



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.
	Environmental Protection
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	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: 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.
2.20	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	Promoters 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.

3.0	Resource Implications
3.1	Financial 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 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</p> <p>Appendix 2- Event running order</p> <p>Appendix 3 - Current Entertainment Licence for Falls Park</p> <p>Appendix 4 - Extract from Clean Neighbourhoods and Environment (NI) Act 2011</p> <p>Appendix 5 - Guidance on noise control at outdoor music events</p>	