

<b>Committee:</b> <b>OVERVIEW AND SCRUTINY</b>	<b>Date:</b> <b>7<sup>th</sup> February 2012</b>	<b>Classification:</b> <b>Unrestricted</b>	<b>Report No.</b>	<b>Agenda Item No.</b>
<b>Report of:</b>  Service Head, Democratic Services  <b>Originating Officer(s):</b>  Antonella Burgio, Democratic Services		<b>Title:</b>  Cabinet Decision Called-in:  Corporate and Commercial Events in Parks (CAB 061/112)  <b>Wards: All</b>		

## 1. SUMMARY

- 1.1 The attached report of the Corporate Director (Communities Localities & Culture) was considered by the Cabinet on 11<sup>th</sup> January 2012 and has been "Called-In" by Councillors Peter Golds, Gloria Thienel, Zara Davis, Craig Aston, David Snowdon and Emma Jones. in accordance with the provisions of Part Four Sections 16 and 17 of the Council's Constitution.

## 2. RECOMMENDATION

- 2.1 That the Committee consider the contents of the Cabinet attached report, review the provisional decisions arising and
- 2.2 decide whether to accept them or refer the matter back to Cabinet with proposals, together with reasons.

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### Local Government Act, 1972 Section 100D (As amended)

#### List of "Background Papers" used in the preparation of this report

Brief description of "background paper"

**Cabinet Report CAB 061/112 –  
11 January 2012**

Name and telephone number of holder and address  
where open to inspection

**Antonella Burgio**

**0207 364 4881**

### **3. BACKGROUND**

**3.1** The request to call-in the Cabinet's decision dated 13<sup>th</sup> January 2012 was submitted under Overview and Scrutiny (O and S) Procedure Rules Sections 16 and 17. It was considered by the Assistant Chief Executive, Legal Services who has responsibility under the constitution for calling in Cabinet decisions in accordance with agreed criteria.

**3.2** The call-in request fulfilled the required criteria and the decision is referred to Overview and Scrutiny Committee in order to consider whether or not to refer the item back to the Cabinet, at its meeting on 8<sup>th</sup> February 2012, for further consideration. Implementation of the Cabinet decision is suspended whilst the call-in is considered.

### **4. THE CABINET'S PROVISIONAL DECISION**

**4.1** The Cabinet after considering the report attached, at Appendix 1, provisionally decided the following:-

1. *agreed that income generating opportunities in all suitable parks continue to be pursued where these do not impact unduly on the local community and planned sporting arrangements; and*
2. *agreed that Decision 1. above applies to Sir John McDougal Gardens, Millwall Park and Island Gardens.*

#### **4.2 Reasons for Decisions**

These were detailed in paragraph 3.1 of the report (CAB 061/112) and stated that

*“On 21 September Council resolved that three parks should remain “solely for the use of residents and community groups for the purpose of recreation, leisure and sports”. This resolution, however, has potential financial impact and therefore needs to be considered by Cabinet and a decision taken as to whether these parks are to be excluded from consideration for any suitable income-generating events.”*

#### **4.3 Alternative Options Considered**

This was detailed in paragraph 4 of the report (CAB 061/112); and stated that:

*“Cabinet may decide to exclude these sites; however the implication is that further lists of sites are likely to be brought forward for exclusion which will impact on the Council's ability to meet income targets and fund community events which are met from income generated from parks. A proportion of the income generated is re-invested in parks*

*and implementing this resolution would also impact upon this investment.”*

## **5. REASONS / ALTERNATIVE COURSE OF ACTION PROPOSED FOR THE ‘CALL IN’**

### **5.1** The Call-in requisition signed by the Councillors identified at Section 1 of this report gives the following reason for the Call-in:

“This report allows parks to be used for commercial and corporate events even if it is to inconvenience and detriment of the local community. It allows council officers the freedom to allow parks to be used for such events even if there are pre-scheduled sporting events or if the event is so private (such as a wedding) it would not be open to members of the public and local community.

- In section 6.2 of the report it is stated that “other parks are also able to accommodate smaller corporate commercial events and private social events such as weddings”. Then a little further on it says “No park will be used exclusively for commercial use, there will be public access at all times” These two statements are contradictory as if a private, social or corporate event is taking place, it will not be open to the public as it is exclusively private.
- Also in section 6.2 of the report, it is stated that “Furthermore regular sports bookings will be taken into account when considering events”. This statement does not state that regular sport bookings will be avoided, just that they will be taken into account when making decisions. Therefore this means there will be freedom and the ability to book commercial events over sports bookings. This would seem to go contrary of the Councils Open Space Strategy. This states “The Council is the principal provider for formal field based sports in Tower Hamlets... and Local demand for outdoor sports and recreational use of parks is known to be high, given the young population”. As the Council has acknowledged it is the main provider of field based sports, which mostly take place in parks, and there is a high demand for these spaces; by allowing the freedom to allow commercial events to come before sporting activities the Council, would appear to be contradicting their Open Space Strategy.
- The reports states that events in parks, whether free or commercial; provide similar opportunities for communities to come together. This is unlikely to be true as commercial; events such as product launches which will probably have an invitation only guest list and this would mean it would be unlikely for local residents to attend, Therefore they do not provide an opportunity for communities to come together - in fact they do the complete opposite. They actively prevent communities from coming together, since they prevent the communal use of the local park.
- In 6.1 of the report, it is said “A proportion of all income generated in parks (other than Victoria Park which has a separate target of £100,000) will go to help the upkeep and improve facilities”. Although

a good idea to reinvest some of the income raised from commercial events in parks back into them. 10% of income from commercial events is a very low amount to be reinvested back into parks. The point is that if residents have to put with all the disruption from commercial events, it is insulting that only 10% of the income will get reinvested into those parks. They will therefore see virtually no benefit for all the disruption, inconvenience and loss of amenity that they will have to bear.

**5.2** The requisition also proposed the following alternative course of action:

“We call upon the Mayor and Cabinet to review the decisions in the report and follow the motion passed in Council on 21 September 2011 that states:

‘Sir John McDougal Gardens, Millwall Park and Island Gardens will remain solely for the use of residents and community groups for the purpose of recreation, leisure and sports.’

To do more than to take into consideration regular sports bookings and to protect these sports bookings when considering commercial events to take place in parks.

To significantly increase the percentage of income raised from commercial events that is going to be reinvested back into parks to take account of the disruption, inconvenience and loss of amenity that local residents will have to tolerate when these events are taking place.

## **6. CONSIDERATION OF THE “CALL IN”**

**6.1** Having fulfilled the call-in request criteria, the matter is referred to the Overview and Scrutiny Committee in order to determine the call-in and decide whether or not to refer the item back to the Mayor and Cabinet for further consideration.

**6.2** The following procedure is to be followed for consideration of the “Call In”:

- (a) Presentation of the “Call In” by one of the “Call In” Members followed by questions.
- (b) Response from the Cabinet Member and / or officers followed by questions.
- (c) General debate followed by decision.

**N.B. – In accordance with the Overview and Scrutiny Committee Protocols and Guidance adopted by the Committee at its meeting on 5 June, 2007, any Member who presents the “Call In” is not eligible to participate in the general debate.**

**6.3** It is open to the Committee to either

- resolve to take no action which would have the effect of endorsing the original Cabinet decision(s), or
- the Committee could refer the matter back to the Cabinet for further consideration setting out the nature of its concerns and possibly recommending an alternative course of action.

**7. APPENDIX**

Attached, as an appendix, is the Cabinet Report (CAB 061/112) Corporate and Commercial Events in Parks