



## Belfast City Council

<b>Report to:</b>	Licensing Committee
<b>Subject:</b>	<b>Application for the Renewal of a Fourteen-day Occasional Outdoor Entertainments Licence - Boucher Road Playing Fields</b>
<b>Date:</b>	18th June, 2014
<b>Reporting Officer:</b>	Trevor Martin, Head of Building Control, ext. 2450
<b>Contact Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435

<b>1.0</b>	<b>Relevant Background Information</b>						
1.1	<p>An application was received on the 13<sup>th</sup> May from the Parks and Leisure Department of the Council for the renewal of a fourteen-day Occasional Outdoor Entertainments Licence 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</td><td>WK/201400850</td><td>Ms Rose Crozier Parks &amp; Leisure Department</td></tr></tbody></table>	Venue and Licence	Ref. No.	Applicant	Boucher Road Playing Fields	WK/201400850	Ms Rose Crozier Parks & Leisure Department
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Boucher Road Playing Fields	WK/201400850	Ms Rose Crozier Parks & Leisure Department					
1.2	<p>The current days and hours during which outdoor musical entertainment is permitted to be provided are:</p> <ul style="list-style-type: none"><li>Monday to Sunday: 11.30 a m to 11.00 pm.</li></ul>						
1.3	<p>In addition, there are special conditions attached to the licence which:</p> <ol style="list-style-type: none"><li>Enables a maximum occupancy figure to be set by the Building Control Service depending upon individual concert set up proposals, and</li><li>Requires a promoter, at least one month in advance of any event, to submit a suitable noise assessment and noise management plan. The noise assessment must be completed by a suitably qualified and experienced noise control consultant and must demonstrate that noise from the event will not cause unreasonable disturbance to nearby residential properties. The noise management plan must be agreed to the satisfaction of Council officers and any failure to comply with the requirements set out therein shall be considered to be a breach of the licensing conditions, and</li></ol>						

	<p>3. Allows the licensee to apply for additional hours, later than 11.00pm, which may or may not be granted by Committee dependent upon any noise issues which may have arisen from previous events.</p>
1.4	<p>Last year's Tennents Vital took place on Wednesday 14<sup>th</sup>, Thursday 15<sup>th</sup> and Friday 16<sup>th</sup> August and featured world class acts including Kings of Leon, Snow Patrol and Avicii.</p>
1.5	<p>A total of 23 complaints were received last year with 17 received during the 3 days of the concerts and the remaining 6 arriving after the event. The majority of complaints were received from residents within the immediate areas around the venue. This was significantly less than the 231 complaints received from the 2 day event held in 2012.</p>
1.6	<p>The complaints related to noise disturbance from the concerts and anti-social behaviour, mainly as a result of the Friday night Avicii concert, which had a considerable number of young patrons attending.</p>

<b>2.0</b>	<b>Key Issues</b>
2.1	<p>Members may be aware that the Parks and Leisure Committee have already been informed of this year's event and, at their meeting of the 10<sup>th</sup> April 2014, agreed for MCD to hold up to 3 concerts at the venue between the 21<sup>st</sup> and 25<sup>th</sup> August 2014.</p>
2.2	<p>This was subject to and on condition that the event organisers resolve all operational issues to the Council's satisfaction, that an appropriate legal agreement is completed and that the event organisers meet all statutory requirements including entertainment licensing.</p>
	<p><b>Tennents Vital 2014</b></p>
2.3	<p>For this year's event The Killers will perform on Thursday 22<sup>nd</sup> August and on Sunday 24<sup>th</sup> August the headline act will be David Guetta. All headline acts will be supported by a number of other acts such as Bastille and Steve Angello. Other supporting acts have still to be confirmed.</p>
2.4	<p>30,000 tickets have been made available for sale on each night. Gates are scheduled to be opened at 4.30 pm with entertainment planned to commence soon after and finish by 11.00 pm.</p>
2.5	<p>The promoter has extensive experience of organising outdoor events of this scale which includes previous Tennents Vital Concerts at this venue, Botanic Gardens and Ormeau Park.</p>
	<p><b>Representations</b></p>
2.6	<p>As a result of the public notices written representation was received outside the 28 day statutory period objecting to the application.</p>
2.7	<p>The nature of the objection relates to music being too loud from the concerts and music festivals held at the venue, for such a residential area. It also states that the music can be heard a considerable distance away.</p>

2.8	Under the terms of the Local Government (Miscellaneous Provisions) (NI) Order 1985, the Committee, when considering an application, must have regard to any representation which is received inside the 28 day statutory period. Where objections have been received outside the 28 day period you have discretion, but not a duty, to hear those objections.
2.9	Members should note that the Council is not prohibited from taking all relevant representations into account, whether they have been communicated by objectors or others, early or late, or in any other way.
2.10	When deciding if you wish to consider the objection received outside the 28 day period, facts that you may wish to take into account could include the relevance of the objection, the proximity of the objector to the venue, how far outside the 28 day period the objection was received, or any other matters that appear important in the circumstances at hand.
2.11	The objector has confirmed in writing that he is unable to attend due to being out of the country and that he wishes his objection to be considered by the Licensing Committee.
2.12	A copy of each letter from the objector is attached.
2.13	<p><b>PSNI</b></p> <p>The PSNI has been consulted about the application for the renewal of the Entertainments Licence and have advised that as the promoter for the event is very reputable, experienced in their field and to date have included police in all of their planning meetings they have no concerns at this stage.</p>
2.14	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. Anti-social behaviour which occurred in the Stockman's Lane area as people disembarked buses is an aspect that will given due consideration at the planning meetings.
2.15	<p><b>NIFRS</b></p> <p>The Northern Ireland Fire and Rescue Service, as with other agencies, will be invited to attend a pre-event meeting and will be provided with all relevant documentation in advance of that meeting.</p>
2.16	<p><b>Health, safety and welfare issues</b></p> <p>Officers of the Service were closely involved with the planning, running and subsequent review of the outdoor events held at the venue last year. We have experienced no difficulties in working with the event organiser.</p>
2.17	Following the anti-social behaviour issues that arose from the Avicii concert held on the final night of last year's event the promoter recognises the need to increase their provisions for this year's event, particularly for the David Guetta concert being held on Sunday 24 <sup>th</sup> August, which has a similar audience profile to Avicii.
2.18	Additional stewards will be in place around the venue, car and coach parks and along the route to the venue in order to appropriately protect resident's properties. This operation will be carried out in conjunction with Officers of the PSNI.

2.19	Appropriate toilet facilities will also be provided at stages along the route and within the car and coach parks. Appropriate first aid and ambulance provisions will also be provided, where required.
2.20	The Service will also coordinate the work of Community Safety Officers and Park Wardens to provide support to the promoter and PSNI regarding alcohol enforcement for the event.
	<b>Noise issues</b>
2.21	The Environmental Protection Unit (EPU) has been consulted in relation to the application and the proposals for this year's Tennents Vital event.
2.22	The Unit is supportive of all events aimed at improving the attractiveness and diversity of the City and are committed to working with licensees to ensure these events are successful and achieve a balance between the rights of residents, the event, the promotion of the city and the wider benefits to the local economy.
2.23	Following the significant number of complaints received in 2012, Council Officers and the promoter worked extensively in order to manage the noise generated and minimise the potential for noise disturbance. The promoter worked closely with Officers throughout the event and a protocol was in operation to record and communicate complaints received.
2.24	Similar procedures will be implemented this year to raise awareness of the event and minimise the noise disturbance.
2.25	Members should also recognise that noise generated by large scale outdoor concerts is likely to lead to some level of disturbance for local residents. Even if guideline levels are met there is no guarantee that complaints will not be received. Conversely, if a recommended level is exceeded this may not necessarily lead to complaints as people may be prepared to tolerate the event because it will only last for a limited period of time.
2.26	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.
	<b>Licensee</b>
2.27	The applicant has been informed of the objection and has been invited to attend your meeting so that you may hear their representations relating to the renewal of the Licence.

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

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

<b>5.0</b>	<b>Recommendations</b>
5.1	The current policy, laid down as a mandatory condition in the Order, is that where representations have been made within 28 days of the date of application, an opportunity of appearing before, and being heard by, the Committee shall be given to the applicant and to persons who made representations before any decision is made.
5.2	However, the objector has already informed the Service that he is unable to attend this meeting due to being out of the country but that he wishes his objection to be considered by the Licensing Committee.
5.3	Therefore, as the objection was received outside the 28 day statutory period, you are required to determine if you wish to consider the objection.
5.4	If you do wish to consider the objection you are required to hear from the applicant and, after taking into account all information presented in respect of the application, to make a decision to either: <ul style="list-style-type: none"> <li>1. Approve the application for the renewal of a 14-day Occasional Outdoor Entertainments Licence, or</li> <li>2. Approve the application for the renewal with special conditions in addition to those as set out in paragraph 1.3, or</li> <li>3. Refuse the application for the renewal of the Entertainments Licence.</li> </ul>
5.5	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 still be provided until any such appeal is determined.

<b>6.0</b>	<b>Decision Tracking</b>
<p>If the application is granted, the applicant will be sent a copy of the Licence within 7 days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>If the application is refused, or special conditions are attached to the Licence to which the applicant does not consent the applicant will be advised in writing within 7 days of the right to appeal the Council's decision within 21 days of notification of that decision to the Magistrates' Court. The person responsible for this action is Henry Downey, Democratic Services Officer, Chief Executive's Department.</p>	

<b>7.0</b>	<b>Documents Attached</b>
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Appendix 1 - Application form

Appendix 2 - Location plan

Appendix 3 - PSNI comments

Appendix 4 - Letters of objection