



<b>Subject:</b>	<b>Application for Extended Hours - Falls Park</b>
<b>Date:</b>	20 <sup>th</sup> June, 2017
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Darren McCamphill, Senior Building Control Surveyor, ext. 2444

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Some time in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report/Summary of main Issues</b>
1.1	To consider a request from the organisers of Féile an Phobail to hold a four-day music event within Falls Park, running from Wednesday 8th to Sunday 12th August 2018, and to permit the entertainment to run beyond 11.00 pm on all occasions.
<b>2.0</b>	<b>Recommendations</b>
2.1	Taking into account the information presented and any representations received, the Committee is required to consider the request to extend the hours of entertainment and, subject to all technical requirements being met, either:  <ol style="list-style-type: none"><li>1. agree if any or all of the four events should be permitted to take place beyond the standard hours of licence to 1.00 a.m. on all 4 occasions;</li><li>2. refuse to extend any or all of the hours as requested.</li></ol>

<b>3.0</b>	<b>Main Report</b>
	<p data-bbox="272 226 427 255"><b><u>Key Issues</u></b></p> <p data-bbox="165 293 1474 456">3.1 Members are advised that a Seven-Day Annual Outdoor Entertainments Licence and a Seven-Day Annual Indoor Licence for a Marquee has been granted for Falls Park and both have been used to hold numerous events in the past; primarily for this event. The Licences are held by the City and Neighbourhood Services Department and are transferred to the organisers for the duration of their event.</p> <p data-bbox="165 495 1474 562">3.2 The days and hours during which entertainment may be provided both outdoors and in a marquee, are Monday to Sunday from 11.30 a.m. to 11.00 p.m.</p> <p data-bbox="165 600 1474 667">3.3 In addition, the following Special Conditions are attached to both the Marquee and Outdoor Entertainments Licences:</p> <ul data-bbox="325 696 1390 1263" style="list-style-type: none"> <li>• maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals;</li> <li>• prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council;</li> <li>• any requests to provide entertainment later than 11.00 pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event; and</li> <li>• should an application to provide entertainment beyond 11.00 pm 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.</li> </ul> <p data-bbox="165 1301 1474 1435">3.4 The organisers have not yet finalised all of the artists to perform at this year's event but they have confirmed that the genre and type of entertainments will be similar to previous years. However, Olly Murs has been identified as the headline act to perform on 11th August. Musical performances are also scheduled for 8th, 10th, and 12th August.</p> <p data-bbox="165 1473 1474 1570">3.5 The People and Communities Committee, at its meeting on 5th June, agreed the use of the park for this event subject to satisfactory terms being agreed with the Director of City and Neighbourhood Services and on condition that:</p> <ul data-bbox="325 1608 1474 1868" style="list-style-type: none"> <li>• The Event Organisers resolve all operational issues to the Council's satisfaction.</li> <li>• An appropriate legal agreement is prepared by the Town Solicitor.</li> <li>• The Event Organisers meet all statutory requirements including Public Liability Insurance cover, Health and Safety, Food Safety and licensing responsibilities.</li> <li>• The Event Organisers obtain licences for the sale of alcohol, in a timely manner through the appropriate channels.</li> <li>• The timely payment of the agreed charges and bonds as required in the legal agreements.</li> </ul> <p data-bbox="165 1906 1474 1935">3.6 This decision will be subject to ratification by Council on 2nd July.</p>

3.7	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.
3.8	As this is not an application to vary the terms of the Outdoor licence, but a request for Council's permission to extend the hours under an existing Licence Condition, there is no requirement for public advertisement in this case.
3.9	Members may recall that, last year, you agreed to grant the organisers permission to operate all of their eleven nights of the event at the venue beyond the standard hours of 11.00 p.m. to 12.00 a.m.
3.10	Members will be aware that the Committee has granted extensions beyond the standard hours of 11.00 p.m. for other events and festivals including the Cathedral Quarter Arts Festival at your March meeting.
3.11	The Committee has also granted extensions for other events and venues across the City, including Lower Crescent Park.
	<p><b>Rationale for additional hours</b></p>
3.12	The organisers have confirmed that this is the 30th year of the event, which has always been staged as a community event for the people. The event has grown over the years from being held over 2 to 3 days to a full festival running over 10 or 11 days, offering a mixture of entertainments, social hubs, artistic performances, sports activities to multi-cultural and educational events. This year's festival will run from 2nd -12th August.
3.13	The event organisers have cited that, after significant engagement with the local community and stakeholders, the entertainment aspect of the festival within Falls Park has been consolidated from 11 nights of entertainment to 4 nights of entertainment.
3.14	The event organisers have also indicated that, although the application is to provide 4 nights of entertainment to 1.00 a.m., it is envisaged that entertainment will only run to 1.00 a.m. on 8th August. Entertainment on the remaining evenings will finish before this time.
3.15	The ability to operate beyond the permitted hours to 1.00 a.m. allows the organisers to develop their plans around some of the diversionary activities they propose to put in place to help with the ongoing antisocial behavior issues and to take kids off the streets by giving them somewhere safe to go to. In addition to the entertainment and social aspect of the event, there are proposals to introduce activities involving sport and discussion for the youth to engage with.
3.16	As reported at 3.4, acts for this year's festival are still being finalised, but a number of international artists that will appeal to all age groups are booked and a full running order should be completed during the month of June.
3.17	A representative of the Parks Service will be available at your meeting should you wish to seek further information about the event.
3.18	A copy of the letter from the organisers, outlining the background to the festival and reasons for requesting the extended hours to 1.00 a.m., is attached at Appendix 1.
3.19	A location map is attached at Appendix 2.

## **PSNI**

3.20 The PSNI has been consulted in relation to the event and has confirmed that the organisers have been in regular contact with it regarding it and their proposal to operate each night beyond the permitted hours to 1.00 a.m. It has also been working with them regarding traffic management and an Occasional Liquor Licence application.

3.21 As a result, the PSNI has offered no objection to the event and the proposal to operate beyond the permitted hours. A copy of its comments is attached at Appendix 3.

## **Health, Safety and Welfare Issues**

3.22 Officers have engaged with the organisers and officers of the Parks Service and they have provided a draft Event Management Plan and Site Plan. A significant change in the format of the event is the proposal to host all entertainment completely outdoors. Previously entertainment was hosted for the duration of the event within a marquee.

3.23 Event organisers continue to engage with the Service as the proposals in relation to the events develop.

3.24 Officers from the Service have carried out during performance inspections over previous events organised by Féile an Phobail and have always found the organisers to be professional in their approach and have had no issues with the health, safety and welfare management of events during that time.

## **Noise issues**

3.25 The Environmental Protection Unit (EPU) has been notified of the intention to provide late night entertainment to 1.00 a.m. on the identified nights in Falls Park. An acoustic report has not been provided to the Unit at this stage. The proposed event space still remains the subject of ongoing construction works. When construction works have been completed the site will be available for analysis by the organisers Acoustic Consultant.

3.26 EPU is supportive of all events aimed at improving the attractiveness and diversity of the City and communities. It is 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.

3.27 Given the cumulative impact of four late nights so close together 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 pm.

3.28 Furthermore, The Code of Practice on Environmental Noise Control at Concerts advises that for events continuing after 11pm 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.

3.29 Last year there were 27 noise complaints in relation to Falls Park over the course of the festival. 25 of these complaints were received between 11.00 p.m. and 1.00 a.m. A measurement taken inside a complainant's bedroom at 11.19 pm with the window open was 42db LAeq. This significantly exceeded the World Health Organisation (WHO) guidelines of 30 dB(A).

3.30	Loud bass beat could be heard in the surrounding area. The complainants commented that they were unhappy with the 1.00 a.m. finish.
3.31	The complaints were brought to the attention of the event organisers both at the time of the events and in discussions with the organisers in preparation for this year's Feile. No formal action was undertaken in respect of the noise complaints.
3.32	When all reports and supporting information have been developed they will be considered by officers to ensure that 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 and have been advised of the standard licence condition that significant complaints may lead to further late nights being curtailed.
3.33	<p>The organisers 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.</p> <p><b><u>Financial and Resource Implications</u></b></p>
3.34	<p>Officers will be required to carry out inspections at the event but this is catered for within existing Service budgets.</p> <p><b><u>Equality and Good Relations Implications</u></b></p>
3.35	There are no equality or good relations issues associated with this report.
<b>4.0</b>	<b>Documents Attached</b>
	<p>Appendix 1 – Rationale for requesting the extended hours</p> <p>Appendix 2 – Location Map</p> <p>Appendix 3 – PSNI Correspondence</p>