



Belfast City Council

Report to:	Licensing Committee
Subject:	Application for the Renewal and Variation of a Seven-day Annual Outdoor Entertainments Licence - Custom House Square
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	Applications were received on 20th February from the Department for Social Development for the renewal and variation of the Seven-day Annual Outdoor Entertainments Licence for Custom House Square.						
1.2	The outdoor licence is based on the Council's standard conditions to provide outdoor musical entertainment. However, there is also an indoor Entertainments Licence in place at the venue to facilitate the holding of events in a marquee based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind. <table><thead><tr><th>Venue and Location</th><th>Ref. No.</th><th>Applicant</th></tr></thead><tbody><tr><td>Custom House Square Belfast, BT1 3GB</td><td>WK/201400221</td><td>Mr Michael Pettigrew Dept for Social Development (DSD) 4th Floor Oxford House 49-55 Chichester Street Belfast, BT1 4HL</td></tr></tbody></table>	Venue and Location	Ref. No.	Applicant	Custom House Square Belfast, BT1 3GB	WK/201400221	Mr Michael Pettigrew Dept for Social Development (DSD) 4th Floor Oxford House 49-55 Chichester Street Belfast, BT1 4HL
Venue and Location	Ref. No.	Applicant					
Custom House Square Belfast, BT1 3GB	WK/201400221	Mr Michael Pettigrew Dept for Social Development (DSD) 4th Floor Oxford House 49-55 Chichester Street Belfast, BT1 4HL					
1.3	Members are advised that both of these Entertainments Licences has been in place since the Square was redeveloped in 2005.						
1.4	Members may recall that an objection was received last year to the renewal of the Outdoor Entertainments Licence from a resident of the Square acting on behalf of the Custom House Residence Management Board.						
1.5	On 17th April, 2013, the Committee heard representations from the licensee and the objector and, having considered all the matters, agreed to renew the Licence subject to the following condition that: <ul style="list-style-type: none">Entertainment be restricted to no more than three successive nights in any given seven day period, with exceptions being made for Bank and Public Holidays.						

1.6	However, due to information which came to light after your meeting ,you agreed to reconsider this decision at your meeting of 19 June 2013 and receive a delegation from the licensee and the promoter of the Belsonic event.
1.7	After reconsidering the application and information presented on 19 June 2013, you agreed to amend the original condition regarding the permitted number of nights of successive entertainment, as follows, that: <ul style="list-style-type: none"> • Entertainment be restricted to no more than three nights in any given seven day period, with an exception being made for Bank or Public Holidays when an additional night will be permitted in that seven day period.
1.8	Specifically for last year's Belsonic event, you also agreed that they could provide two additional nights of entertainment on Tuesday 20 and Wednesday 21 August in addition to the standard restriction relating to the provision of entertainment in any 7 day period. Entertainment was also permitted to be provided to midnight on Sunday 25 August, which was the bank holiday weekend.
1.9	The promoters of Belsonic have confirmed with the Service that, whilst this year they will not be providing entertainment beyond the standard hours, they would like the possibility of providing an additional night over and above the days as specified in para 1.7. They may not require this extra night but need the assurance that if they secure an act they can accommodate the extra night in their programme. If approved the number of nights this year will be less than granted in 2013.
1.10	The standard days and hours for both the Outdoor Entertainments Licence and Indoor Entertainment in a marquee are: <p style="text-align: center;">Monday to Sunday: 11.30 a m to 11.00 p m.</p>
1.11	It's recognised that Custom House Square has grown in popularity since its introduction in 2005 and is regarded by many as a premier outdoor event space, which contributes to the vibrancy of the night time economy. It has hosted numerous and varied musical and cultural events each year, including Belsonic, Lady Boys of Bangkok and the recent Cathedral Quarter Arts Festival.
1.12	A list of the events that took place in the Square last year along with those planned for this year are attached. It should be noted that not all of the events listed require to be licensed for entertainment.

2.0	Key Issues
	Reasons for the variation
2.1	The licensee has stated that the application to vary the licence is being requested in relation to this year's Belsonic event to facilitate any potential request from the promoters to hold an 8 th night of entertainment, which would thereby exceed the quota permitted as a condition on the Entertainments Licence.
2.2	The promoters of Belsonic have been in regular contact with Officers of the Service and have advised that this year's event will be held over 7 days. However, they have also indicated that they may wish to hold an 8 th night and, following our advice, the licensee is applying for the variation as a measure to cover it should it take place.
2.3	At the time of writing this report the promoters of Belsonic have not yet confirmed any proposal to hold an 8 th night. However, time is still available to them to do so as they traditionally don't release these dates until closer to the event. Members are advised that to date they have only released acts for 5 nights of their planned 7 night programme.

2.4	The promoter for Belsonic has also confirmed that they will not be operating beyond the standard hours of 11.00 pm.
Representations	
2.5	Public notices of the applications were placed in the Belfast Telegraph and the Irish News within 7 days of the application being made and no objections have been received.
PSNI	
2.6	The Police have been consulted about the applications and have confirmed they have no objections.
2.7	They state that they have been involved with events at the venue since it was first opened in conjunction with Officers of the Council and have not witnessed any incidents or received any reports of incidents from members of the public.
2.8	They also advised us that overall, each event has been well run and they have had a good relationship with each of the organisers that have used the venue. PSNI comments regarding the applications are appended to this report for your information.
Health, safety and welfare issues	
2.9	Officers of the Service have been extensively involved with licensed events at the venue and throughout this time have experienced no difficulties with the licensee or event organisers who have used the Square.
2.10	Officers have also attended the events to carry out during performance inspections and noted no incidents of significance relating to the health, safety or welfare of those present at the events.
2.11	The Service has however received noise complaints as a result of events at the venue, which were received via the Night Time Noise Team and EPU, as outlined below.
Noise Issues	
2.12	The Environmental Protection Unit (EPU) has been consulted in relation to the applications.
2.13	Due to the various residential developments situated in close proximity to the venue, EPU feel it is important to protect the night time period between 11.00pm and 7.00am for residents. They are supportive of all events aimed at improving the attractiveness and diversity of the City but that this should be achieved while in compliance with the relevant legislation and recognising and respecting the rights of residents to enjoy their property by exercising appropriate control of such events, as is expected by the public.
2.14	<p>EPU has confirmed that they have received a number of complaints regarding the use of the Outdoor Entertainments Licence at Custom House Square but no formal action was deemed necessary in relation to these complaints. A summary of the complaints received are as follows:</p> <ul style="list-style-type: none"> • Belsonic: A total 4 complaints were received last year. 3 were received over the course of the 8 days and one after the event. In 2012 the event generated a total of 2 complaints.
2.15	An Officer from the Environmental Protection Unit will be available at the meeting to answer any queries Members may have in relation to noise issues.
2.16	<p>Licensee</p> <p>The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.</p>

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

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

5.0	Recommendations
5.1	Taking into account the information presented you are required to consider the application for the renewal and variation of this licence and to: <ol style="list-style-type: none"> 1. Approve the applications for the renewal and the variation to amend the current condition regarding the number of successive nights of entertainment over a 7 day period, or 2. Approve the applications with special conditions; in addition to the standard conditions, or 3. Refuse the application for the variation of the licence, or 4. Refuse the applications for renewal and variation of the licence
5.2	If the 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.
5.3	In the case that you refuse to renew the licence, and the applicant subsequently decides to appeal, entertainment may still be provided until any such appeal is determined.

6.0	Decision Tracking
<p>If the applications are granted, the applicant will be sent a copy of the Licences within 7 days of the Council decision. The person responsible for this action is Trevor Martin, Head of Building Control.</p> <p>If the applications are refused, or special conditions are attached to the Licences 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 Appendix 2 - List of events in 2013 and 2014 Appendix 3- Location map Appendix 4 - PSNI comments</p>	