received their submissions, make a decision regarding the application.

6	Decision Tracking
Once the date is arranged for the special meeting all relevant parties will be notified of that meeting and the procedure that applies. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.	



Belfast City Council

Report to:	Licensing Committee
Subject:	Request to Address Committee - Police Service of Northern Ireland
Date:	20 th June, 2012
Reporting Officer:	Suzanne Wylie, Director of Health and Environmental Services, ext 3260
Contact Officer:	Trevor Martin, Head of Building Control, ext 2450

1 Relevant Background Information	
1.1	The PSNI has contacted the Council to inform us that it has developed a 'traffic light' categorisation system relating to reported violent crime emanating from licensed premises in the City centre. The system they are using is taken from a model used in Cardiff City Council which won that council a Tilley award in 2009. Cardiff City Council has informed the PSNI that the system has been instrumental in helping them improve the management and safety of the night time economy.
1.2	The PSNI has made the presentation to Pubs of Ulster members and to a partnership group, led by the Belfast Health and Social Services Trust who are looking at reducing violent crime and A&E data sharing.
1.3	The PSNI would like to make the presentation to the Licensing Committee as they believe it is relevant to the decision making process of the Committee and they propose that information from the traffic light matrix could form part of any evidence police would present if objecting to an application for a renewal and/or extension of an Entertainments Licence.
1.4	The presentation will take no more than 10 minutes excluding Members' questions.

2 Key Issues	
2.1	The PSNI are statutory consultees under Entertainments Licensing legislation.
2.2	The issue of anti-social behaviour and crime is a matter that Members can take into account when determining applications for licences.

3 Resource Implications	
3.1	<u>Financial</u> None.
3.2	<u>Human Resources</u> None.

3.3	<u>Asset and Other Implications</u> None.
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4	Equality Implications
4.1	There are no equality or good relations issues.

5	Recommendation
5.1	The Committee is recommended to receive at its August meeting a presentation from the PSNI on its proposed traffic light categorisation system for reported crime.

6	Decision Tracking
If agreed Henry Downey, Democratic Services Officer will contact the PSNI to arrange the presentation.	



Belfast City Council

Report to:	Licensing Committee
Subject:	Appointment to Institute of Licensing, Northern Ireland Branch
Date:	20th June 2012
Reporting Officer:	Suzanne Wylie, Director of Health & Environmental Services, ext 3260
Contact Officer:	Trevor Martin, Head of Building Control, ext 2450

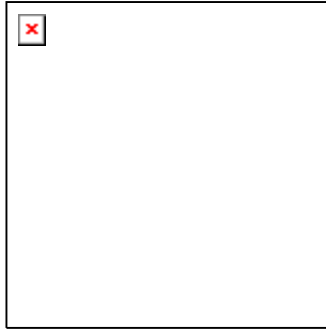
1	Relevant Background Information
1.1	The Institute of Licensing is the professional body for licensing practitioners in local government, the police, private sector and the legal profession. The Institute operates throughout England, Wales and Northern Ireland and to a lesser extent in Scotland.
1.2	The aims of the Institute are to: <ul style="list-style-type: none"> • enable members to exchange information and give mutual support • provide training and to disseminate knowledge in licensing matters and raise professional standards • act as a collective, respected and powerful voice at government levels on areas of concern • foster mutual understanding and respect between practitioners and the communities and sectors they serve.
1.3	Belfast City Council is a Corporate Member affiliated to the Northern Ireland Region of the Institute.
1.4	Each Region is operated by a locally elected committee and the Chairman is the nominated director of each Region and is asked to serve on the Institute Board as a director and trustee of the Institute.
1.5	The role of the Chairman, apart from chairing meetings, will be to act as the principal representative of the Institute on all licensing matters with key stakeholders such as Government Departments, other regulatory bodies and the wider licensed trade.
1.6	The Institute Board is accountable to the membership of the Institute and they set the strategic direction, policy and work for the purpose of co-ordinating national activities, responding to government and other proposals, running events, and promoting recognised licensing qualifications.

2	Key Issues
2.1	The Committee is advised that Mr James Cunningham, Regulatory Services Manager within the Building Control Service, has been invited to chair the Institute of Licensing in Northern Ireland and to become a director and trustee of the Institute for a year and to inform the Committee that the Health and Environmental Services Committee at its meeting on 6th June granted permission for Mr Cunningham to take up this role for that term.
2.2	The extent of time to be afforded to Mr Cunningham to commit to this role is minimal in that the Institute Board will meet on a quarterly basis in England and at the AGM. The Northern Ireland Region also meet on a quarterly basis. The cost of travel to meetings in England is paid for by the Institute.
2.3	The post has no remuneration and the appointment is made on a yearly basis.
2.4	This appointment is a credit to Mr Cunningham who has served the Council well as an officer for a number of years in a key management position. It is also significant in that it recognises the value of the Belfast City Council in leading the Licensing profession within N. Ireland.
2.5	It should be noted that Mr Stephen Hewitt, Building Control Manager, is the current Northern Ireland Chairman of the Licensing Forum.

3	Resource Implications
3.1	<u>Financial</u> None.
3.2	<u>Human Resources</u> None.
3.3	<u>Asset and Other Implications</u> None.

4	Equality Implications
4.1	There are no equality or good relations issues.

5	Recommendation
5.1	The Committee is requested to note the content of the report.



Belfast City Council

Report to:	Licensing Committee
Subject:	Co-Ordination of Fire Safety Enforcement in Premises Regulated and Licensed by District Councils
Date:	20th June, 2012
Reporting Officer:	Suzanne Wylie, Director of Health and Environmental Services, ext 3260
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

1	Relevant Background Information
1.1	At your meeting on 10th August 2010, Members were advised of impending changes that the Department of Health, Social Services and Public Safety (DHSSPS) were intending to make to fire safety regulations for Northern Ireland. The purpose of these changes was to introduce a modern risk based approach to fire safety, simplify compliance and give effect to EU Directives in line with the rest of the UK.
1.2	Prior to the introduction of the Fire and Rescue Services (Northern Ireland) Order 2006, (the 2006 Order), fire safety legislation was fragmented and enforced by a number of different agencies. The enactment of Part III of the 2006 Order and the introduction of the Fire Safety Regulations (Northern Ireland) 2010 (the 2010 Regulations) created a change in fire safety enforcement duties for Northern Ireland Fire and Rescue Service (NIFRS) and for local councils.
1.3	The new fire safety regulations place a duty on employers or owners to carry out a fire risk assessment (FRA) on their premises and to take such fire safety measures as to ensure the safety of persons on the premises from fire in order to satisfy the legislation and the requirements of the licensing authority and NIFRS.
1.4	Councils, when issuing an entertainments licence, are required to consider fire safety as part of the conditions of issue and ongoing management of the premises.
1.5	The NIFRS Board is responsible for enforcing fire safety duties and NIFRS acts as an enforcing authority on behalf of the Board.
1.6	During the consultation process into the proposed changes to fire safety regulations it became apparent that the arrangements, as envisaged, would cause a barrier to the effective performance of district councils in relation to their licensing functions, particularly in the context of licensing places of entertainment, cinemas and premises for the purposes of performing civil marriages and/or civil partnership registrations. This was due to the fact that under the 2006 Order any fire safety terms or conditions that were placed on licences by councils would be void. The only body who could take action in respect of fire safety matters would be the NIFRS.

1.7	Members will be aware that officers of the Building Control Service carry out late night during performance inspections of theatres, clubs, bars and other venues to ensure the safety of the public and compliance with the terms and conditions of Entertainments Licences.
1.8	Should Licensing Officers no longer have the power to take action in respect of fire safety matters, such as discovering a locked fire exit, without referring the matter to the NIFRS the safety of the public would, in our view, be seriously compromised.
1.9	Also, the NIFRS have moved to a system of risk based audits to inspect all premises. It is likely that, based on advice from the NIFRS, they will only audit a licensed premise once in a 3 year period. On the other hand, Licensing Officers will inspect a high risk licensed premise approximately 4 times per year at night time and also carry out an annual renewal inspection during the day. There was concern that these changes would seriously affect the safety and control of these premises.
1.10	In light of these concerns negotiations took place through the Northern Ireland Licensing Forum with the NIFRS and the DHSSPS and the changes were delayed by the Assembly Health Committee until the matter was resolved.
1.11	As reported at your meeting in August 2010, following these negotiations the Northern Ireland Fire & Rescue Services Board wrote to each Council through NILGA proposing to devolve fire safety enforcement powers under the Fire & Rescue Services (NI) Order 2006 to Council Licensing Officers in respect of premises with an entertainments licence. This, in effect, will permit Licensing Officers to continue with the full range of duties that they currently undertake.
1.12	It was also reported at your meeting that, in principle, NILGA supported these proposals. However, it was noted that further work would be necessary to ensure an agreed protocol or Memorandum of Understanding was drafted to facilitate effective working with the Board.

2	Key Issues
2.1	Since then the NIFRS has been working with the Northern Ireland Licensing Forum to draft an MOU in relation to the transfer and use of these fire safety powers. They have also produced guidance notes regarding their actual use.
2.2	The NIFRS Board has now formally written to the Council requesting that they agree to sign the MOU.
	<u>Proposed MOU</u>
2.3	The MOU aims to clarify and co-ordinate the roles and responsibilities of the NIFRS and District Council Licensing Officers with respect to fire safety in premises which district councils are responsible for licensing.
2.4	A key aim of the MOU is to ensure that no unnecessary burden is placed on businesses or organisations given the need to comply with both the 2006 Order and council licence conditions.
2.5	In signing up to the MOU the Council will not be taking on any additional responsibilities as it only covers specific legislation which is currently enforced by district councils namely:- <ul style="list-style-type: none"> ▪ The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 – Entertainment licensing ▪ The Cinemas (Northern Ireland) Order 1991 ▪ The Marriage (Northern Ireland) Order 2003 ▪ The Civil Partnership Act 2004

2.6	The NIFRS are statutory consultees with respect to licence applications and they will continue to offer their comments and to carry out joint inspections of premises with Licensing Officers if required.
Enforcement	
2.7	Once the MoU is signed the NIFRS Board will delegate enforcement powers to the Council, who will then need to authorise relevant enforcement officers. This will require a certain level of competence on their part and it is proposed that appropriate training, agreed with the NIFRS, will be undertaken by the Council Officers in respect of these powers.
2.8	Council Licensing Officers will continue to inspect premises much as they currently do. If they find a breach of fire safety, action will be taken under the 2006 Order. This will include taking informal action and issuing Enforcement, Alteration and Prohibition Notices. Prohibition Notices will most likely only be issued after reference to and the support of the NIFRS and will relate to the most serious of breaches discovered.
Liaison and Review	
2.9	It is intended that the MOU, which has been negotiated by the NIFRS with the Licensing Forum, should be agreed after consideration without change given that the NIFRS do not wish to negotiate a separate MoU with each Council if at all possible.
2.10	Once the MOU is signed it will be for the Licensing Forum, through consultation with Licensing Officers, to review the document annually and to initiate and agree changes with the NIFRS.
2.11	However, the NIFRS and the Council both have the right to terminate the agreement at any time after it has been signed subject to giving the other party 30 days notice.
2.12	A copy of the MOU is appended to this report.
Guidance Notes	
2.13	To support the MOU and clarify the responsibilities of the NIFRS and Council Officers a number of Guidance Notes have also been written. These deal with applications for the grant, renewal, suspension and resolution of disputes between NIFRS Officers and the Council.
Licensing function	
2.14	The Council has a responsibility for the safety of the public, in particular those using our licensed premises at night time. The work to improve their safety and the standard of our licensed premises has resulted in a much safer environment. Any proposal to move to self-regulation in such premises could, in our view, be detrimental to all.
2.15	It is the Council's statutory duty to only issue licences to premises that they consider to be safe and our continued ability to have regard to fire safety in such premises is vital to fulfilling that duty.
Support for the MOU	
2.16	Attached as appendices to this report are letters from CEHOG and BCNI; the umbrella bodies for Environmental Health and Building Control in Northern Ireland. Both have endorsed the MOU and expressed their support for the proposals to devolve responsibility for fire safety enforcement powers to District Councils in relation to premises that require a licence.

3	Resource Implications
3.1	<p><u>Financial Implications</u></p> <p>These functions are at present being carried out by Council Officers and it is not envisaged that accepting these devolved powers will lead to any additional financial burden.</p>
3.2	<p><u>Human Resources</u></p> <p>There will be some initial training implications for staff if the new powers are devolved but these will be catered for within existing budget provision.</p>
3.3	<p><u>Asset and Other Implications</u></p> <p>Should these powers be devolved to Councils there is no expectation that they will lead to any increased level of enforcement action by the Council.</p>

4	Equality Implications
4.1	There are no equality and good relations issues.

5	Recommendations
5.1	Members are asked to agree that the Council signs up to the MoU with the Northern Ireland Fire & Rescue Services Board and to accept delegated enforcement powers under Article 13 (1) of the Fire & Rescue Services (NI) Order 2006.
5.2	As such matters are not a delegated function of the Licensing Committee, any recommendation will be subject to ratification by Council.

6	Decision Tracking
<p>If you recommend that the MOU be signed and assuming that the Council ratifies this decision, the MOU will be signed by the Chief Executive and returned to the NIFRS. The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>If you do not accept that the MOU should be signed the NIFRS will be advised of your decision. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p>	

	Documents Attached
<p>For your information, the following supporting documents are appended to this report:</p> <ul style="list-style-type: none"> • MOU Relating to Co-ordination of Fire Safety Enforcement in Premises Regulated and Licensed by District Councils under The Fire and Rescue Services (Northern Ireland) Order 2006 and The Fire Safety Regulations (Northern Ireland) 2010 • Copies of letters from CEHOG and BCNI 	



**Northern Ireland
Fire & Rescue Service**

MEMORANDUM OF UNDERSTANDING



**Northern Ireland
Fire & Rescue Service**

**Relating to Co-ordination of Fire Safety Enforcement
in Premises Regulated and Licensed by District
Councils under The Fire and Rescue Services
(Northern Ireland) Order 2006 and The Fire Safety
Regulations (Northern Ireland) 2010**

April 2012

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MEMORANDUM OF UNDERSTANDING

BETWEEN
NORTHERN IRELAND FIRE & RESCUE SERVICE
AND
(insert name) **DISTRICT COUNCIL**

**RELATING TO CO-ORDINATION OF FIRE SAFETY ENFORCEMENT IN
PREMISES REGULATED AND LICENSED BY DISTRICT COUNCILS UNDER THE
FIRE AND RESCUE SERVICES (NORTHERN IRELAND) ORDER 2006 AND THE
FIRE SAFETY REGULATIONS (NORTHERN IRELAND) 2010**

1 INTRODUCTION

The aim of this Memorandum of Understanding (MoU) is to clarify and co-ordinate the roles and responsibilities of Northern Ireland Fire & Rescue Service (NIFRS) and District Council Licensing Officers with respect to fire safety in premises for which district councils are responsible for licensing and NIFRS is responsible for on-going fire safety compliance.

The MoU is intended to ensure that no unnecessary burden is placed on businesses or organisations given the need for compliance with both the licensing requirements of local district councils and those required by The Fire and Rescue Services (Northern Ireland) Order 2006 and The Fire Safety Regulations (Northern Ireland) 2010.

2 BACKGROUND

Prior to the introduction of The Fire and Rescue Services (Northern Ireland) Order 2006, (hereafter known as 'the 2006 Order'), fire safety legislation was fragmented and enforced by a number of different agencies. The introduction of Part III of the 2006 Order and The Fire Safety Regulations (Northern Ireland) 2010 (hereafter known as 'the 2010 Regulations') created a change in fire safety enforcement duties for NIFRS and for local Councils. The purpose of these changes is to introduce a modern risk based approach to fire safety, simplify compliance and give effect to EU Directives in line with the rest of the UK.

3 CURRENT POSITION

The legislative changes remove the requirement for premises to have a fire certificate. The new fire safety regulations place a duty on employers, owners and persons with control of premises, (referred to as 'appropriate persons'), to carry out a fire risk assessment (FRA) and to record the significant findings if a licence or registration under a statutory provision is required.

The 'appropriate person' is required to take such fire safety measures as to ensure the safety of persons on the premises from fire in order to satisfy the legislation and the requirements of the licensing authority and NIFRS.

Councils, when issuing a licence, are required to consider fire safety as part of the conditions of issue and ongoing management of the premises.

The NIFRS Board is responsible for enforcing fire safety duties and NIFRS acts as an enforcing authority on behalf of the Board.

Both the NIFRS Board and NIFRS recognise that district councils are responsible for issuing licences in respect of premises that fall within the scope of the relevant legislation as noted in Section 4 below. During the consultation process into the 2006 Order, it became apparent that the arrangements, as envisaged, would cause a barrier to the effective performance of district councils in relation to their licensing functions, particularly in the context of licensing places of entertainment, cinemas and premises for the purposes of performing civil marriages and/or civil partnerships registrations.

Therefore, after discussions between the Board, NILGA and the Licensing Forum, the Board has determined to devolve to district councils, responsibility under Part III of the 2006 Order, in relation to premises or parts of premises that require a licence under the legislation stated in Section 4 below.

4 RELEVANT LEGISLATION

This MoU covers the following key legislation which is enforced by district councils and NIFRS. These are:

District Council

- The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 as amended;
- The Cinemas (Northern Ireland) Order 1991;
- The Marriage (Northern Ireland) Order 2003; and
- The Civil Partnership Act 2004.

Northern Ireland Fire & Rescue Service

- Part III of The Fire and Rescue Services (Northern Ireland) Order 2006; and
- The Fire Safety Regulations (Northern Ireland) 2010 in so far as they relate to premises or parts of premises, licensed under the legislation referred to above.

Whilst district councils are responsible for issuing a number of other licences, this MoU relates only to those premises which fall under the legislation referred to in this section. However, the MoU may be amended to cover other types of premises licensed by local district councils in future should both parties agree to do so.

In respect of licences or permits issued by local district councils under other legislation, councils shall continue to consult with NIFRS.

5 ROLES AND RESPONSIBILITIES – NIFRS

NIFRS will be responsible for enforcing the 2006 Order across all non domestic properties, including those which are licensed by district councils.

This will be achieved through carrying out audits of relevant premises that will be generated in the following ways:

- A premises risk based audit program;
- Where appropriate, as a follow up to a fire incident in a relevant premises; and
- In response to a complaint.

NIFRS will consult with district councils in respect of all applications for a licence under the legislation listed in Section 4.

6 ROLES AND RESPONSIBILITIES – DISTRICT COUNCILS

District councils under powers devolved to them by the NIFRS Board by virtue of Article 13(1) of the 2006 Order will carry out NIFRS functions in so far as these powers relate to activities which are regulated under legislation referred to in Section 4. These functions will include inspection and enforcement powers under Article 33 in respect of those premises, or parts of those premises licensed or approved by district councils under the legislation referred to in Section 4.

Therefore the responsibility to enforce the fire safety duties under the 2006 Order and the 2010 Regulations in respect of relevant premises or parts of premises that require a licence to provide entertainment, cinemas and places of civil marriage or civil registration will also be conferred upon District Council Licensing Officers.

In respect of the above, this will not preclude NIFRS from carrying out fire safety audits in any licensed premises in addition to those audit inspections carried out by District Council Licensing Officers.

District councils will enforce the Order in relevant premises and may consider the following means to generate a suitable auditing programme:

- A premises risk based audit program;
- The annual renewal of a licence; or
- In response to complaints.

7 ENFORCEMENT

District councils shall make adequate arrangements to provide effective enforcement services by ensuring that:

- Licensing Officers are appointed authorised Officers by virtue of Article 13(1) of the 2006 Order;
- All such Officers shall be specifically authorised in accordance with the relevant legislation and the Council's Scheme of Delegated Authority;
- Only such Officers who are qualified and competent shall be authorised by each district council to enforce fire safety duties; and
- Investigations of non-compliance will be carried out in accordance with the Police and Criminal Evidence (NI) Order 1989 and relevant Codes of Practice.

The following types of enforcement action may be taken by NIFRS and/or Council Licensing Officers:

Informal

- Verbal advice or letter of deficiencies, or an agreed action plan.

Formal

- Issue an Enforcement Notice;
- Issue of Prohibition Notice (all or part of premises);
- Issue Alterations Notice (allows ongoing control of premises); and
- Court proceedings.

Whilst district councils and NIFRS may take a graduated approach to enforcement and deal with issues informally in the first instance, where a breach in relation to the safety of staff on the premises and/or members of the public is detected, the council or NIFRS may institute legal proceedings and/or formal action regardless of whether any problems had previously been identified with the premises.

District councils and NIFRS will inform each other where enforcement action is to be taken and the outcome of that action.

8 LIAISON

Liaison and consultation already takes place between _____ and NIFRS. It is necessary that this continues to prevent an unnecessary burden being placed on either party. It must allow each party to fulfil their statutory duties effectively and within defined timescales to ensure an efficient and effective service to the public and licence applicants.

This MoU is supported by a number of good practice guidance notes covering issues such as the granting or renewal of a licence or approval, applications to alter or change the structure, the use of a licensed premises, the suspension of an Entertainment Licence or in relation to dealing with unresolved fire safety matters.

9 JOINT REVIEW COMMITTEE

This MoU is intended to provide a framework for inter-agency co-ordination in the enforcement of Part III of the 2006 Order and the 2010 Regulations.

There will be a joint annual review of this MoU and supporting guidance by the NIFRS and the Licensing Forum. Any other review may be initiated by NIFRS or the Licensing Forum should special circumstances require it. Parties to any review will be appointed by the Director of Community Development on behalf of NIFRS and the Chairman on behalf of the Licensing Forum.

NIFRS or the local council, subject to 30 days' notice of such an intention, may terminate the MoU. Neither party will claim costs from the other for administering the Memorandum.

10 LIABILITY

In discharging matters defined under this agreement, NIFRS and _____ act independently and are not servants or agents of the other.

Neither party will be held legally liable for delay or failure of either party to fulfill its obligations under this MoU.

11 AGREEMENT CO-ORDINATORS NOMINATED

For Northern Ireland Fire & Rescue Service	For District Council
Assistant Chief Fire Officer (Director of Safety Services) Dale Ashford	Chief Executive (or their nominee)

Signed on behalf of
Northern Ireland Fire
& Rescue Service:

Position:

Date:

Signed on behalf of
District Council:

Position:

Date:

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27th February 2012

Mr Stephen Hewitt
Chair Licensing Forum
Belfast City Council
Floor 5
9 Lanyon Place
Belfast
BT1 3LP

Dear Stephen

Re: Memorandum of Understanding between District Councils and the Fire Authority

The above Memorandum of Understanding which relates to the co-ordination of fire safety in premises regulated and licensed by District Councils was considered by the Chief Environmental Health Officers Group (CEHOG) at their Executive meeting on 23 February 2012.

CEHOG would support the proposals to devolve responsibility under Part III of the Fire and Rescue Services (Northern Ireland) Order 2006 to District Councils in relation to premises or parts of premises that require a licence in order for them to exercise their licensing functions, particularly with respect to licensing places of entertainment, cinemas and civil marriages.

CEHOG Executive Committee members welcome the Memorandum of Understanding which clarifies and co-ordinates the roles and responsibilities of Northern Ireland Fire and Rescue Services and District Councils with respect to fire safety in premises for which district councils are responsible for licensing and in which NIFRS is responsible for ongoing fire safety compliance. This will ensure that no unnecessary burden is placed on regulated businesses and meets the government's better regulation agenda which views the regulatory burden as a major priority and expects regulators, whilst protecting consumers, to also support businesses and promote economic growth.

Chairman:
Barney Heywood
Western Group Environmental Health Service
Lisnamallard House, Old Mountfield Road
OMAGH, Co. Tyrone, BT79 7EG
Tel: (028) 8224 5321 / **Fax:** (028) 8224 5526
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Secretary :
Gary McFarlane
CIEH
123 York St
Belfast, BT15 1AB
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e.mail: g.mcfarlane@cieh.org

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The CEHOG Executive also endorsed the actions of the licensing forum in proactively pursuing the development of the Memorandum of Understanding and will support the adoption of this measure across Councils in Northern Ireland

Yours sincerely



Barny Heywood
Chair Chief Environmental Health Officers Group

26th March 2012

Mr Stephen Hewitt
Chair Licensing Forum
Belfast City Council
Floor 5
9 Lanyon Place
Belfast
BT1 3LP



Dear Stephen,

Re: Memorandum of Understanding between District Councils and the Fire and Rescue Service

During the last Building Control Northern Ireland Executive Committee (BCNI) meeting on the 23rd February 2012 the above Memorandum of Understanding which relates to the co-ordination of fire safety in premises regulated and licensed by District Councils was considered.

BCNI Executive Committee endorses the Memorandum of Understanding and welcomes the proposals to devolve responsibility under Part III of the Fire and Rescue Services (Northern Ireland) Order 2006 to District Councils in relation to premises or parts of premises that require a licence.

The BCNI Executive Committee believes that this Memorandum of Understanding will complement the Memorandum of Understanding between Building Control and NI Fire and Rescue Service (NIFRS) in relation to Fire Safety which was adopted by all councils in June 2011.

Both Memoranda of Understanding will further develop the close working relationship which exists between District Council Officers, and the Northern Ireland Fire and Rescue Service in the area of Fire Safety within all buildings. With the resultant outcome of a more cohesive and joined-up approach to the Fire Safety enforcement system in Northern Ireland. This in turn will enhance the life safety of all people in and around buildings.

Also at a recent Building Control Managers meeting on the 23rd February 2012 the Memorandum of Understanding was discussed. There was cross Council support for the adoption of the Memorandum of Understanding. BCNI would like to thank the Licensing Forum for all the hard work which has gone into producing this Memorandum of Understanding.

Yours sincerely,

Jonathan Hayes
Chair Building Control Northern Ireland

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