



CHIEF FIRE OFFICER'S ASSOCIATION

County Hall,
Dundalk,
Co. Louth.

28th November 2014

Niamh Redmond,
Planning Section,
Department of the Environment, Community and Local Government,
Custom House,
Dublin 1.

Re: Licensing of Outdoor Music Events – Review of Legislative Framework - Public Consultation

Dear Ms. Redmond,

I refer to the review currently being carried out of the Legislative Framework surrounding Licensing of Outdoor Events as advertised on the Department of Environment, Community and Local Government website.

Chief Fire Officers in Local Authorities have been involved both at planning stage prior to events and at the operational stage during events as part of an interagency approach to the delivery of a safe environment for members of the public that attend or are in the vicinity of outdoor events.

The Chief Fire Officers' Association recommend that the following points should be considered by the Review Committee:

1. Definition of an Event

Currently the obligation to obtain a licence for an "event" is set down in Section 230 of the Planning and Development Act 2000, with the definition of an "Event" being set out in Section 229 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 or retractable roof, a tent or similar 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"

Under Section 241 of the Planning and Development Act, 2000

"The Minister may make regulations providing that any activity or class of activity to which the public have access and which takes place wholly or mainly in the open air or in a structure with no roof or a partial, temporary or retractable roof, a tent or other similar temporary structure to be an event for the purposes of this Part."

It is the recommendation of the Chief Fire Officers Association that in order to enhance public safety for large crowd gatherings the definition of Event should be expanded to allow for a standardised approach be taken towards the management of public safety at all large crowd gatherings throughout the state. This expansion should include for:

- the type of public entertainment to be included – for example large sporting fixtures, Airshows, Parades/Street Festivals, Regattas, National Ploughing, All-Ireland Fleadh Cheoil, etc.,
- in respect of events/fixtures that take place on a regular basis in a specific arena/venue, it may be appropriate to have an annual (or 2,3,5 year) licensing application provision, rather than for a number of one off applications.

2. Events under 5,000

These Regulations "S.I. 154/2001 – Planning and Development (Licensing of Outdoor Events) Regulations, 2001" set out under Section 3 of these Regulations:

"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."

Currently there is no definitive legislation that governs outdoor events (in particular) that have an audience of less than 5,000. There are many factors involved in crowd safety, including the number of persons, crowd profile, location, access & egress to the location, and the impact of the event on the surrounding environments.

There is no defined Lead Agency amongst the statutory agencies, leaving it to individuals with these agencies to agree locally on a collaborative approach to be taken for each event. The closest there is by way of guidance is in Appendix 7 of the Framework for Major Emergencies where An Garda Síochána are the initial pre-nominated Lead Agency for an emergency incident of public order at a crowd event.

There are no competency requirements for operators/promoters running such events. Guidance in this area is required both for the operators/promoters and for the statutory agencies involved.

It would be appropriate that legislation is introduced for such events in order that a formal process can be implemented to deal with the under 5,000 audiences. Such legislation may follow a risk-based approach, whereby an initial application is required to be submitted to the statutory agencies (legislation will be required to define whom are the statutory agencies in most instances), and following review a decision is made on (i) the suitability of the event/location and (b) what, if any, additional measures are required to be put in place by the organiser

It is the recommendation of the Chief Fire Officers Association that for events with an audience of less than 5,000, additional measures including legislative measures should be put in place. Consideration on these additional measures should include for:

- Guidance on a Risk Based approach to be taken setting out when a formal application should be submitted
- Formal notification of such events to the statutory agencies
- This guidance should include for a decision making process on whom are the Lead Agency for particular risks – e.g.

For events in enclosed venues the concerns may be more related to public safety issues e.g. means of escape, fire safety management, etc., and therefore it may be appropriate that the Lead Agency would be the Local Authority, while for street and other open area events the concerns may be more related to public order and therefore in those instances it may be more appropriate to have An Garda Síochána as the Lead Agency

- Guidance on competency requirements for the organisers/promoter of such events

3. Licensing of Indoor Events

In 2003 the Licensing of Indoor Events Act 2003 Section 3 was enacted to provide additional/strengthen the enforcement powers of Local Fire Authorities, however the licensing element of the Act, has not yet been commenced, and no indoor event licensing regulations have been issued to date.

It is the recommendation of the Chief Fire Officers Association that in order to enhance public safety for large crowd gatherings the legislation surrounding the holding of indoor events needs to be enacted, with relevant regulations put in place to enable the statutory agency(ies) to be in a position to have appropriate powers to ensure that organisers/promoters co-operate in the running of such events.

4. Updating of Guidance Documents

The current guidance that refers to this area includes:

- 1996 Code of Practice for Outdoor Pop Concerts and other outdoor musical events – Department of Education
- 1996 Code of Practice for Safety at Sports Grounds – Department of Education
- 1998 Code of Practice for Safety at Indoor Concerts – Department of Environment and Local Government

It is the recommendation of the Chief Fire Officers Association that in order to enhance public safety for large crowd gatherings the above guidance documents are updated in accordance with international good practice. While it is a matter for the appropriate departments to review the above Codes of Practice, members of the Chief Fire Officers Association have participated in working groups in the past in the

preparation of these Codes of Practice, and the Association would be happy to provide assistance in any review of same.

5. Other relevant documentation

As part of the National Working Group on Major Emergency Management, a report was produced which sets out in detail significant concerns in the area of public safety provisions in Ireland at large crowd events. A copy of this report, together with correspondence from the Chair of the Working Group (whom is a member of the Association) is attached as an appendix to the submission. Attached are the following:

- Final pre-signature draft of the letter as Chair National Working Group (MEM) submitted to chair National Steering Group (MEM) during the Summer of 2011
- Final pre-'sign-off' draft report on our concerns (in NWG) at the time in the area of provisions for public safety in Ireland which accompanied the a/m letter
- Final draft of 'a Guide to co-ordinated PRA Planning for Crowd Events' 27 May 2013

The Chief Fire Officers Association strongly endorse the recommendations made by the National Working Group in this report on concerns in the area of Provision of Public Safety at Large Crowd Events.

Yours sincerely,

Eamon Woulfe
Chief Fire Officer
Hon. Secretary

Documents redacted as they are draft internal working documents of a committee.