



Subject:	Application for the Grant of a 7-day Annual Outdoor Entertainments Licence for an area of land under M3 Motorway at Donegall Quay
Date:	16 th September, 2015
Reporting Officer:	Trevor Martin, Head of Building Control, ext. 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

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 or Summary of main Issues						
1.1	<p>To consider an application from Mr Liam Lynch, Director of both Square Pit Limited and No Limat Limited for the grant of a 7-Day Annual Outdoor Entertainments Licence for an area of land under the M3 Motorway at Donegall Quay based on the Council's standard conditions to provide outdoor musical entertainment.</p> <table border="0"><thead><tr><th>Area and Location</th><th>Ref. No.</th><th>Applicant</th></tr></thead><tbody><tr><td>Area of land under M3 Motorway at Donegall Quay Belfast</td><td>WK/201502011</td><td>Mr Liam Lynch Square Pit Limited Suite 13 21 Botanic Avenue Belfast, BT7 1JJ</td></tr></tbody></table>	Area and Location	Ref. No.	Applicant	Area of land under M3 Motorway at Donegall Quay Belfast	WK/201502011	Mr Liam Lynch Square Pit Limited Suite 13 21 Botanic Avenue Belfast, BT7 1JJ
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1.2	A copy of the Application Form is attached as Appendix 1.						
1.3	A location map is attached as Appendix 2.						
1.4	Members are reminded that all applications for the grant of Outdoor Entertainments Licences must be brought before Committee for consideration.						
1.5	In addition, under the terms of the Local Government Miscellaneous Provisions (NI) Order 1985, in considering any application for the grant, renewal, or transfer of an Entertainments Licence, the Council must have regard to any conviction of the applicant of an offence under the Order within the period of five years immediately preceding the date when the application was made.						
1.6	Mr Lynch was convicted of an offence under the Order at Belfast Magistrates Court on the						

7th May 2013.

- 1.7 That offence related to a breach of Entertainments Licensing conditions for the T13 complex in so far as he had not provided the Council with one month's notice of his intention to provide entertainment for children or sought its agreement on the maximum number of patrons to be admitted to the event. In addition, he failed to provide an Event Management Plan and to make the premises' log book available for inspection.
- 1.8 As a result Mr Lynch was fined a total of £200 and ordered to pay court costs of £109 for the offence with a 12 month conditional discharge.
- 1.9 Following the offences Officers of the Service met with Mr Lynch to review all of his procedures and ensure that appropriate measures were in place to prevent a recurrence.
- 1.10 Since the conviction in 2013, a renewal application was brought before the Licensing Committee on the 22nd January 2014 and, after consideration, the Committee agreed to renew the Entertainments Licence.
- Recent findings**
- 1.11 Subsequently, two further offences have been referred to Legal Services to initiate legal proceedings against the licensee, No Limat Limited of which Mr Lynch is a Director. These are as follows:
- No Limat Limited failed to comply with the terms and conditions of the Entertainments Licence as an appropriate Event Management Plan was not submitted to the Council in advance of an event held on the 21st June 2014. There is a special condition attached to the Entertainments Licence which requires the licensee to provide an Event Management Plan at least 28 days in advance of an event.
 - On Saturday 6th September 2014 Officers of the Council's Night Time Noise Team investigating noise complaints observed entertainment being held at the venue beyond 1.00 am; the latest permitted hours of entertainment.
- 1.12 As part of the investigation into the matters and to give No Limat Limited an opportunity to provide an explanation in relation to the offences, we sent them letters in accordance with the Codes of Practice issued pursuant to the Police & Criminal Evidence (NI) Order 1989 (PACE). A copy of our letters is appended to this report as Appendix 3.
- 1.13 No Limat Limited has since responded to the letters with an explanation relating to each matter. A copy of that response is appended to this report for your information as Appendix 4.
- 1.14 A summons has been lodged with the Court in respect of those offences and those will be dealt with in due course.
- 1.15 Following these offences Officers of the Service have held several meetings with Mr Lynch to undertake a further review of safety procedures and to ensure that appropriate measures were quickly put in place to prevent a recurrence of the offences discovered.
- 1.16 The meetings were held between Building Control Officers, EPU Officers, Mr Lynch and his representatives. The meetings were also used to review the acoustic report for the premises, the associated noise control measures, and all matters relating to health, safety, welfare and crowd safety provisions.

1.17	Officers are now satisfied that the management of T13 have overcome their problems and throughout our discussions they have been helpful and cooperative and, recognising their failings, have accepted responsibility for the offences.
1.18	<p>Below is a summary of the changes that have been put in place:</p> <ul style="list-style-type: none">• Regular contact established with the Building Control Service when an event is being planned and details are forwarded by Mr Lynch to the Service about all planned events to prevent any licensable events from being missed.• Mr Lynch attends regular meetings with Building Control and the EPU Officers.• Council staff are afforded the opportunity to attend any event taking place (whether it requires a licence or not) to ensure all requirements are met.• A new acoustic report has been provided which outlines the new procedures in order to measure and control noise levels.• Neighbourhood notification will be carried out in advance of each event.• Acoustic Engineer to be present on each night of an event to monitor noise levels.
1.19	As a result, Mr Lynch has respectfully requested that the Council consider granting the Entertainments Licence to cover the planned programme and Contained Belfast project prior to the outcome of the legal proceedings.

2.0

Recommendations

2.1	Notwithstanding the opportunity to refuse the application on any other grounds, the Council may refuse an application for an Entertainments Licence on the grounds that the applicant has been convicted of an offence under the Order within the period of 5 years immediately preceding the date when the application was made.
2.2	<p>Taking into account the information presented and any representations received you are required to consider the application and to:</p> <ol style="list-style-type: none"> 1. Approve the application for the grant of a 7-day Annual Outdoor Entertainments Licence, or 2. Approve the application for the grant with special conditions, or 3. Refuse the application for the grant of the 7-day Annual Outdoor Entertainments Licence.
2.3	If the application is granted it will be conditional upon any outstanding technical matters, such as those relating to noise management, being completed to the satisfaction of the Council.
2.4	If 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. In the case that the applicant subsequently decides to appeal outdoor entertainment may not be provided until any such appeal is determined.

3.0	Main report
	<u>Key Issues</u>
3.1	<p>The standard days and hours for an Outdoor Entertainments Licence are:</p> <ul style="list-style-type: none"> • Monday to Sunday: 11.30am to 11.00pm.
3.2	<p>In addition, the following special conditions are usually attached to Outdoor Licences:</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. 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. 3. Any requests to provide entertainment later than 11.00pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event. 4. 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 Health and Environmental Services, in consultation with the Town 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.

3.3	The area to be licensed is owned by the Department for Regional Development (DRD) and is an expansive piece of unused land under the M3 motorway flyover.
3.4	The applicant intends to use the site for an event called Contained Belfast 2015, which is designed to animate urban spaces to connect the city and support the city events programme. The event will showcase local talent through entertainments, local businesses, education employability and diversionary outreach and contribute to experimental tourism. The proposal is being supported as part of an initiative identified in the Belfast Integrated Tourism Strategy 2015-2020 as the Ideas Factory.
3.5	Members may be aware that a report about the Ideas Factory has already been presented to the City Growth and Regeneration Committee at their meeting on the 12 th August 2015.
3.6	The purpose of the report was to seek approval to commit resources to support the development and delivery of the project. The long term governance structure required to deliver the Ideas Factory over the next five years is currently being developed and will be in place by April 2016. It's envisaged that this will be an independent consortium that will help support innovation and entrepreneurship within the tourism sector in order to improve the quality and variety of the tourism product offer.
3.7	However, in order to meet the requirements of the strategy's agreed Year 1 Delivery Plan, it is necessary to progress projects in the current financial year, such as this project being developed in conjunction with the applicant and T13, who are named in the integrated Tourism Strategy and identified as a leading partner in the area of urban sport and adventure.
3.8	The applicant proposes to deliver Contained Belfast 2015 from September 2015 to December 2015 to help animate the city. Contained Belfast includes a project which has been inspired by best practice in urban animation from other UK and European cities. The approach takes the concept of pop-up or temporary spaces, such as the area of land under the M3 flyer, as a key regeneration driver.
3.9	<p>The Belfast project will utilise shipping containers to create innovative urban spaces helping to connect the city centre to the river and the Titanic Quarter. The project will deliver 4 key elements:</p> <ol style="list-style-type: none"> 1. Services providing cafe facilities, wifi and workstations 2. Activities such as urban sports and cultural performances 3. Exhibitions including film screenings 4. New music and global brands
3.10	<p>The project will take place over three months and deliver a programme engaging with brands including Mini Cooper, Jameson Whiskey, Toyota and Ministry of Sound. The top line programming will integrate a range of themes that are clearly identified and aligned to the Tourism Strategy. These will include:</p> <ul style="list-style-type: none"> • Urban Music and Art • Food and Drink • Film and Screen • Urban Sport and Adventure
3.11	The City Growth and Regeneration Committee subsequently agreed that the applicant should deliver the Contained Belfast project as part of the Belfast Integrated Tourism Strategy's Ideas Factory and have approved a contribution of £60,000 from the Tourism,

	Culture and Arts Unit's 2015-2016 budget.
3.12	The applicant has met with officers of the Service in order to have plans and measures in place including any licences required for the range of events they propose will take place.
	<u>Representations</u>
3.13	A Public Notice of the application has been placed but the date by which representations may be made is not due to expire until the 1 st October 2015. At the time of writing this report no written representation has been lodged as a result of the advertisement.
3.14	A further update will be provided at your meeting but in light of the statutory 28 day period not expiring until the 1 st October permission is sought that the Head of Service be granted delegated authority to issue the Entertainments Licence if no objections are received. Should representations be received the application will be brought back before you for further consideration. Such delegated authority is only sought if Members are satisfied that the licence be issued in light of the previous and pending legal action against the applicant.
	<u>PSNI</u>
3.15	The Police Service of Northern Ireland has been consulted and has confirmed that they have no objection to the application and are in support of the project. The police will also be invited to attend all pre-event meetings to discuss traffic management and wider operational policing issues prior to the event being held. A copy of their response is attached as Appendix 3.
	<u>NIFRS</u>
3.16	The Northern Ireland Fire and Rescue Service have also been consulted and have no objection to the application. However, as with the PSNI and other partner agencies, they will also be invited to attend any pre-event meetings.
	<u>Health, safety and welfare</u>
3.17	Officers of the Service have met with the applicant regarding this event and the overall project to ensure that the appropriate documentation, such as an Event Management Plan, will be developed and in place. Discussions are ongoing in this regard but Officers will ensure that all safety and technical requirements are met in advance of any event taking place should you decide to grant the licence.
	<u>Noise</u>
3.18	The applicant intends to appoint an acoustic consultant in due course and develop an appropriate Noise Management Plan for the event and space. The Environmental Protection Unit has been informed of the application and the Unit will be consulted on the Noise Management Plan for approval.
	<u>Applicant</u>
3.19	The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.
	<u>Financial & Resource Implications</u>
3.20	Officers will be required to carry out inspections for each outdoor event and attend any planning meetings which are catered for within existing budgets.
	<u>Equality or Good Relations Implications</u>
3.21	There are no equality or good relations issues associated with this report.

4.0	Appendices – Documents Attached
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	<ul style="list-style-type: none">• Appendix 1 – Application Form• Appendix 2 – Location map• Appendix 3 – PSNI comments• Appendix 4 – PACE letters• Appendix 5 – Response from licensee