

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.