



Belfast City Council

Report to: Licensing Committee

Subject: **Application for the Renewal of a Seven-day Annual Outdoor Entertainments Licence/Request for Additional Hours - Holy Cross Boys' Primary School, Brookfield Street**

Date: 18th June 2014

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>An application was received on 7th May 2014 from the Ardoyne Fleadh Project for the renewal of the Seven-day Annual Outdoor Entertainments Licence for Holy Cross Boys Primary School based on the Council's standard conditions to provide outdoor musical entertainment.</p>						
	<table border="0"><thead><tr><th data-bbox="220 1189 699 1220">Premises and Location</th><th data-bbox="715 1189 954 1220">Ref. No.</th><th data-bbox="978 1189 1485 1220">Applicant</th></tr></thead><tbody><tr><td data-bbox="220 1227 699 1323">Holy Cross Boys Primary School Brookfield Street Belfast</td><td data-bbox="715 1227 954 1258">WK/201400732</td><td data-bbox="978 1227 1485 1355">Mr Paul McCusker Ardoyne Fleadh Project Ardoyne Community Centre 40 Herbert Street</td></tr></tbody></table>	Premises and Location	Ref. No.	Applicant	Holy Cross Boys Primary School Brookfield Street Belfast	WK/201400732	Mr Paul McCusker Ardoyne Fleadh Project Ardoyne Community Centre 40 Herbert Street
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1.2	<p>The outdoor licence is based on the Council's standard conditions to provide outdoor musical entertainment.</p>						
1.3	<p>The standard days and hours for outdoor Entertainments Licences are:</p> <ul style="list-style-type: none">Monday to Sunday: 11.30 am to 11.00 pm						
1.4	<p>In addition, there are special conditions attached to the licence, which are as follows:</p> <ol style="list-style-type: none">The Licensee is required, at least one month in advance of any event, to submit a suitable noise assessment and noise management plan to demonstrate evidence of early consultation with local residents and have in place a robust system of dealing with any complaints. 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 nearby residential properties. The plan shall be agreed to the satisfaction of the Council and failure to comply with the requirements set down in it shall be considered to be a breach of the licence conditions.Maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals.						

	<p>3. The licensee may, three months in advance of a proposed event, apply for additional hours to provide entertainment beyond 11.00pm. Such applications will be considered by the Licensing Committee and any previous noise issues will be taken into account.</p>
1.5	Members will recall that last year a total of 18 objections were received to this application. At a Special Meeting, held on 26 th June 2013, you considered the matter and agreed to grant the application, which was utilised for the Ardoyne Fleadh. The Committee also granted permission for the event to provide entertainment to 12.00am on two of the nights.
1.6	The festival took place from Friday 23 rd to Sunday 25 th August 2013.
1.7	A total of 6 complaints were received. 5 were received during the course of the event and 1 afterwards. 119 complaints were received about the event held in 2012.

2.0	Key Issues
2.1	In addition to the renewal application, the applicant is also requesting permission to run each night of this year's event beyond the standard hours of 11.00 pm to 12.00 am.
2.2	This year the organisers propose to hold the event over three days on Friday 22 nd , Saturday 23 rd and Sunday 24 th August from 8.00 pm to 12.00 am.
2.3	The organisers have advised that the primary purpose of the licence is to provide a facility for the school and the local Community Centre to hold outdoor events and provide entertainment in a controlled, managed and safe environment.
2.4	The site build will commence on Thursday 21 st August with the take down being undertaken on Monday 25 th August.
2.5	The Ardoyne Fleadh Project is now in its 23 rd year and plays host to a number of local acts of music, drama, comedy and family entertainment. The organisers have informed the Service that the acts for this year's event have still to be confirmed; however they are expected to be of the same nature and genre as previous years.
	Representations
2.6	Public notices of the applications have been placed within 7 days of the application being made and no objections have been received within the 28 day statutory period.
	PSNI
2.7	The PSNI have been consulted in relation to the application and the request to operate the event to 12.00am on each night. They have also confirmed that the organisers of the Fleadh have already been in contact with them about it. However, their response is outstanding at the time of writing this report but will be available at your meeting.
	NIFRS
2.8	The Northern Ireland Fire and Rescue Service have been consulted regarding the application and proposed event and have, in principle, no objection to the application. However, as with other outdoor licences, they will be invited to the pre-event meeting and will be provided with all relevant documentation in advance of any proposed concert to work with Officers of the Service regarding any technical requirements that need to be met.
	Health, safety and welfare issues
2.9	Last year the organisers worked with Council Officers on all aspects of the event. Officers of the Service have already engaged with the applicant and organisers of the Ardoyne Fleadh to ensure that appropriate measures with regard to health, safety and welfare management are again in place at this year's event.

2.10	The applicant is currently developing their Event Management Plan, which includes an appropriate background noise survey, to allow Officers of the Building Control Service and Environmental Protection Unit to assess the documentation and ensure that the relevant technical requirements are complied with.
2.11	In order to comply with the condition of Licence to demonstrate evidence of early consultation in relation to the intended event, the organisers will be sending a letter to residents within the vicinity of the venue at least 3 weeks before the event. This letter will provide information about the particulars of the event and the desired finish time of 12.00am. The letter will be agreed with the Service before it is issued.
2.12	Representatives of the Ardoyne Fleadh Project will be available should you wish to seek further information on these proposals.
	Noise issues
2.13	An initial consultation has taken place with the Environmental Protection Unit (EPU) in relation to the application and the proposals for this year's Ardoyne Fleadh Project.
2.14	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.
2.15	An acoustic consultant has been appointed and as previously noted; an appropriate background noise survey will be carried out and documented in the form of a report. A meeting to discuss noise issues and the formulation of a noise management plan will be organised in due course with the organisers to determine what levels will achieve this.
2.16	Members should also recognise that noise generated by 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 very limited period of time.
2.17	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.

3.0	Resource Implications
	<u>Financial</u>
3.1	None
	<u>Human Resources</u>
3.2	None
	<u>Asset and Other Implications</u>
3.3	None

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

5.0	Recommendation
5.1	<p>Taking into account the information presented and 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 renewal of the 7-day Annual outdoor licence, or 2. Approve the application for the renewal with special conditions, or 3. Refuse the application for the renewal of the 7-day Annual outdoor licence.
5.2	<p>If the 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 Recorders Court. In the case that you refuse to grant a licence, and the applicant subsequently decides to appeal, entertainment may not be provided until any such appeal is determined.</p>
5.3	<p>Should you be of a mind to approve the application you are then required to determine, subject to all technical requirements being met:</p> <ul style="list-style-type: none"> • If the proposed events on the 22nd, 23rd and 24th August 2014 should be permitted to take place beyond the standard hours of licence to 12.00am.

6.0	Decision Tracking
<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 his 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>	

7.0	Documents Attached
<p>Appendix 1 - Application form</p> <p>Appendix 2 - Location map</p>	