

**LIMAVADY BOROUGH COUNCIL
COMHAIRLE BHUIRG LÉIM AN MHADAIDH**

SPECIAL MONTHLY COUNCIL MEETING

10 JULY 2008

Minutes of meeting held in the Council Offices, 7 Connell Street, Limavady at 7 pm on the above date.

PRESENT:

In the Chair: Councillor Chivers

Aldermen G Robinson, G Mullan and J Rankin. Councillors A Brolly, P Butcher, M Carten, L Cubitt, M Coyle, M Donaghy, B Douglas, C Ó hOisín, J F McElhinney A Robinson and E Stevenson

IN ATTENDANCE:

Committee Clerk, Director of Support Services, Environmental Health Manager and Building Control Manager.

APPLICATION FOR GRANT OF ENTERTAINMENT LICENCE FOR OPEN AIR MUSIC FESTIVAL:

The Building Control Manager referred to application for grant of Entertainment Licence for open air festival to be held 15 – 17 August 2008 in fields adjoining 61 Ballyavelin Road, Limavady. He tabled report which outlined that in processing the application Council was required to apply legislation under the Local Government (Miscellaneous Provisions) (NI) Order 1985, including 28 days public notice and consultation with the PSNI and Northern Ireland Fire & Rescue Service.

The Building Control Manager explained that in considering the application the Council shall:

- (i) have regard to any observations submitted to it by the Police Service for Northern Ireland & Northern Ireland Fire & Rescue Service.
- (ii) have regard to any conviction of the applicant of an offence under paragraph 10 within the period of 5 years immediately preceding the date when the application was made.
- (iii) give an opportunity of appearing before and of having heard by the Council to the applicant.
- (iv) have regard to any representation of which notice has been sent to it.
- (v) give an opportunity of appearing before and of being heard by the council to any person who has made any such representation.

In addressing these issues, a Licence may be granted (i) on such terms and conditions and (ii) subject to such restrictions as may be specified on it.

No terms, conditions or restrictions shall be specified in a Licence for the use of any place for an entertainment to which Outdoor Musical Entertainment applies unless they are so specified for all or any of the following purposes, namely:-

- (i) for securing general safety at the entertainment for which the Licence is granted
- (ii) without prejudice to the generality of (i), for securing adequate access for fire engines, ambulances, police cars or other vehicles that may be required in an emergency.
- (iii) for securing the provision and maintenance of adequate sanitary appliances and things used in connection with such appliances.
- (iv) for preventing persons in the neighbourhood being unreasonably disturbed by noise.
- (v) for securing the provision and maintenance of receptacles for litter.

The Building Control Manager stated that having considered the information provided by the applicant and consultees and the advice from specialist officers, it was recommended that Council approve the application for Entertainment Licence subject to the following conditions:

1. The licensee shall appoint a suitably qualified and experienced acoustic consultant, to the approval of the Limavady Borough Council, no later than 2 weeks prior to the event (1st August 2008). The acoustic consultant shall liaise between all parties including the Licensee, Promoter, sound system supplier, sound engineer and the Limavady Borough Council on all matters relating to noise control prior to and during the event.
2. If not already carried out, the acoustic consultant shall carry out a survey to determine the background noise levels (as defined by the Code of Practice on Environmental Noise Control at Concerts) at various locations around the venue representative of the noise sensitive premises likely to experience the largest increase in noise as a result of the concert and also monitoring to include the environs of Drumsurn village and Ardgargan. The information obtained from this survey shall be made available to the Limavady Borough Council 1 week prior to the event.
3. A noise propagation test shall be undertaken between 3pm to 8pm on Friday 15th August 2008 in order to set appropriate control limits at the sound mixer position. The sound system shall be configured and operated in a similar manner as intended for the event. The sound source used for the test shall be similar in character to the music likely to be produced during the event.
4. The Licensee shall ensure that the promoter, sound system supplier and all individual sound engineers have regard for the requirements of the Noise Council Code of Practice on Environmental Noise Control at Concerts and that any instructions from the acoustic consultant regarding noise levels shall be implemented.
5. The appointed acoustic consultant shall continually monitor noise levels at the noise sensitive receptors and at the sound mixer position and advise the sound engineer accordingly of any adjustments required to equipment to reflect the advice given in the Code of Practice to ensure that the noise limits are not exceeded. Limavady Borough Council shall have access to the results of the noise monitoring at any time. In addition a comprehensive written post event noise report from the Acoustic

Consultant must be submitted to Limavady Borough Council within 2 weeks of the close of the event.

6. Rehearsals and sound checks are permitted only between 15:00 hrs to 20:00 hrs on Friday 15th August 2008.
7. All amplified and live performance of music from the event is permitted only between the following hours on the stipulated day:

Friday 15th August 2008 (rehearsals and sound checks only)
15:00 hrs to 20:00 hrs.

Saturday 16th August 2008
10:30 hrs to 23:00 hrs

Sunday 17th August 2008
13:00 hrs to 23:00 hrs

Detailed performance schedules for each stage must be submitted to Limavady Borough Council at least 1 week prior to the commencement of the event.

8. The Licensee is required to provide Limavady PSNI with a full risk assessment to be agreed by them and fully implemented by the Licensee.

The Building Control Manager clarified that although the application complied with the legislation, if the conditions were not met the licence would not be granted. He said the post event noise report would allow Council to assess and provide evidence of issues to be addressed if the event was to be held every year.

In response to a query on complying with condition 5, the Building Control Manager clarified that the applicant would need to manage the event so that noise levels were adhered to and that officers on the ground would carry spot checks during rehearsals and when the event was taking place to ensure the organisers reacted right away to reducing noise to acceptable levels.

A member pointed out that the organisers had made no attempt to consult with the objectors since the last special meeting of Council on 1 July 2008 and it was suggested that Council take the views of the objectors on board in decision regarding application for Entertainment Licence. The Mayor outlined that she had tried to facilitate a meeting between the organisers and the objectors but this had been declined by the objectors. It was also pointed to the member that the public consultation period had closed at the end of June 2008.

After further debate, Councillor Brolly proposed, seconded by Councillor Butcher that the recommendation of the officer to grant an Entertainment Licence on the dates specified be accepted. A recorded vote was requested and on being put to the meeting was declared carried, with 8, namely Councillor Coyle, Alderman Mullan, Councillor Butcher, Councillor Chivers, Councillor Donaghy, Councillor Brolly, Councillor Ó hOisín and Councillor McElhinney voting for and 6, Councillor Douglas, Alderman Rankin, Councillor Stevenson, Councillor Cubitt, Councillor Robinson and Alderman Robinson voting against. Councillor Carten abstained from the vote.

Councillor Stevenson requested that it be noted that the way the Mayor had conducted the business had been highly irregular as the minutes of special meeting held 1 July 2008 had not been approved before discussion had taken place on application for Entertainment Licence. Councillor Douglas said that the meeting had been stage managed. The Mayor indicated that the minutes of the special monthly meetings would be brought to the next Monthly meeting.

On being asked for clarification, the Director of Support Services confirmed that Council could deal with the business of the meeting in a different order from that of the agenda and in fact had done so in the past. He also indicated that the minutes of the special meeting of 1 July 2008 could still be discussed but also felt that Council's decision on the entertainment licence was based on the officers' recommendation.

MINUTES:

The minutes of meeting held 1 July 2008 were noted.

THIS CONCLUDED THE BUSINESS
(The meeting ended at 7.50 pm)

Signed: _____
Chair of Meeting