

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 August 5th and August 6th 2017 (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 5th May 2017. 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 on 5th August and 6th August 2017 at Dún Laoghaire Harbour.

The applicant has submitted a Draft Event Management Plan (as of 1st May 2017), 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. 2015 was the first year to include music, food, cultural talks, games, art installations and markets into the venue. The 2016 Event, which was the focus of an Outdoor Event Licence, introduced a children's area and the proposed 2017 event will continue much in the same vein.

The event will be held in the grounds of the former Dún Laoghaire Ferry Port. There will be a main stage and a small stage in the Departures building for the concerts proposed on Saturday 5th and Sunday 6th August. 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. The gates will open at 12:00hrs. both days. Each event will finish at 23:00hrs.

The proposed Acts include 'Air', 'Mark Ronson', 'Bananarama' and a number of smaller acts.

Other attractions will include a market with local gourmet foods, cocktails & barista demonstrations, a flea market, children's attractions, scientific exhibitions and cultural talks. 'Gameyard' will be located outside the ferry port exit gates in an additional area.

There will also be an 'Eatyard' and six bars.

The Draft Event Management Plan (as of 1st May 2017) submitted, notes 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.*
2. *Code of Practice for Safety at Sports Grounds.*
3. *Code of Practice for Management of Fire Safety in Places of Assembly, Department of Environment.*
4. *Fire Safety in Places of Assembly (Ease of Escape) Regulations.*
5. *Code of Practice for Fire Safety of Furnishings and Fittings in Places of Assembly, Department of Environment.*
6. *Fire Services Act 1981 and Amendment 2003.*
7. *A Framework for Major Emergency Management, PRN.A6/1509.*
8. *Health, Safety & Welfare at Work Act 2005.*
9. *Health, Safety & Welfare at Work (Construction Regs) 2013.*
10. *Health, Safety & Welfare at Work (General Applications) Regs 2007.*

The applicant also states that hazard identification and risk assessment form the basis of the safety plan. Details with respect to the Emergency Procedures and the Event Specific Risk Assessment are provided in the Appendices (Appendix 4 and Appendix 7) of the Draft Event Management Plan (as of 1st May 2017).

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.

The Event Management Plan also includes the following Appendices:

Appendix 1: Contact Details

Appendix 2: Venue Regulations

Appendix 3: Duties of Security

Appendix 4: Emergency Procedures

Appendix 5: Child Protection Guidelines

Appendix 6: Lost Children Procedures

Appendix 7: Event Specific Risk Assessment.

(Note: A discrepancy has been noted in the Draft Management Plan in that the Appendices as detailed in the Index (on Page 4) and Appendices (on Page 42) do not correspond with how the Appendices appear in the Draft Management Plan).

A statement of compliance from the applicant was submitted with the application for the event licence. This statement is dated the 2nd May 2017. This statement, however, does not form part of the Appendices as detailed in the Index of the Draft Event Management Plan (as of 1st May 2017).

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 the 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 25th October 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 5th May 2017, and is, therefore, in excess of 13 weeks prior to the date of the first proposed event on the 5th August 2017.

LOCATION OF EVENT

The event will be held at 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.

ZONING AND OBJECTIVES

In the Dún Laoghaire-Rathdown County Development Plan, 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 within the boundary of the proposed Dún Laoghaire and Environs Local Area Plan. The site is also located within the boundary of the Dún Laoghaire Urban Framework Plan (Appendix 12 of the County Development 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, H.Q.
3. Senior Executive Engineer, Water Drainage, Municipal Services Department, Dún Laoghaire-Rathdown County Council (c.c. Irish Water).
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. Chief Emergency Management Officer, Health Service Executive, Dublin North East.
9. Dún Laoghaire Harbour Company.
10. Head Office, Iarnród Éireann – Irish Rail.

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 5th and 6th August, 2017 to the aforementioned prescribed bodies on 8th May 2017, and indicated that submissions or observations would be accepted up to and including Friday, 26th May 2017.

CONTACT DETAILS FOR PRESCRIBED BODIES:

Prescribed Bodies	Address	Telephone
1. Mr. Gerard Russell, Chief Superintendent, An Garda Síochána.	34/35 Corrig Avenue, Dún Laoghaire, Co. Dublin.	(01) 666 5000
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. Suzanne Dempsey, Asset Strategy and Sustainability.	Irish Water, Colvill House, 24-26 Talbot Street,	1850 278 278

	Dublin 1.	
5. Dora Cronin, Environmental Health Officer, East Coast Area Health Board.	8 Corrig Avenue, Dún Laoghaire, Co. Dublin.	(01) 280 2566
6. George Sharpson, Environmental Health Officer.	Air & Noise Unit, Fingal County Council, Grove Road, Blanchardstown, Dublin 15	(01) 890 5982
7. Kieran Carberry, Principal Environmental Health Officer, Environmental Health Service, HSE Dublin Mid-Leinster.	8 Corrig Avenue, Dún Laoghaire, Co. Dublin.	(01) 280 2566
8. Barry O'Neill, Health Service Executive, Environmental Health Department.	12 Northumberland Avenue, Dún Laoghaire, Co. Dublin.	(01) 2715007
9. Brendan Lawlor, Chief Emergency Management Officer, Health Service Executive.	Health Service Executive, Dublin North East, Phoenix Hall, St. Mary's Hospital Campus, Phoenix Park, Dublin 20.	(01) 625 0300
10. Tim Ryan, Dún Laoghaire Harbour Company.	Harbour Lodge, Crofton Road, Dún Laoghaire, Co. Dublin.	(087) 4558576
11. Keith O'Connor, Iarnród Éireann - Irish Rail.	Iarnród Éireann - Irish Rail, Head Office, Connolly Station, Dublin 1	(01) 836 6222

THE FOLLOWING COMMENTS WERE RECEIVED FROM THE PRESCRIBED BODIES:

1. Environmental Health Officer- Air Pollution and Noise Control Unit

A written response was received (dated 12th May 2017), which details a number of conditions on which the granting of a licence should be based.

2. HSE Dublin Mid-Leinster -Environmental Health Officer

A written response was received (dated 18th May 2017), 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.
- Dublin Fire Brigade.
- Senior Executive Engineer, Municipal Services Department, Dún Laoghaire-Rathdown County Council.
- Asset Strategy and Sustainability, Irish Water.
- Environmental Health Officer, East Coast Area Health Board.
- Environmental Health Officer, HSE Environmental Health Department.
- Emergency Management Officer, Health Service Executive, Dublin North East.

- Dún Laoghaire Harbour Company.
- Iarnród Éireann – Irish Rail.

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 12.00hrs to 23.00hrs on the following dates: Saturday 5th August and Sunday 6th August 2017. 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.

6. Food Control:

a) The requirements of the Food Control Unit – 12 Northumberland Avenue, Dún Laoghaire (contact (01)271 5000 for consultation) must be adhered to.

7. 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)

8. Noise Control

a) The music noise level shall not exceed 72 Db LAeq over a fifteen – minute period, at one (1) 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. after 23:00hrs.

HEALTH SERVICE EXECUTIVE – EMERGENCY MANAGEMENT OFFICER

9. The Event Organiser shall consult with the Chief Emergency Management Officer, Health Service Executive Dublin North East prior to the event in order to agree/ approve the event specific medical plan which will form part of the Event Management Plan and shall adhere to the requirements of the Health Service Executive in this regard.

DUBLIN FIRE BRIGADE

10. The Event Organiser shall consult with the Chief Superintendent Dublin Fire Brigade in advance of the event and all aspects of fire safety shall be agreed and shall form part of the Event Management Plan.

11. The finalised Event Management Plan to be submitted to Dublin Fire Brigade a minimum of two weeks (10 working days) in advance of the event and finalised drawings to be submitted a minimum of two weeks (10 working days) in advance of the event.

TRAFFIC MANAGEMENT GENERAL

12. 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.

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

Date: 5th July 2017

Dave Irvine

Dave Irvine,
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 an Outdoor Music and Food Events including music, food, cultural talks, games, art installations, markets and children's entertainment to be held on 5th August and 6th August 2017 at the at Dún Laoghaire Harbour (Ferry Terminal) is hereby approved subject to the 13 conditions contained on the foregoing report of the Senior Planner.

Date: 5/7/17

Approved Officer: M. Kelly

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2003 dated 5/7/15, delegating to me all her powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.