

# Dún Laoghaire-Rathdown County Council

## LOCAL GOVERNMENT ACTS 1925 - 2014

### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

#### APPLICATION FOR OUTDOOR EVENT LICENCE FOR

#### 'The Rainbow Run and Holi Night Party' at Dún Laoghaire Harbour On Saturday 16<sup>th</sup> September 2017

#### 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 Frisky Promotions on the 16<sup>th</sup> June 2017. It is proposed that a Rainbow Run of approximately five kilometres (km) followed by a Holi Night Party with a stage and musical performances and licensed bars will be held on 16<sup>th</sup> September 2017 at Dún Laoghaire Harbour.

The applicant has submitted a Draft Event Management Plan (as of 14<sup>th</sup> June 2017), with respect to the proposed event.

#### Rainbow Run:

The applicant has stated that the Rainbow Run is a fun run of approximately 5km that includes an element where the participants throw coloured powder over themselves and each other. The run has taken place 5 times previously with the run from the West Pier to the former Ferry Terminal and back to the West Pier. This year the run is proposed to start at the Ferry Terminal and proceed along the lower level to the West Pier and then back along the higher level to the Ferry Terminal. The runners will be released in waves and the run element will occur over approximately 5 hours. There will be music trader's stalls in the outside area of the Terminal. There will be a gantry structure for the start of the race and colour powder will be thrown at regular intervals. There will be tribute bands and 98fm and 103.8fm DJs playing from the stage.

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The audience profile for the run is expected to be families with children, general runners and a high proportion of young females between 16-30 years old.

#### Holi Night Party:

In the evening there will a Holi Night Party with a stage, musical performances and licensed bars and also coloured powder. This will be an 18 years, and over, event. Run participants with evening tickets will be able to stay in the beer garden area, where they can partake of drinks and eats. At 6.30pm the doors will open for the evening entertainment. The artists will be nostalgia acts from the 1990s and 2000s, cover bands, commercial live acts and DJs.

The audience profile for the Holi Night Party is expected to be a 40:60 ratio of male:female and mainly aged between 18-30 years old.

An occasional licence will be applied for, from 5pm onwards when the beer garden area will open to adult runners with an evening ticket. There will be one bar area serving beer, cider, wine and cocktails.

The attendance capacity for this event will be set at 7,500 participants.

The Draft Event Management Plan (as of 14<sup>th</sup> June 2017) submitted, notes that cognisance has been taken of the relevant Codes of Practice, and it includes arrangements for health and safety management, risk assessment and emergency planning. It outlines roles and responsibilities of the organisers and their commitment to providing an event where the health, safety and welfare of the public and staff are paramount.

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 Event Specific Risk Assessment are provided in the Appendices (Appendix 4 and Appendix 7) of the Draft Event Management Plan (as of 14<sup>th</sup> June 2017).

The Draft Event Management Plan includes the following stated parts:

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.

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The Draft Event Management Plan also includes the following stated Appendices:

Appendix 1: Contact Details

Appendix 2: Venue Regulations

Appendix 3: Licence Compliance

Appendix 4: Duties of Security

Appendix 5: Emergency Procedures

Appendix 6: Child Protection Guidelines

Appendix 7: Lost Children Procedures

Appendix 8: Event Specific Risk Assessment.

(Note: A discrepancy has been noted in the Draft Event Management Plan in that the Appendices as detailed in the Index (on Page 4) and Appendices (on Page 43) do not correspond. Also the Appendices as they appear in the Draft Event Management Plan do not correspond with the order of Appendices as per Page 43).

A letter of consent was submitted from Dún Laoghaire Harbour Company with the application for the event licence with respect to staging the proposed event on their lands.

A statement of compliance from the applicant was submitted with the application for the event licence. This statement is dated the 9<sup>th</sup> June 2017. This statement, however, does not form part of the Appendices as detailed in the Index of the Draft Event Management Plan (as of 14<sup>th</sup> June 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'.

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A pre-application meeting was held in accordance with the above Article in the offices of the Local Authority on 25<sup>th</sup> May 2017.

### 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 for the Outdoor Event Licence was advertised in the Irish Independent on Friday, 9<sup>th</sup> June 2017.

The application for the Outdoor Event Licence was lodged with Dún Laoghaire-Rathdown County Council on the 16<sup>th</sup> June 2017, and is, therefore, in excess of 13 weeks prior to the date of the proposed event on the 16<sup>th</sup> September 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, the associated car parking area and the West Pier.

### 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*'.

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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. Senior Executive Engineer, Drainage Planning, Municipal Services Department, Dún Laoghaire-Rathdown County Council (c.c. Irish Water).
2. Chief Emergency Management Officer, Health Service Executive, Dublin North East.
3. Environmental Health Officer, Air and Noise Unit, Fingal County Council.
4. Chief Superintendent, An Garda Síochána, Dún Laoghaire.
5. Fire Officer, Dublin Fire Brigade, H.Q.
6. Head Office, Iarnród Éireann – Irish Rail.
7. Dún Laoghaire Harbour Company.
8. Environmental Health Officer, HSE Environmental Health Department.
9. Environmental Health Officer, East Coast Area Health Board.
10. Environmental Health Officer, HSE Dublin Mid Leinster.

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 Rainbow Run and Holi Night Party on 16<sup>th</sup> September, 2017 to the aforementioned prescribed bodies on 19<sup>th</sup> June 2017, and indicated that submissions or observations would be accepted up to and including Friday, 7<sup>th</sup> July 2017.

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### CONTACT DETAILS FOR PRESCRIBED BODIES:

Prescribed Bodies	Address	Telephone
1. Mr. Bernard Egan, Senior Executive Engineer, Municipal Services Department.	Dún Laoghaire-Rathdown County Council, County Hall, Marine Road, Dún Laoghaire, Co. Dublin.	(01) 2054700
2. Mr. 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
3. Mr. George Sharpson, Environmental Health Officer.	Air & Noise Unit, Fingal County Council, Grove Road, Blanchardstown, Dublin 15	(01) 890 5982
4. Ms. Orla McPartlin, Chief Superintendent, An Garda Síochána.	34/35 Corrig Avenue, Dún Laoghaire, Co. Dublin.	(01) 666 5000
5. Mr. Keith Brunkard, Senior Executive Fire Prevention Officer, Dublin Fire Brigade.	Dublin Fire Brigade H.Q., 165-169 Townsend Street, Dublin 2.	(01) 673 4000
6. Mr. Keith O'Connor, Iarnród Éireann - Irish Rail.	Iarnród Éireann - Irish Rail, Head Office, Connolly Station, Dublin 1	(01) 836 6222
7. Mr. Tim Ryan, Dún Laoghaire Harbour Company.	Harbour Lodge, Crofton Road, Dún Laoghaire, Co. Dublin.	(087) 4558576
8. Ms. Linda McDonald, Health Service Executive, Environmental Health Department.	12 Northumberland Avenue, Dún Laoghaire, Co. Dublin.	(01) 2715007
9. Mr. Sean Morzek, Environmental Health Officer, East Coast Area Health Board.	8 Corrig Avenue, Dún Laoghaire, Co. Dublin.	(01) 280 2566
10. Mr. Kieran Carberry, Principal Environmental Health Officer, Environmental Health Service, HSE Dublin Mid-Leinster.	8 Corrig Avenue, Dún Laoghaire, Co. Dublin.	(01) 280 2566
11. Ms. Suzanne Dempsey, Asset Strategy and Sustainability.	Irish Water, Colvill House, 24-26 Talbot Street, Dublin 1.	1850 278 278

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### THE FOLLOWING COMMENTS WERE RECEIVED FROM THE PRESCRIBED BODIES:

#### **1. Senior Executive Engineer, Municipal Services Department**

A written response was received (dated 21<sup>st</sup> June 2017), which indicates no objection to the proposed event.

#### **2. HSE Dublin Mid-Leinster - Environmental Health Officer**

A written response was received (dated 30<sup>th</sup> June 2017), which details a number of conditions on which the granting of a licence should be based.

#### **3. Environmental Health Officer- Air Pollution and Noise Control Unit**

A written response was received (dated 7<sup>th</sup> July 2017), which details a number of conditions on which the granting of a licence should be based.

#### **4. Senior Executive Fire Prevention Officer, Dublin Fire Brigade**

A written response was received (dated 14<sup>th</sup> July 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.
- 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."

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#### **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 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).

#### **CONDITIONS**

1. The Outdoor Events Licence shall be for a maximum of 1 day for the event 'The Rainbow Run and Holi Night Party', which shall be held from 12.00hrs to 23.00hrs on Saturday 16<sup>th</sup> September 2017. The Outdoor Events Licence shall be for a maximum capacity of 7,500 people on the day of the event, 'The Rainbow Run and Holi Night Party'. All plans and proposals submitted, as part of the application, shall be adhered to 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 event and written confirmation of agreement shall be submitted to the Council prior to commencement of the event. Subsequently, the agreed Event 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 facilitates 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 is to be clearly visible at overhead height and if possible, temporary site maps with facilities clearly shown shall be made available or included in promotional brochures.



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### 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. Note: There may be a more concentrated time period of demand after the race so barriers may be needed to ensure ordered queuing by patrons for the sanitary facilities.
- 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) if in use for this event.

### 5. Drinking Water Supply for Patrons:

- a) Drinking water supply points to be in place three (3) days prior to the start of the 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.

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### 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.

### DUBLIN FIRE BRIGADE

9. The requirements of Dublin Fire Brigade associated with this event shall be complied with. No amendments or deviations to the submitted plans for the event shall be made without prior discussion and agreement with Dublin Fire Bridge.

10. 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. There shall be a gridlined plan of site with contact details and emergency access routes provided as part of this submission.

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### TRAFFIC MANAGEMENT GENERAL

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

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

Date: 18-8-17

Liam Walsh  
Liam Walsh,  
Senior Planner,  
Planning and Organisational Innovation.

**ORDER:** The Granting of a Licence to Frisky Promotions under Section 231 of the Planning and Development Act, 2000 (as amended) for the holding of a Rainbow Run of approximately five kilometres (km) followed by a Holi Night Party with a stage and musical performances and licensed bars to be held on 16<sup>th</sup> September 2017 at Dún Laoghaire Harbour is hereby approved subject to the 12 conditions contained on the foregoing report of the Senior Planner.

Date: 18<sup>TH</sup> AUGUST 2017

Approved Officer: Dave Irvine

Thereunto empowered by order of Príomhfheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2102, dated 9<sup>TH</sup> AUGUST 2017, delegating to me all her powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.