

Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

APPLICATION FOR OUTDOOR EVENT LICENCE FOR

BEATYARD AT DÚN LAOGHAIRE HARBOUR

On dates between 30th July and 31st July 2016 (inclusive)

LEGISLATIVE CONTEXT

- i) Planning and Development Act, 2000, (as amended), Part XVI;
- ii) Planning and Development Regulations, 2001, (as amended).

Part XVI of the Planning and Development Acts, 2000, (as amended), provides for the requirement of a licence for the holding of outdoor events. Section 231 refers to Regulations relating to matters of procedure and administration for applications and the granting of licences. An event is defined in Section 229 of the Act as:

- (a) "a public performance which takes place wholly or mainly in the open air or in a structure with no roof or a partial, temporary structure and which is comprised of music, dancing, displays of public entertainment or any activity of a like kind, and"
- (b) "any other event as prescribed by the Minister under section 241".

Article 183 of the Planning and Development Regulations, 2001, (as amended) defines an event as being "an event at which the audience comprises 5,000 or more people shall be an event prescribed for the purposes of Section 230 of the Act."

APPLICATION

Dún Laoghaire-Rathdown County Council received an application for a licence from BEATYARD Ltd. on the 29th April 2016. It is proposed that a series of Outdoor Music and Food Events including music, food, cultural talks, games, art installations, markets and children's entertainment will be held between 30th July and 31st July 2016 (inclusive) at Dún Laoghaire Harbour.

The applicant has submitted a Draft Event Management Plan, with respect to the proposed event.

Outdoor Music and Food Events

The applicant has stated that the event has been held from 2011-2014 across multiple venues throughout Dublin and in 2015 the event moved to the disused Dún Laoghaire Ferry Terminal.

The event will be held in the grounds of the Dún Laoghaire Ferry Port. There will be a main stage and a small stage for the concerts proposed on the Saturday 30th and Sunday 31st July. The applicant states that the maximum anticipated attendance each day is 7,500 people and the audience profile is 25 – 45 years with children up to 12 years old. Each event will finish at 23:00hrs. The gates will open at 12:00hrs. both days.

The proposed Acts include 'Lee Scratch Perry', 'George Clinton Parliament Funkadelic', 'Roy Ayer', 'Draw with Don Conroy' and 'Stomptown Brass'.

Other attractions will include a market with local gourmet foods, cocktails & barista demonstrations, children's attractions, scientific exhibitions and cultural talks. The Departures Lounge in the Departure Building of the Ferry Terminal will be used for talks/children's attractions.

There will also be an 'eatyard' and three bars.

The Draft Event Management Plans submitted, note that cognisance of the following Codes of Practice and Publications was made in the preparation of the Draft Event Management Plan:

1. *Code of Practice for Safety at Outdoor Pop Concerts and Other Outdoor Musical Events* which is a voluntary Code issued by the Department of Education, January 1996.
2. *Code of Practice for Management of Fire Safety in Places of Assembly* Department of Environment, 1989.
3. *Code of Practice for Fire Safety of Furnishings and Fittings in Places of Assembly*, Department of Environment, 1989.
4. *Code of Practice for Safety and Indoor Concert*, Department of Environment, 1998.
5. *Code of Practice for Safety at Sports Grounds*, Department of Education, 1996.
6. *Temporary Demountable Structures, Guidance on Procurement, Design and Use*, The Institute of Structural Engineers, 2007.

The application also states that the event will be planned to ensure compliance with the Fire Services Act 1981 and the Fire Safety in Places of Assembly (Ease of Escape) Regulations.

The Draft Management Plan includes the following sections:

1. Introduction & General Arrangements
2. Event Management & Safety Strategy

3. Event Safety Measures
4. Health, Safety & Welfare Arrangements
5. Environmental Protection
6. Command, Control & Communications
7. Medical Facilities
8. Crowd Management & Security
9. Emergency Plans and Procedures
10. Traffic Management Plan.

It is considered that the application complies with requirements set out in Article 187 of the Planning and Development Regulations, 2001, (as amended) in relation to form and content of the application.

PRE-APPLICATION CONSULTATION

Article 186(1)(A) of the Planning and Development Regulations, 2001, (as amended), states that 'A local authority shall not accept an application for a licence for a proposed event unless a pre-application consultation meeting under article 184 has taken place in relation to the event during the 12 month period prior to the date of the event to which the application relates or, in the case of an application for a number of events at a venue in a period not exceeding one year, 12 months prior to the holding of the first event'.

A pre-application meeting was held in accordance with the above Article in the offices of the Local Authority on 15th March 2016.

APPLICATION SUBMISSION

The Planning and Development (Amendment) Regulations, 2015, came into operation on 1 October 2015.

Therefore, with regard to the above amendment, Article 186 (1) of the Planning and Development Regulations, 2001, (as amended) provides as follows: -

"An application must be made at least 13 weeks prior to the date for the holding of the event to which the application relates or, in the case of an application for a number of events at a venue in a period not exceeding one year, at least 13 weeks prior to the holding of the first event."

Note: The application was lodged on the 29th April 2016, and is therefore in excess of 13 weeks prior to the date of the first proposed event on the 30th July 2016.

LOCATION OF EVENT

The event will be held in Dún Laoghaire Harbour in the centre of Dún Laoghaire town. The proposed site comprises land to the north of the disused Ferry Terminal Building and the associated car parking area. The site area comprises a hardsurfaced area and the Terminal Building.

The wider Harbour area has accommodated a number of public events in recent years.

ZONING AND OBJECTIVES

In the Dún Laoghaire-Rathdown County Development 2016-2022, the event site is zoned 'W', with a specific objective-"*To provide for waterfront development and harbour related uses*".

The subject site is also located within a Candidate Architectural Conservation Area and is subject to a proposed Dún Laoghaire and Environs Local Area Plan. The site is also located within the boundary of the Dún Laoghaire Urban Framework Plan.

There are a number of Specific Local Objectives on the subject site as follows:

- No. 13: '*To facilitate the continued development of the Harbour, ensuring at all times that the historic significance and natural beauty of this public amenity is protected, in advance of the preparation of the Dún Laoghaire and Environs Local Area Plan (LAP). Following the adoption of the Dún Laoghaire and Environs LAP, the future development of the Harbour will thereafter be guided by the principles and objectives of the Plan and that of Policy E14*'.
- No. 143: '*To encourage and support the Dún Laoghaire Harbour Company in the establishment of a diaspora centre within the Dún Laoghaire Harbour Area*'.
- No. 156: '*In accordance with National Policy, the Council shall, within the relevant planning frameworks, formulate and implement, where appropriate and applicable, a plan for the future development of Dún Laoghaire Harbour and its curtilage*'.

It is considered that the licence complies with the provisions and land use zoning as set out in the Dún Laoghaire-Rathdown County Development Plan, 2016-2022.

WRITTEN NOTIFICATION & CONSULTATION WITH PRESCRIBED BODIES

Article 189 (1) of the Planning and Development Regulations, 2001, (as amended), requires that the licence application be circulated to certain prescribed bodies. The Council submitted copies of the application to:

1. Chief Superintendent, An Garda Síochána.
2. Fire Officer, Dublin Fire Brigade.

3. Senior Executive Engineer, Municipal Services Department, Dún Laoghaire-Rathdown County Council.
4. Environmental Health Officer, East Coast Area Health Board.
5. Environmental Health Officer, Air and Noise Unit, Fingal County Council.
6. Environmental Health Officer, HSE Dublin Mid Leinster.
7. Environmental Health Officer, HSE Environmental Health Department.
8. Dún Laoghaire Harbour Company.
9. Spatial Planning Strategy Specialist, Irish Water.

As per the Planning and Development Regulations, 2001, (as amended), the Council gave notice of the proposed Application for Outdoor Events Licence for the Proposed Outdoor Music and Food Event on 30th and 31st July 2016 to the aforementioned prescribed bodies on 3rd May 2016, and indicated that submissions or observations would be accepted up to and including Friday, 20th May 2016.

CONTACT DETAILS FOR PRESCRIBED BODIES:

Prescribed Bodies	Address	Telephone
1. Orla McPartlin, Chief Superintendent, An Garda Síochána.	D.M.R. South Division, Crumlin Garda Station, Dublin 12.	(01) 666 6292/93
2. Patrick Flemming, Fire Officer, Dublin Fire Brigade.	Dublin Fire Brigade H.Q., 165-169 Townsend Street, Dublin 2.	(01) 673 4000
3. Bernard Egan, Senior Executive Engineer, Municipal Services Department.	Dún Laoghaire-Rathdown County Council, County Hall, Marine Road, Dún Laoghaire, Co. Dublin.	(01) 2054700
4. Dora Cronin, Environmental Health Officer, East Coast Area Health Board.	8 Corrig Avenue, Dún Laoghaire, Co. Dublin	(01) 280 2566
5. George Sharpson, Environmental Health Officer.	Air & Noise Unit, Fingal County Council, Grove Road, Blanchardstown, Dublin 15	(01) 890 5982
6. Kieran Carberry, Principal Environmental Health Officer, Environmental Health Service, HSE Dublin Mid-Leinster.	8 Corrig Avenue, Dún Laoghaire, Co. Dublin	(01) 280 2566

7. Barry O'Neill, Health Service Executive, Environmental Health Department.	12 Northumberland Avenue, Dún Laoghaire, Co. Dublin.	(01) 2715007
8. Tim Ryan, Dún Laoghaire Harbour Company.	Harbour Lodge, Crofton Road, Dún Laoghaire, Co. Dublin.	(087) 4558576
9. Suzanne Dempsey, Spatial Planning Strategy Specialist	Irish Water, P.O. Box 6000, Dublin 1	(01) 892 5000

THE FOLLOWING COMMENTS WERE RECEIVED FROM THE PRESCRIBED BODIES:

1. HSE Dublin Mid-Leinster -Environmental Health Officer

A written response was received (dated 4th May 2016), which details a number of conditions on which the granting of a licence should be based.

2. Dún Laoghaire Harbour Company

A written response was received (dated 4th May 2016), stating no comment other than the Dún Laoghaire Harbour Company supports the application.

3. Environmental Health Officer- Air and Noise Unit

A written response was received (dated 5th May 2016), which details a number of conditions on which the granting of a licence should be based.

4. Irish Water

A written response was received (dated 12th May 2016), which details a number of conditions on which the granting of a licence should be based.

5. Environmental Health Officer, HSE Environmental Health Department

A written response was received (dated 16th May 2016), which details a number of conditions on which the granting of a licence should be based.

6. Dublin Fire Brigade

A written response was received from the Assistant Chief Fire Officer (dated 20th May, 2016), which details a number of conditions on which the granting of a licence should be based.

NO SUBMISSIONS OR OBSERVATIONS WERE RECEIVED FROM THE FOLLOWING PRESCRIBED BODIES:

- An Garda Síochána.
- Environmental Health Officer, East Coast Area Health Board.
- Senior Executive Engineer, Municipal Services Department, Dún Laoghaire-Rathdown County Council.

THIRD PARTY WRITTEN SUBMISSIONS / OBSERVATIONS

No third party submissions / observations were received within the statutory prescribed period.

DECISION ON APPLICATION

Section 231 (3) (a) of the Planning and Development Acts, 2000 (as amended) states that: -

"Where an application for a licence is made in accordance with regulations under this section, the local authority may decide to grant the licence, grant the licence subject to conditions as it considers appropriate or refuse the licence."

SUMMARY AND RECOMMENDATION

The Local Authority have had regard to the pre-application consultation, the information relating to the application furnished to it by the applicant in accordance with the Planning and Development Act, 2000, (as amended) and the Planning and Development Regulations, 2001, (as amended). It is considered that the application for an event licence complies with the requirements of the Planning and Development Act and Regulations. It is recommended that the outdoor event licence is to be granted, subject to the following conditions, which accord with Section 231, Sub Section 3 and 4 of the Planning & Development Act, 2000, (as amended).

CONDITONS

1. The Outdoor Events Licence shall be for a maximum of 2 days for the weekend event 'Beatyard', which shall be held from 12.00 to 23.00 on the following dates: Saturday 30th July and Sunday 31st July 2016. The Outdoor Events Licence shall be for a maximum capacity of 7,500 people each day for the weekend event 'Beatyard'. All plans and proposals submitted, as part of the application shall be implemented in full save as may be required by other conditions attached hereto.

2. An Event Management Plan shall be formally agreed with Dún Laoghaire-Rathdown County Council, Dublin Fire Brigade H.Q., Health Service Executive and An Garda Síochána - a minimum of two weeks before the first event and written confirmation of agreement shall be submitted to the Council prior to commencement of the event. Subsequently, the agreed Management Plan shall be implemented in full.

HEALTH SERVICE EXECUTIVE (ENVIRONMENTAL HEALTH SERVICE)

3. General Sanitary Operational Conditions - Sanitary Accommodations:

a) Sanitary facilities are to be checked the morning of the day prior to the start of the festival. All repairs, sanitary supplies and maintenance to all toilet units to be completed by that evening and checked and signed off.

b) Sanitary accommodation should be placed where it is easily accessed and of the most benefit. There is little point of placing it where patrons will have to actively go seek it out. The numbers of sanitary units are to be provided as per the draft Event Management Plan.

c) Baby changing facilities and disposal for nappies, etc. should also be included and disabled units should also be placed strategically.

d) If Portable stand up urinal areas are being employed they are to be adequately screened and maintained. Portable toilet units must have a form of lighting within the unit (solar power or battery units). Portable units must be protected and secured from high winds/storms, etc.

e) Signage and directional signage for the sanitary accommodation to be clearly visible overhead height and if possible temporary site maps with facilities clearly shown made available or included in promotional brochures.

4. Staffing levels and duties for sanitary accommodation:

a) Sufficient cleaning staff to maintain toilet facilities at all times.

b) Enough security staff to maintain order at sanitary facilities and prevent abuse of facilities or other anti-social behaviour that might occur.

c) Cleaning staff to have assigned areas/sanitary accommodation blocks and to maintain them frequently or as needed.

d) Cleaning staff to have proper equipment for cleaning and protective clothing, gloves, etc. and a central supply location to obtain and store equipment.

e) Contact mobile numbers and/or radios to be provided for supervisors of cleaning staff and key Council Personnel.

f) Hand sanitizers or hand washing facilities for toilet facilities to be provided for the patrons as per the Event Management Plan.

g) Directional signage to be provided for the sanitary accommodation in the former Departure Lounge (Banter Area).

5. Drinking Water Supply for Patrons:

a) Drinking water supply points to be in place three (3) days prior to start of festival and tested for biological water supply;

b) A supply ratio of one (1) water supply point to every one thousand (1,000) or part of one thousand (1,000) patrons (estimated number) is to be provided.

c) All taps to be protected from contamination and disinfected prior to installation, as should all pipe/hoses carrying the water supply.

d) Cleaning equipment should be tagged immediately after cleansing/disinfecting.

e) Estimated numbers of seven thousand, five hundred (7,500) will require eight (8) water points. Signage for these points must again be clearly visible above head height.

5. Food Control:

a) The requirements of the Food Control Unit – 12 Northumberland Avenue, Dún Laoghaire (contact (01)2715000 for consultation) must be adhered to.

6. Tobacco Control:

a) Compliance with the Public Health (Tobacco) Act 2002-2009 and Regulations made thereunder.

b) No smoking signage to be clearly visible in all catering units and enclosed areas.

c) All the security personnel to be briefed regarding enforcement of same.

d) Sellers of Tobacco products must be registered for work.

HEALTH SERVICE EXECUTIVE (ENVIRONMENTAL HEALTH OFFICER, Air & Noise Unit)

7. Noise Control

a) The music noise level shall not exceed 72 Db LAeq over a fifteen – minute period, at one metre from the façade of any noise sensitive premises for the events being held.

b) The appointment of a qualified and experienced noise control consultant to liaise between the event promoter, the sound engineer and the Environmental Health Officer for Noise Pollution on all matters relating to the noise control prior to and during the event.

c) The appointed noise control consultant shall monitor the music noise levels at 30 minute intervals to ensure noise levels are not exceeded. The Environmental Health Officer (s) shall have access to the results of all the monitoring at any time and a copy of these shall be forwarded to the Environmental Health Officer(s) within three (3) working days after the event.

d) Compliance with specific noise levels at the nearest noise sensitive area during rehearsals, sound checks and the event.

e) Compliance with the specified start time for each event held:

- All events to finish no later than 23:00hrs.
- No activity shall be carried out that is likely to cause a noise nuisance to residents such as dismantling the stage, movement of equipment, etc.

HEALTH SERVICE EXECUTIVE – ENVIRONMENTAL HEALTH DEPARTMENT

8. Registration - All food and drink concession units must be registered under Article 6 of the European Communities (Hygiene of Foodstuffs) Regulations 2006 with their local Environmental Health Officer prior to operation.

9. Preparation – Preparation of food/drink for sale at all concession units must be carried out in accordance with the provisions of the European Communities (Hygiene of Foodstuffs) Regulations, 2006 (enacting the provisions of Regulation (EC) 852/2004).

10. Toilets – Separate toilet provision must be made for food traders. Adequate flushable staff toilet accommodation with hand washing facilities need to be provided that is within reasonable distance and effectively connected to a suitable drainage system or provision made for disposal of chemical toilets.

11. Water Supply – The water supplied and in use within all food and drink concessions must comply with European Union (Drinking Water) Regulations, 2014 (S.I. No. 122 of 2014).

IRISH WATER

12. The Event Manager should be cognisant of the potential impact that such an event could have on the water environment and should encourage water quality protection and water conservation as part of the event management. The Event Manager should endeavour to ensure that any temporary food outlets are operated appropriately in relation to disposal of oils, fats, and greases in order to minimise the risk of impacting on the wastewater collection system.

DUBLIN FIRE BRIGADE

13. Finalised Event Management Plan to be submitted a minimum of two weeks (10 working days) in advance of the event.

14. Finalised drawings to be submitted a minimum of two weeks (10 working days) in advance of the event:

a) Site Layout Plans should be to a minimum scale of 1:500.

b) A list of key personnel (event controller, event safety officer, etc) and their telephone numbers should be included on the site layout plan.

c) Stage barriers including the sightline barriers should be clearly indicated on the drawings, complying with Section 8 of the *Code of Practice for Safety of Outdoor Pop Concerts and Other Outdoor Musical Events*, 1996.

d) The access and egress routes including the occupant capacities and exit width dimensions should be clearly indicated for the different areas in use e.g. stages, tented structures, guest areas, etc. and the total occupant capacity for the overall venue.

e) The estimated peak occupancies for the general standing/ seating areas should be clearly indicated.

f) Drawings clearly indicating the designated emergency access and egress routes for fire appliances including the location of fire hydrants, water supplies to be used for firefighting operations, places of special risks, control room location, etc.

15. Exit routes:

a) Exit routes and means of escape shall comply with the requirements of Chapter 15, *Code of Practice for Safety of Outdoor Pop Concerts and Other Outdoor Musical Events*, 1996.

b) At all times while the premises is in use the ground surfaces, including exit routes must be maintained in a safe condition, free from slip or trip hazards, etc. This may

necessitate the installing of suitable ground coverings. Exit routes must be available for immediate use and capable of safely evacuating the capacity crowd regardless of weather conditions.

16. Signage:

a) Sign design and size should be consistent throughout the venue (refer to S.I. No. 132/1995 and BS5499-4: 2000).

b) All exit signs should be illuminated. The green figure on signs is preferred for externally illuminated signs. The white figure is preferred for internally illuminated signs (BS5499-4: 2000).

c) Directional arrows should be as per standards referred.

d) Exits to be labeled e.g. 'Exit #', etc.

e) Exit signage to be separated from signage for other facilities i.e. toilets, drinking water, etc.

17. Stewards are to be trained in emergency and evacuation procedures, in particular the duties and responsibilities of stewards should be in accordance with Section 13.6 – 13.12 (inclusive of the *Code of Practice for Safety of Outdoor Pop Concerts and Other Musical Events, 1996*).

18. Concession Units and Staff Training:

a) Concession units using gas fired cooking equipment to be sited at least 6 metres from any other unit in accordance with Section 22.5 of the *Code of Practice for Safety of Outdoor Pop Concerts and Other Outdoor Musical Events, 1996*.

b) The gas supply to the above units (including all associated safety cages, chains for securing, etc.) to be provided by a suitably qualified and competent expert.

c) All concession units to have a fire blanket and fully working fire extinguisher.

d) All concessionary staff to be fully trained in emergency and evacuation procedures, fire hazards and the use of fire extinguishers by a suitably qualified and competent expert. This must be completed prior to the site opening to the general public. Records of such training shall be available for inspection. Concessionary units unable to produce such records shall not be permitted to open for business.

e) All concessionary units to be provided with a conspicuously located emergency knock-off switch, for shutting off the gas / electricity in the event of an emergency. All staff to be aware of its location.

f) Generators are to be provided with a minimum of 3 metres spacing from any concession unit / tented structure / stage, etc.

19. Bar Facilities Layout:

The layout of the proposed bar facilities shall be such that all bar counters shall afford a minimum of two means of escape for staff, generally located at opposite ends of the counter.

20. Stage Layout:

The layout of all proposed stages shall be such that they shall afford a minimum of two means of escape, generally located at opposite ends of such stages.

21. Vehicle Parking:

Vehicle parking shall not obstruct exit routes, fire brigade access routes or facilities for firefighting. Vehicles to be parked in designated parking areas only and are not to be parked within 3 metres separation distance of concession units.

22. Certification:

The promoter / event licence holder is responsible for appointing a Fire Safety Consultant, who must be a qualified independent professional with experience and competency in fire prevention and safety in the event of fire with regard to large concerts.

23. The Fire Safety Consultant must be assigned to check and certify the fire safety of the concert site. Such checking and certification must be completed at least two (2) hours before the opening of the site to the public or two (2) hours before the scheduled opening (whichever is earlier).

24. The Fire Safety Consultant must also certify in advance the fire safety precautions of any proposed pyrotechnic display and certify that the display is prepared for in accordance with Guidance Document on Organised Pyrotechnic Displays - 2011, published by the Department of Justice.

25. Certification related to fire safety by other parties must also be checked by the Fire Safety Consultant for example with regard to:

- Staff training
- LPG (liquefied petroleum gas) Installation
- Electrical Installation
- Emergency Lighting
- Lining Materials
- First Aid Fire Fighting Equipment (fire extinguishers, fire blankets, etc.)
- Fireworks / Pyrotechnics
- Etc.

All certification should be kept on site in the safety file, available for inspection. A copy of any certificate must be submitted on request.

TRAFFIC MANAGEMENT GENERAL

26. The Event Traffic Management Plan shall be agreed with An Garda Síochána in consultation with Dublin Bus, Irish Rail and Dún Laoghaire-Rathdown County Council.

27. Non-compliance with any of the above conditions shall result in a fine not exceeding €10,000 for each and every occurrence.

Date: 23-6-16

Liam Walsh

Liam Walsh,
Senior Planner,
Planning and Organisational Innovation.

ORDER: The Granting of a Licence to Beatyard Ltd under Section 231 of the Planning and Development Act, 2000 (as amended) for the holding of a series of Outdoor Music and Food Events including music, food, cultural talks, games, art installations, markets and children's entertainment which shall be held between the following dates 30th July and 31st July 2016 (inclusive) at Dún Laoghaire Harbour (Ferry Terminal) is hereby approved subject to the 27 conditions contained on the foregoing report of the Senior Planner.

Date: 24TH JUNE 2016

Approved Officer: Dave Irvine

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2042, dated 21ST JUNE 2016, delegating to me all her powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.