

Committee/Meeting: Cabinet	Date: 12 January 2012	Classification: Unrestricted	Report No: CAB 061/112
Report of: Corporate Director Communities, Localities and Culture Originating officer(s) Heather Bonfield Interim Service Head, Culture, Learning and Leisure		Title: Corporate and Commercial Events in Parks Wards Affected: All	

Lead Member	Cllr Rania Khan
Community Plan Theme	A Great Place to Live
Strategic Priority	2.2 Strengthen and Connect Communities

1. **SUMMARY**

- 1.1 This report relates to corporate, private and commercial events in three specific parks. When the report on Commercial Events in Parks was agreed by Cabinet on 6 April 2011, Cabinet agreed: "income generating opportunities in other suitable parks continue to be pursued where these do not impact unduly on the local community and planned sporting arrangements". Subsequently Council, on 21 September 2011, passed the following motion:

"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"

- 1.3 As this motion has a potential financial impact (loss of income) the matter is referred back for consideration by Cabinet.

2. **DECISIONS REQUIRED**

The Mayor in Cabinet is recommended to:-

- 2.1 Agree 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.
- 2.2 Agree that this decision applies to Sir John McDougal Gardens, Millwall Park and Island Gardens

3. REASONS FOR THE DECISIONS

- 3.1 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. ALTERNATIVE OPTIONS

- 4.1 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. BACKGROUND

- 5.1 Cabinet 6 April 2011 agreed future arrangements with regard to large commercial events in Victoria Park, but also considered the opportunity to raise income through smaller events, including corporate events and weddings. Cabinet was advised that Officers already progressed these types of event where suitable; Cabinet endorsed this approach and agreed that income generating opportunities in other suitable parks continue to be pursued where these do not impact unduly on the local community and planned sporting arrangements. On 21 September however, Council resolved to exclude three parks on the Isle of Dogs from this consideration and it is this matter which is now before Cabinet.
- 5.2 Officers from the Council’s Arts and Events team are drawing up plans to actively market specific parks and open spaces in the borough to commercial organisations, along with guidelines on types of use and potential numbers of bookings per year.

6. BODY OF REPORT

- 6.1 Commercial activity in our parks is not new and each year a number of income generating events already take place. To date the Council has been reactive to approaches from companies/individuals to use parks and open spaces. It is now looking to actively market specific spaces to increase the level of commercial activity and increase income generation. A proportion of this income will be reinvested in parks; from 2011 10% of all income generated in parks (other than Victoria park which has a separate target of £100,000) will go direct to parks to help with their upkeep and improve facilities.
- 6.2 The aim is to spread commercial activity across more parks to ensure that there is no undue impact on specific parks. Victoria Park is the most suitable

for major events, but other parks are also able to accommodate smaller corporate commercial events and private social events such as weddings. Each park/open space will be assessed for the type of event that will be suitable, as well as the maximum number of events that would be accepted. For some this will mean that no events will be sought. No park will be used exclusively for commercial use, there will be public access at all times. Furthermore regular sports bookings will be taken into account when considering events. It is therefore anticipated that each suitable park will have only a small number of commercial bookings in any one year. All events taking place will be managed to a high standard by the Arts and Events team who have extensive experience in this.

- 6.3 The need for the Council to become more efficient at generating income is clear and the current economic challenges to all Local Authorities will not change in the near future. Whilst fully appreciating the sensitivities and concerns of park users around the use of these spaces by commercial organisations and private users, the reality is that levels of activity will be low and subsequently impact will be fairly minimal in parks across the borough, including those on the Isle of Dogs. All commercial activity will be monitored closely.
- 6.4 It is therefore recommended that the Cabinet re-affirms its decision to enable corporate events in all suitable parks, including those on the Isle of Dogs and enable the marketing of specific parks within clear detailed guidelines for each space.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 A Council decision with financial consequences requires Cabinet consideration.
- 7.2 The savings targets included in the 2011/12 budget include an additional £200k to be achieved through increased income from events in parks.
- 7.3 Paragraph 4.2 refers to the Council resolution not to pursue commercial opportunities in the Isle of Dogs Parks, which will impact on the ability to achieve the savings target. This report is proposing that these parks are reinstated.

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 8.1. Under section 145 of the Local Government Act 1972, the Council has authority to make arrangements for the provision and doing of (or contribute to the expenses toward) an entertainment of any nature. This includes providing facilities in improving the development, practice, and understanding of the arts and the Council may set apart an area in any park or pleasure ground belonging to the Council or under its control as a venue for these purposes (section 145(2)(a) the Local Government Act 1972).

- 8.2. Under section 145(2) of the Local Government Act 1972, the Council is able to authorise another person using a public park for these purposes on such terms and payment as the Council sees fit and may authorise others to make charges for admission. The Council also issue admission charges itself, and can further issue charges for refreshments and programmes supplied in connection with the event.
- 8.3. It is important to note that the above provisions only apply to parks and open spaces that either belong to the Council, or are under the Council's control. Therefore consideration must be had to the ownership of each individual park in the Borough before any such events are authorised.
- 8.4. By virtue of section 19(1)(f) of the Local Government (Miscellaneous Provisions) Act 1976, the Council has the authority to provide any recreational facilities as the authority considers fit and appropriate to provide. Section 19(2) of the Local Government (Miscellaneous Provisions) Act 1976 further authorises the Council to make any such recreational facilities available for use with or without charge as the Council sees fit.
- 8.5. The Council is empowered under section 2 of the Local Government Act 2000 to do anything which it considers likely to promote the social, economic or environmental well being of Tower Hamlets, provided the action is not otherwise prohibited by statute. This power includes the ability to incur expenditure or to give financial assistance to or enter into arrangements or agreements with any other person. The power may be exercised in relation to, or for the benefit of: (a) the whole or any part of Tower Hamlets; or (b) all or any persons resident in Tower Hamlets. In exercising the power, regard must be had to the Community Plan and there should be evidence to support any conclusion about likely benefits. Efficiency is a cross-cutting theme in the Tower Hamlets Community Plan.
- 8.6. The Council has a duty under section 3 of the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This includes an obligation to make best use of the assets that it has at its disposal.
- 8.7. Having regard to section 13 of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the functions referred to in paragraphs 8.1 to 8.6 above are executive functions.
- 8.8. Any authorised events must comply with the relevant legislation in ensuring that any events are properly regulated. Such legislation may include (but is not limited to):
- Licensing Act 2003
 - Environmental Protection Act 1990 and all associated regulations.
 - Environment Act 1995 and all associated regulations.
 - Health & Safety at Work Act 1974 and all associated regulations.
 - Equality Act 2010.

- Food Safety Act 1990 and all associated regulations.
- Construction (Health, Safety and Welfare) Regulations 1996 and all associated regulations.
- Control of Substances Hazardous to Health Regulations (COSHH) 2002 Highly Flammable Liquids and LPG Regulations 1972

8.9. Before agreeing to pursue income generating opportunities in parks, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. Material relevant to this consideration is contained within the report.

9. ONE TOWER HAMLETS CONSIDERATIONS

9.1 Events in parks, whether free or commercial, provide similar opportunities for communities to come together and commercial income is required to fund free events such as fireworks which are widely enjoyed by our community.

9.2 The particular impacts of events, including any equality impacts, will be considered on a case by case basis prior to the Council agreeing that an event may proceed.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

10.1 As indicated below, those who hire the facilities will be expected to conform to Council sustainability policies, e.g. by recycling waste.

11. RISK MANAGEMENT IMPLICATIONS

11.1 The proposals in this report with regard to income generating events provide the least risk to future income generation.

11.2 Promoters of all events in parks are required to provide bonds which ensure that any damage arising from the event is re-instated. They are advised of council's policies on sustainability and required to adhere to them

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

12.1 Whilst events could have the potential to generate anti-social behaviour they are planned in full consultation with the Police and all plans are approved by the Safety Advisory Group which has Police and other emergency services representation

13. EFFICIENCY STATEMENT

13.1 Opportunities for income generation from corporate and private events and commercial events in other venues will be marketed in 2011.

14. APPENDICES

Nil

Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report

Brief description of “background papers” Name and telephone number of holder
and address where open to inspection.

None

N/A