



Subject:	Application for Extended Hours - Lower Crescent Park
Date:	20th June, 2018
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Darren McCamphill, Senior Building Control Surveyor, ext. 2444

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

1.0	Purpose of Report/Summary of main Issues
1.1	To consider a request from the organisers of the FOCAL Festival to operate an outdoor event over three nights within Lower Crescent Park, on Thursday 30th and Friday 31st August and Saturday 1st September 2018, and to permit entertainment to run beyond 11.00 p.m to 1.00 a.m. on each of those nights.
2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received you are required to consider the request to extend the hours of entertainment and, subject to all technical requirements being met, either:</p> <ol style="list-style-type: none">1. Agree if any or each of the proposed nights should be permitted to take place beyond the standard hours of licence or;2. Refuse to extend any or all of the hours as requested.
3.0	Main Report
	<u>Key Issues</u>
3.1	Lower Crescent Park is the responsibility of the Parks Service of the City and Neighbourhood Services Department, which currently holds a Seven-Day Annual Outdoor Entertainments Licence for the park.
3.2	<p>The standard days and hours during which the park is currently licensed to provide entertainment are:</p> <ul style="list-style-type: none">• Monday to Sunday: 11.30 a.m. to 11.00 p.m.

<p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p> <p>3.9</p>	<p>In addition, the following special conditions are attached to the Entertainments Licence:</p> <ol style="list-style-type: none"> 1. maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals; 2. 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; 3. should an application to provide entertainment beyond 11.00pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Building Control, in consultation with the City Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements; and 4. all letters forwarded by promoters to residents must advise that, should they have objections or concerns regarding an event providing entertainment beyond 11.00pm, they contact the Building Control Service. <p>The Committee may recall approving in November an application from the organisers of the FOCAL Festival for an event which ran to 1.00 a.m. on 21st, 22nd and 23rd December 2017. This is the third edition of the Focal Festival and is a follow-on from events held in June/July 2017 and December 2017 at the venue.</p> <p>Focal Festival is an independent food and drink festival centred on the celebration and promotion of local food and drink incorporated within an outdoor festival.</p> <p>It is a standard condition of the Outdoor Entertainments Licence that all requests to operate beyond the permitted hours of entertainment must be considered by the Licensing Committee.</p> <p>Members are reminded that the Committee has previously granted extensions for other similar events across the City, including the Cathedral Quarter Arts Festival, the Belfast Beer Festival 2017 and Oktoberfest at Custom House Square and the Belfast City Blues Festival at Writers Square.</p> <p>The Parks Service has also sought permission from the People and Communities Committee for the use of the venue for the event. This was granted approval on 5th June 2018, subject to satisfactory terms being agreed with the Director of City and Neighbourhood Services and on condition that:</p> <ul style="list-style-type: none"> • the promoter resolves all operational issues to the Council's satisfaction; • an appropriate legal agreement is completed, to be prepared by the City Solicitor; and • the promoter meets all statutory requirements of the Building Control Service, including the terms and conditions of the Parks Entertainments Licence and any subsequent decisions made by the Licensing Committee. <p>This decision will be subject to ratification by Council on 2nd July 2018.</p>
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Rationale for Additional Hours

3.10 The applicant has provided the following rational in support of the application to provide entertainment beyond 11.00 p.m. to 1.00 a.m. on 3 consecutive nights:

- People Flow - we are anticipating up to 2,000 guests each day at Focal 2018. With this large number of people leaving at night and in the dark may cause congestion and confusion within the crowd. By extending the licensing hours we can allow people to leave in phases;
- Local Area - As a large scale event with alcohol involved, if everyone has to leave at one time there could be a run on other local establishments, which will no doubt already be pushed to capacity. We would like to allow our security team to work with local bars in order to phase the crowd leaving instead of everyone having to leave at once. This issue has been backed up by several of the nearby establishments;
- Transport - We want to ensure each guest is able to get warm and safe transport home - by having everyone leave in phases we can ensure this happens instead of all wanting taxi's at one time;
- Musicians - We are promoting exclusively Northern Irish emerging talents, supporting every genre from pop, singer-songwriter, DJ, rock and traditional music. By having extended licensing we can showcase 23 artists opposed to 17 and
- Finances - Due to having to hire extra marquees, higher levels of insurance, heating costs and stage costs the festival is costing around 40% more than the last event. By having the extra entertainment licence hours we can keep the festival running longer and recuperate some more of these costs and strive to break even for the festival. We do not do this to make a profit.

3.11 As this is not an application to vary the terms and conditions of the Outdoor Entertainments Licence, but a request for Council's permission to extend the hours under an existing licence condition, there is no requirement to advertise the application.

3.12 Officers from the Service have engaged with the organisers and with officers of the Parks Service and are currently working with them to determine an appropriate occupancy for the venue and ensure other arrangements are in place to manage the event safely.

3.13 Representatives of both the Parks Service and event organisers will be available at your meeting should you wish to seek further information about the event.

3.14 A copy of the letter from the event organisers about the festival and their rationale for the request to extend the hours is attached at Appendix 1.

3.15 A location map is attached at Appendix 2.

PSNI

3.16 The PSNI has been consulted in relation to the application. However due to the request to operate beyond 11.00 p.m. being received in June 2018 it has not responded as yet. Therefore, we will advise of the PSNI's response at the Licensing Committee meeting. The Police Service will also be consulted in advance of any proposed event to consider traffic management and wider operational policing issues.

NIFRS

3.17 As with all such events, a detailed planning meeting will be held, attended by officers of the PSNI and NIFRS, to look at public safety, traffic management, transport and any wider operational issues.

Health, Safety and Welfare Issues

3.18 Having worked with the event organisers for their June and December festivals, we are satisfied that the space can accommodate the proposed festival and, to date, the organisers have co-operated fully regarding measures to protect public safety and the surrounding area.

Noise Issues

3.19 The Environmental Protection Unit (EPU) has been notified of the intention to provide late night entertainment to 1.00 a.m. in the Park and been provided with a recently submitted noise report which outlines the promoters strategy to mitigate noise disturbance in the surrounding area.

3.20 EPU is supportive of all events aimed at improving the attractiveness and diversity of the City and communities. They are committed to working with organisers to ensure events are successful and to achieve a balance between the rights of residents, the event, the promotion of the city and the wider benefits to the local economy.

3.21 Given the cumulative impact of three late nights in a row and potential sleep disturbance to nearby residents, Officers are concerned that there is a greater potential for complaints after 11.00 p.m. Members are reminded that the Clean Neighbourhood and Environment Act (Northern Ireland) 2011 gives councils additional powers in relation to entertainment noise after 11.00 p.m.

3.22 Furthermore, The Code of Practice on Environmental Noise Control at Concerts advises that for events continuing after 11 p.m. the music noise should not be audible within noise sensitive premises with windows open. It is noted that in the event of excessive noise disturbance, the finish time may be brought forward.

3.23 2 noise complaints were received in relation to the festival in December 2017, and 3 arising from the event hosted in June 2017.

3.24 The complaints have been brought to the attention of the event organisers and will be taken into account in preparation for this event. No formal action was undertaken in respect of the noise complaints.

3.25 When all reports and supporting information have been developed they will be considered by Officers to ensure the technical requirements are in accordance with all relevant legislation and guidance. The noise assessment must demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises.

3.26 The organiser will also be required to produce a suitable resident's notification letter and we will agree the extent of its distribution prior to the event taking place. They will also be advised of the standard licence condition that significant complaints may lead to further late nights being curtailed.

Financial and Resource Implications

3.27 Officers will be required to carry out inspections at the event but this is catered for within existing Service budgets.

3.28	<u>Equality and Good Relations Implications</u> There are no equality or good relations issues associated with this report.
4.0	Documents Attached
	Appendix 1 – Rationle Appendix 2 – Location map