

TONBRIDGE & MALLING BOROUGH COUNCIL

COMMUNITY AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

14 June 2023

Report of the Director of Street Scene, Leisure and Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 EVENTS ON PUBLIC OPEN SPACES

Summary

This report brings forward suggested amendments for consideration in regard to the Councils Events on Open Spaces Policy and Events on Open Spaces application form. The Committee is requested to consider the suggested amendments and make recommendations to Cabinet.

1.1 Background

1.1.1 Members of this Committee may be aware that the Council welcomes the hire of its public open spaces for events. Each applicant is required to complete an Events on Open Spaces form and pay an admin fee and hire charge based on agreed criteria.

1.1.2 A significant number of events take place on Council land, in particular Tonbridge Castle Lawn, ranging from community events such as fetes and festivals to commercial events such as music festivals, food and drink festivals and outdoor cinemas. Approximately 94 events took place in the last financial year generating an income of £39,000.

1.2 Events on Public Open Spaces Applications

All event organisers are required to complete an Events on Open Spaces (EOS) application form and pay an admin fee and hire charge. At the meeting of Cabinet on 8 November 2022, the application form and scale of charges were agreed for 2023/2024 and have subsequently been applied. A copy of the application form and policy are attached at **[Annexes 1 and 2]**. Members of the Committee will note that the form requires all users to provide supporting documentation including, Public Liability Insurance, Risk Assessments and Event Management Plans. The charges as outlined, take into account the scale and nature of the event.

1.3 Suggested Amendments

- 1.3.1 The suggested amendments to the EOS application form and policy have been identified as follows: -
- 1.3.2 **Financial checks** – It is suggested that for larger scale commercial events over £2,500.00 in value a financial check is undertaken of the organiser. The proposed addition to the current information required is included in blue text on **[Annexes 1 and 2]**. Members will note that a copy of a business plan for the event must be supplied, and lawn hire fees and admin fees must be paid in full prior to the start of the event. The organiser is also required to supply the Company Registration Number, Charity Number, VAT Number and names of the Directors / Principal Officers.
- 1.3.3 The first event that will potentially be subject to these checks is the Christmas event at Tonbridge Castle which has recently been advertised for expression of interest. It is hoped that this additional financial check will provide greater assurance to the Council of the financial stability of the company organising the event, but it is important to note that all events carry a financial risk and the responsibility of this will continue to rest with the organiser.
- 1.3.4 **Repair of damage** – Whilst the Council do take deposits from the larger events to cover repair works to the grass areas, deposits are not taken for all events. Should damage occur during, or as a consequence of the event, this will be recharged to the event organiser. The wording in the policy and EOS form at **[Annexes 1 and 2]** has been proposed in blue text to reflect this.
- 1.3.5 **Prevent** – Following recent changes in legislation local authorities have been encouraged to incorporate Prevent guidance into their EOS Application forms and Policies. Proposed wording is included in blue text on the form attached at **[Annexes 1 and 2]**.
- 1.3.6 The Prevent Duty Guidance states; Section 45. *“In complying with the duty we expect local authorities to ensure that publicly-owned venues and resources do not provide a platform for extremists and are not used to disseminate extremist views.”*. Information will be requested from the event organiser and the Council will complete due diligence checks.

1.4 Non-Compliance

- 1.4.1 At the present time the policy and EOS form does not include any reference to what action may be taken by the Council if the organiser uses an area of public open space without approval being granted. This currently represents a risk to the Council and public as appropriate checks will not have been undertaken and the event can therefore not be considered safe or fit for purpose. Following liaison with legal services it is suggested that this could be addressed by the Council introducing a Byelaw for its Open Spaces.

- 1.4.2 A Byelaw will make it illegal to proceed with certain events or activities without the Council's prior approval/Consent.
- 1.4.3 Police and Community Support Officers (PCSOs) and council officers check parks and green spaces. If they see someone breaking a byelaw that person will be asked to stop. If they continue, they might be removed from the area and can be fined up to £500.
- 1.4.4 The introduction of Byelaws will take time and resource to introduce so the Committee is requested to consider whether they would wish to see this approach progressed.

1.5 Legal Implication

- 1.5.1 Whilst this is a discretionary service there is a legislative requirement for the Council to approve events taking place on Council owned land.
- 1.5.2 Should Members agree with the suggested introduction of a Byelaw for its Open Spaces, this will make it illegal to proceed with certain events or activities without the Council's prior approval/consent.

1.6 Financial and Value for Money Considerations

- 1.6.1 The proposed introduction of additional financial checks on Events on Open Spaces for larger events, together with additional details to recharge for costs incurred by the Council from Events, will offer greater financial control over the use of the Council's land.

1.7 Risk Assessment

- 1.7.1 All applicants for use of Council owned land are required to provide safety plans, risk assessments and insurance as detailed in the Policy.

1.8 Equality Impact Assessment

- 1.8.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.9 Policy Considerations

- 1.9.1 Community

1.10 Recommendations

- 1.10.1 Members of the Committee are requested to consider the suggested amendments to the Events on Open Spaces form and Policy at **[Annexes 1 and 2]**, the potential introduction of Byelaws to address unauthorised use and make recommendations to Cabinet.

The Director of Street Scene, Leisure & Technical Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

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Nil

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