



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.
	<p>Representations</p>
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.
	<p>Building Control</p>
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.
	<p>Environmental Protection</p>
2.12	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.

2.15	<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.
2.16	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).
2.17	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.
2.18	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.
2.19	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.
	PSNI
2.20	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.
2.21	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.

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

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

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>	