



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
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1.2	<p>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.</p>									
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>Monday to Sunday: 11:30 a.m. to 11:00 p.m.</p>									
1.4	<p>The current application relates to two separate events in August, one of which wishes to operate beyond 11.00 p.m.</p>									
1.5	<p>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'.</p>									

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
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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
<p>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.</p>	

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