



<b>Subject:</b>	<b>Application to provide outdoor musical entertainment beyond 11.00 pm at Falls Park</b>
<b>Date:</b>	21 June, 2023
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	Darren McCamphill, Lead 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 checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
<b>1.1</b>	To consider a request from the organisers of Féile an Phobail to hold a festival event within Falls Park, running from Saturday 5 August to Sunday 13 August 2022, and to permit the entertainment planned to run beyond 11.00 pm on up to 6 occasions.
<b>2.0</b>	<b>Recommendations</b>
<b>2.1</b>	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:  <ol style="list-style-type: none"><li>1. Agree if any or all 6 of the events should be permitted to take place beyond the standard hours of licence to 1.00 am; or</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 454"><b>3.1</b> Members are advised that a 7-Day Annual Outdoor Entertainments Licence and a 7-Day Annual Indoor Licence for a Marquee has been granted for Falls Park and both have been used to hold 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 555"><b>3.2</b> The days and hours during which entertainment may be provided both outdoors and, in a marquee, are Monday to Sunday from 11.30 am to 11.00 pm.</p> <p data-bbox="165 595 1474 656"><b>3.3</b> In addition, the following Special Conditions are attached to both the Marquee and Outdoor Entertainments Licences:</p> <ul data-bbox="320 696 1390 1160" 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.</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 1200 1474 1328"><b>3.4</b> The programme of events at the festival continues to be developed. At this time, the organisers have indicated that events are scheduled for 5<sup>th</sup>, 8<sup>th</sup> 10<sup>th</sup>, 11<sup>th</sup> and 13<sup>th</sup> August. Additionally, while final confirmation of an act is pending, the organisers have indicated that their request to operate beyond 11.00pm include Saturday 12<sup>th</sup> August.</p> <p data-bbox="165 1368 1474 1496"><b>3.5</b> The Strategic Policy and Resources Committee, at their meeting on 21st April 2023, considered applications associated with the Summer Community diversionary festivals programme. The report was inclusive of Féile an Phobail and approval for funding was granted.</p> <p data-bbox="165 1536 1474 1641"><b>3.6</b> 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 data-bbox="165 1682 1474 1776"><b>3.7</b> 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.</p> <p data-bbox="165 1816 1474 1877"><b>3.8</b> Members are reminded that in 2022 you agreed to grant the organisers permission to operate on all 4 nights of the event beyond the standard hours of 11.00 pm to 1.00 am.</p> <p data-bbox="165 1917 1474 1977"><b>3.9</b> Members will be aware that in previous years the Committee has granted extensions beyond the standard hours of 11.00 pm for other events and festivals in the City.</p>

### **Rationale for additional hours**

- 3.10** The event has been running for over 30 years as a community festival. The event has grown over the years from being held for 2-3 days to a full 10-to-11-day festival offering a mix of arts and cultural events including music concerts, comedy, tours and walks, debates and discussions, exhibitions / visual arts, theatre, youth and community and sporting events. This year's festival will run from Thursday 3<sup>rd</sup> August to Sunday 13<sup>th</sup> August.
- 3.11** In former years the event organisers consolidated the entertainment events at Falls Park to 3 or 4 nights. This decision was motivated by a desire to limit disruption to the community in close proximity to Falls Park.
- 3.12** Previously, operating beyond the permitted hours to 1.00am was part of the organisers strategy to mitigate against antisocial behaviour in the greater Belfast area.
- 3.13** A representative of the event organiser has been invited to attend your meeting.
- 3.14** A Location Map is attached as Appendix 1.

### **PSNI**

- 3.15** The PSNI have been contacted by the Service in relation to the event. At the time of writing of this report the Service have not received a response to this request, we will update Committee at your meeting.
- 3.16** Should Members be minded to recommend approval of the extended hours sought this should be subject to a satisfactory response from the PSNI on the matter.

### **Health, safety and welfare issues**

- 3.17** Officers have engaged with the organisers and Officers of the Parks Service in relation to the festival. Officers will participate in the multi-agency meeting held in advance of the event with the event organisers.
- 3.18** The event organisers have confirmed the Event Management Plan in support of the event has been developed. Once this document has been received it will be evaluated by the Service and shared with officers of other council Services.
- 3.19** Officers from the Service have carried out during performance inspections at previous events organised by Féile an Phobail and found that the organisers have adhered to the health, safety and welfare management requirements during that time.

### **Noise issues**

- 3.20** The event organiser has engaged with an independent acoustic consultant to develop a noise mitigation strategy. Once received by the Service this strategy will be provided to Environmental Protection Unit (EPU) for appraisal.
- 3.21** A significant consideration for EPU will be the proposal to provide outdoor entertainment after 11.00pm. Members are reminded that the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 gives councils additional powers in relation to entertainment noise after 11.00 pm.

3.22	The EPU received a total of 58 noise complaints regarding the festival in 2022. A total of 36 noise complaints were solely attributed to the diversionary event on Monday 8 <sup>th</sup> August 2022. Complaints related to the volume of music and the finishing time of the dance event on this evening.
3.23	Complaints received were brought to the attention of the event organisers and following conclusion of the festival a detailed summary of all noise complaints provided for their consideration. No formal action was undertaken by EPU in respect of the noise complaints received.
3.24	For this year's festival, there is the potential for 4 consecutive nights of music proposed to run to beyond 11.00pm. The cumulative impact of disturbance from musical entertainment and congregation of large numbers of patrons attending the park has the potential to give rise to community annoyance.
3.25	The organisers have identified that they anticipate entertainment will go to 1.00am on one occasion only, the diversionary event on 8 <sup>th</sup> August 2023. On previous years remaining nights of entertainment have finished prior to 1.00am.
3.26	The event organisers will again be required to engage with an acoustic consultant and requested to document a noise mitigation strategy for each night of entertainment. The purpose of the strategy will be to demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises. The event organisers will be reminded of the standard licence condition that receipt of significant complaints may lead to further late nights being curtailed.
3.27	The organisers will also be required to produce a suitable residents pre-notification letter containing a nominated event organiser contact that that residents may refer concerns or make complaints to. The extent of the letter's distribution, which will take place prior to the event will be agreed with the event organiser by the Service in consultation with EPU officers.
<b><u>Financial and Resource Implications</u></b>	
3.28	Officers will carry out inspections at the events which will be catered for within existing Service budgets.
<b><u>Equality and Good Relations Implications/Rural Needs Assessment</u></b>	
3.29	There are no issues associated with this report.
<b>4.0</b>	<b>Appendices – Documents Attached</b>
	<ul style="list-style-type: none"> <li>• Appendix 1 – Location Map</li> <li>• Appendix 2 – Rationale for requesting the extended hours</li> </ul>