



<b>Subject:</b>	<b>Application to provide outdoor musical entertainment beyond 11.00 pm at Falls Park</b>
<b>Date:</b>	19th June 2024
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Darren McCamphill, Lead Building Control Surveyor, ext. 2444

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Some time in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
<b>1.1</b>	To consider a request from the organisers of Féile an Phobail to permit the planned entertainment to run beyond 11.00 pm on up to 7 nights during the festival event within Falls Park, running from Thursday 1 August to Sunday 11 August 2024.
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	Taking into account the information presented and any representations received you are required to consider the request to extend the hours of entertainment and, subject to all technical requirements being met, either:  1. Agree that all 7 of the events should be permitted to take place beyond the standard hours of licence to 1.00 am; or

	<p>2. Agree that only on specified nights will entertainment be permitted to take place beyond the standard hours of licence to 1.00am and that the other requested nights be permitted to take place to an earlier specified extended hour; or</p> <p>3. Refuse to extend all of the hours as requested.</p>
<b>3.0</b>	<b>Main report</b>
	<b><u>Key Issues</u></b>
<b>3.1</b>	Members are advised that a 7-Day Annual Outdoor Entertainments Licence and a 7-Day Annual Indoor Licence for a Marquee has been granted for Falls Park and both have been used to hold events in the past, primarily for this event. The Licences are held by the City and Neighbourhood Services Department and are transferred to the organisers for the duration of their event.
<b>3.2</b>	The days and standard hours during which entertainment may be provided both outdoors and in a marquee are Monday to Sunday from 11.30 am to 11.00 pm.
<b>3.3</b>	<p>In addition, the following Special Conditions are attached to both the Marquee and Outdoor Entertainments Licences:</p> <ul style="list-style-type: none"> <li>• Maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals.</li> <li>• Prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council.</li> <li>• Any requests to provide entertainment later than 11.00 pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event.</li> <li>• Should an application to provide entertainment beyond 11.00 pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Building Control, in consultation with the City Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements.</li> </ul>
<b>3.4</b>	The applicant has indicated that outdoor music events are scheduled for Friday 2 <sup>nd</sup> , Saturday 3 <sup>rd</sup> and Sunday 4 <sup>th</sup> August, in conjunction with consecutive nights on Thursday 8 <sup>th</sup> , Friday 9 <sup>th</sup> , Saturday 10 <sup>th</sup> and Sunday 11 <sup>th</sup> August and has requested to operate beyond 11.00 pm on these seven nights. However, the applicant has indicated that it is intended only to operate to 1.00am for the diversionary dance music event on the Thursday 8 <sup>th</sup> August 2024.
<b>3.5</b>	It is a Standard Condition of the Outdoor Entertainments Licence that all requests to operate beyond the permitted hours of entertainment must be considered by the Licensing Committee.
<b>3.6</b>	As this is not an application to vary the terms of the Outdoor 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.
<b>3.7</b>	Members are reminded that in 2023 the Committee agreed to grant the organisers permission to operate on 6 nights of the event beyond the standard hours of 11.00 pm to 1.00 am and on all these nights entertainment did continue beyond 11.00 pm.
<b>3.8</b>	A Location Map is attached as Appendix 1

### **Rationale for additional hours**

- 3.9** The event has been running for over 30 years as a community festival and has grown from being a 2-3 day to a full 10-11 day festival, offering a mix of arts and cultural events including music concerts, comedy, tours and walks, debates and discussions, exhibitions / visual arts, theatre, youth and community and sporting events.
- 3.10** In recent years the event organisers have consolidated the entertainment events at Falls Park to 6 nights. This decision was motivated by a desire to limit disruption to the community in close proximity to Falls Park.
- 3.11** The applicant has indicated that it is intended that entertainment will go on no later than 1am for the event on Thursday 8 August, due to the diversionary nature of the event. We await confirmation on actual finish time of the other six events for which extension beyond standard hours have been requested.
- 3.12** An explanatory letter provided by the applicant is attached as Appendix 2 and a representative from Féile has been invited to attend your meeting.

### **PSNI**

- 3.13** The PSNI have been contacted by the Service in relation to the event, however, a response has not yet been received. We will update Committee on their views at your meeting.
- 3.14** In the absence of any police response, should Members be minded to approve the extended hours requested, this should be subject to a satisfactory response being received from the PSNI on the matter.

### **Health, safety and welfare issues**

- 3.15** Officers have engaged with the event organisers and colleagues in City & Neighbourhood Services in relation to the festival and will participate in the multi-agency meeting to be held in advance of the event with the event organisers.
- 3.16** An Event Management Plan in support of the event has been received and is being evaluated by the Service and shared with other colleagues.
- 3.17** Officers from the Service have carried out during performance inspections at previous events organised by Féile an Phobail and found that the organisers have adhered to the health, safety and welfare management requirements during that time.

### **Noise issues**

- 3.18** A significant consideration for Environmental Protection Unit (EPU) will be the proposal to provide outdoor entertainment after 11.00 pm. Members are reminded that the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 gives councils additional powers in relation to entertainment noise after 11.00 pm.
- 3.19** EPU received around 120 noise complaints regarding the festival in 2023. This was an increase from the festival in 2022 when 58 noise complaints were received. Many complaints related to the entertainment being permitted after 11.00pm during the working week.
- 3.20** Complaints received during the course of the festival were brought to the attention of the event organisers and following conclusion of the festival a detailed summary of all noise

	complaints was provided for their consideration. No formal action was undertaken by EPU in respect of the noise complaints received.
3.21	Whilst the Service sought to arrange a post-event meeting with the applicant to discuss the event this did not take place.
3.22	In their letter to Committee Féile has committed, alongside local political and community representatives, to conduct a number of community consultations around this year's events in the park, specifically engaging with local residents and addressing any issues or concerns.
3.23	They also anticipate that entertainment will go to 1.00am on one occasion only, the diversionary event on Thursday 8 <sup>th</sup> August 2024.
3.24	The event organisers will again be required to engage with an acoustic consultant to document a noise mitigation strategy for each night of entertainment. The purpose of the strategy will be to demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises. Once received by the Service this strategy will be provided to EPU for appraisal.
3.25	The noise mitigation strategy will be discussed at the pre-event multi-agency meeting. Last year the sound consultant did not have a site presence on the nights of entertainment to carry out sound testing, and this would be a beneficial mitigation this year.
3.26	The organisers will also be required to produce a suitable residents pre-notification letter containing a nominated event organiser contact that residents may refer concerns or make complaints to. The extent of the letter's distribution, which will take place prior to the event will be agreed with the event organiser by the Service in consultation with EPU officers.
3.27	The event organisers will be reminded of the standard licence condition that receipt of significant complaints may lead to further late nights being curtailed. However, it can be impracticable during the festival to curtail further nights at short notice as complaints are not all received on the nights that are the subject of the complaint and a full picture does not emerge until all complaints are collated, by which time the events can be concluded.
3.28	Members may therefore wish to consider if it is appropriate to set an earlier time limit such as midnight for some of the events this year.
	<b><u>Financial and Resource Implications</u></b>
3.29	None. Officers will carry out inspections at the events which will be catered for within existing Service budgets.
	<b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b>
3.30	There are no issues associated with this report.
4.0	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Rationale from applicant for requesting the extended hours</li> </ul>