

OFFICER AUTHORITY

To: Janet Fasan

Date:

SUBJECT MATTER:

Grant of a licence to occupy various parts of Victoria Park to AEG Presents Limited at certain times to be more particularly agreed and upon agreement of appropriate licence conditions.

AUTHORITY:

- (i) Individual Mayoral Decision (Log No. 402) dated 16 June 2023.

Name of Directorate : Children and Culture

SUPPLEMENTARY INFORMATION

The Council has been approached by AEG Presents Limited, who wish to use the land in the summer/autumn of 2024 and are proposing to pay the Council a license fee for the use of the land at times more specifically to be agreed. AEG Presents Limited's intention is to run a number of events in the licence period albeit this has not been mandated by the Council. However, regardless of whether the events are run, the Council will receive the licence fee.

The licensee will also pursue separate permissions should they wish to proceed with providing events in the licensed period. An urgent decision is required regarding the implementation of this licence to occupy arrangement as the licensee requires sufficient time to obtain statutory permissions and plan for their use of the site in the summer / autumn of 2024.

The proposed licensing arrangement is a Key Decision as it may have a significant impact on the communities of two or more wards if the Corporate Director elects to grant the licence.

REASONS FOR THE DECISIONS

AEG Presents Limited has approached the Council requesting a licence to occupy parts of Victoria Park at times to be agreed throughout the summer and autumn of 2024 (for not more than 10 days of events plus time to be agreed for assembling and dismantling of any required facilities). This is because they wish to run events for the public and AEG Presents Limited has offered a commercial licence fee for the use of the land provided that that agreement is reached in sufficient time for AEG Presents Limited to be able to make their own arrangements regarding the use.

The granting of a licence to AEG Presents Limited to occupy areas of Victoria Park at times to be specifically agreed throughout the summer and autumn period of 2024 is a decision that is required to be made. This is an interim arrangement pending the review of the Council's Major Events Policy.

Major events require sufficient advance lead in time to allow for statutory requirements to be fulfilled (Premises Licence etc) and for potential operators to have enough time to secure artists, sponsors and commercial arrangements to make their events programme viable. Therefore, AEG Presents Limited require a response to their proposal urgently to ensure it remains commercially viable for them.

The granting of the licence is a key decision as it may have a significant impact on the communities of two or more wards.

Management of the licence to occupy the land is a function that sits within the Children and Culture Directorate and due to the need to determine agreement of the licence immediately the Mayor delegated authority to allow the Corporate Director, Children and Culture to consider and potentially approve AEG Presents Limited's proposal.

ALTERNATIVE OPTIONS

Not to proceed with the licence to occupy and not have a major events programme in Victoria Park in 2024. Thereby, impacting the Council's ability to continue its successful events programme, which thousands of members of the public attend.

Not proceed with the licence to occupy with AEG Presents Limited and seek individual licences with multiple occupiers. This could result in more impact to the park and users in relation to increased periods of occupation through a series of unrelated events. Furthermore, an ad-hoc approach to licensing use of the land for major events in the summer would mean no guarantee of income and would therefore be deemed a high-risk approach. There is also limited time for event arrangements to be finalised ahead of 2024.

ANY CONFLICT OF INTERESTS

There are no conflict of interest arising from this decision.

EQUALITIES CONSIDERATIONS

The fee for the occupation of the park, will contribute to the maintenance and provision of parks and open spaces across the borough. Parks and open spaces are open to all residents from all backgrounds and protected characteristics. Generating income from well managed events enables the Council to continue investing in parks and open spaces at a

time of reducing budgets, thereby benefitting all residents.

Events have localised, time-limited impacts. These are not considered to be affecting any particular protected characteristic disproportionately. Localised impacts are minimised through licensing requirements and Council procedures to continuously improve event management arrangements.

OTHER STATUTORY IMPLICATIONS

Best Value Implications

The Council will receive a fee from AEG Presents Limited for the licence to occupy.

A licence for the occupation of Victoria Park for AEG Presents Limited to hold a number of large events (in line with the Council's current Major Events Policy), is considered the most effective use of resources, both in terms of staffing and asset use. The approach allows for more effective licencing arrangements.

Consultations

The Premises Licence includes a formal public consultation process and notice is given in a local newspaper of any such application. Key Council departments (Licensing, Health and Safety, Community Safety etc) and the emergency services are consulted through multi-agency planning meetings (a minimum of 2 pre-event). In addition, there will be a formal debrief held with the multi-agency group.

Environmental and Sustainability Implications

Events income contributes significantly to the Council's budget for maintaining and improving parks and open spaces. Open spaces provide effective mitigation for flooding and air quality issues. It is acknowledged that events can have short term impacts on the park in which they take place.

These impacts are minimised through contractual arrangements and licensing conditions. Event organisers are required to make good any localised damage caused. It is considered that the benefit of continued investment in the green infrastructure of the borough in a time of reducing budgets outweighs the short-term site-specific impacts.

The licensee will be charged an environmental impact fee that will be used to improve the park's infrastructure. The licensee will need to provide a Sustainability Plan as part of their Event Management Plan including arrangements for recycling and reducing waste, and detailed site plans that indicate how they will protect the park. No single use plastic will be permitted. All event organisers are required to promote public transport and no customer parking (except for Blue Badge) is permitted.

Risk Management Implications

The impact of the event and risk of harm to those attending the event, using the park or living near to the park will be managed through statutory licensing conditions, the licence to occupy and the Safety Advisory Group.

Risk assessments and robust health and safety plans will be reviewed by the multi-agency group and the licensee will be required to have suitable levels of Public Liability insurance.

Noise levels will be managed through the Premises Licensing conditions (with set levels applied by the Licensing Authority). The licensee will be required to submit robust Noise Management Plans to the council's Environmental Health team for consideration. The noise levels will be monitored by an independent acoustic consultancy and data reviewed by the Environmental Health team.

Waste Management and cleansing will be undertaken by the licensee who will be responsible for ensuring the event site, surrounding park areas and residential streets that are on or close to the main walking routes are cleansed. The licensee will be responsible for all associated event delivery costs and site services, including security, stewarding, cleansing, noise management etc.

Crime Reduction

All major events are subject to multi-agency planning, including the relevant emergency services. AEG Presents Ltd will be required to work closely with the police (including counter terrorism police) to prevent crime and disorder. In addition to the contractual requirements, the Premises Licence process provides for further mitigation through licensing conditions.

AEG Presents Limited have a good track record of delivering low crime events, with their previous events programme in Victoria Park being confirmed as a low-crime event by the Metropolitan Police.

AEG Presents Limited will be required through the multi-agency planning process to provide detailed Crowd Safety Management Plans (including counter terrorism, emergency plans, conditions of entry and searching plan). They will be required to provide suitable and sufficient security personal on key walking routes to and from transport hubs and in the park as well as the event site itself. All security personal will be required to have appropriate accreditation, training and insurance.

CCTV will be utilised to monitor crowd safety and movement both on the event site and the main walking routes. This will include temporary CCTV provided by the licensee and use of existing CCTV in the park and on the highway. Only qualified CCTV personal and the police will be able to access this CCTV. Any use of Council CCTV will be via the Council's Community Safety team and any resulting costs incurred will be payable by the licensee.

To mitigate against anti-social behaviour, the licensee will be required to provide adequate sanitation arrangements. The costs of security and stewarding will be met in full by the licensee.

Safeguarding

As part of the Premises Licence, the licensee will need to demonstrate how they will protect children and vulnerable adults from harm. In addition, the licensee will need to provide their Safeguarding Policy and a Safeguarding Plan as part of their Event Management Plan. These arrangements are reviewed by the Council's Children Social Care team.

A detailed Alcohol Management Plan will be provided by the licensee as part of their Event Management Plan. This will include provision for Challenge 25 (to prevent underage consumption) and responsible drinking.

Data Protection / Privacy Impact Assessment

The licensee will not be processing sensitive data on behalf of the Council. Our licence to occupy makes provision compliancy with the Council's data protection policy and data protection legislation.

LEGAL COMMENTS

The Council has the power to grant a licence for the use of the land by virtue of Section One of the Localism Act 2011.

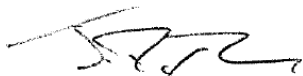
The terms of the licence agreement will be agreed with AEG Presents Limited and will cater for standard occupation terms in order to protect the land, the receipt by the Council of the licence fee and ensure it is returned to the Council in an appropriate condition after use amongst other things.

The licence fee offered by AEG Presents Limited as part of its proposal is fixed notwithstanding any use of the land (if at all).

The agreement will prohibit unacceptable uses of the land in the usual manner but will not deal with AEG Presents Limited's intended use of the land. AEG Presents Limited's stated intention is to use the land to provide events to the public but should AEG Presents Limited proceed with this intention this will be subject to obtaining the appropriate statutory permissions. Nothing in the agreement will affect amplify or fetter the Council's statutory duties in this regard in any way.

The agreement will not require AEG Presents Limited to undertake any activities on behalf of the Council or at the Council's behest beyond those activities normally required to safeguard and protects the Council's land.

The proposal for the use of the land submitted to the Council shows information relating to AEG's financial and business affairs and therefore the information is exempt for the purposes of Schedule 12A of the Local Government Act 1972. The release by the Council into the public domain may be actionable by AEG which could significantly affect public funds. Therefore, the public interest in knowing the information is outweighed by the public interest in maintaining the exemption. Therefore, the proposal is not restated here.



Signed: James Thomas

Designation: Corporate Director Children and Culture