


<p>Cabinet</p> <p>16 May 2024</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Simon Baxter, Corporate Director, Communities</p>	<p>Classification: Partially exempt</p>
<p>Victoria Park Licence to Occupy</p>	

Proposed Decision Path (indicate) – Delete Section Before Publication:

	Step [Delete as applicable]	Date
DLT Level (Tier One)	DLT / CD	
CLT Level (Tier Two)	CLT / CE	30/04/2024
Discussion with Mayor (Tier Three)	MAY	
Discussion with Lead Member (Tier Three)	LM	04/04/2024
Member Level (Tier four)	MAB / 121	01/05/2024
Decision (Tier five)	Cabinet / IMD	16/05/2024

Proposed Decision Path (indicate) – Delete Section Before Publication:

Lead Member	Cllr Iqbal Hossain, Cabinet Member for Culture and Recreation
Originating Officer(s)	Catherine Boyd, Head of Arts, Parks and Events
Wards affected	All wards
Key Decision?	Yes
Reason for Key Decision	Significant impact on wards
Forward Plan Notice Published	23/04/24
Exempt information	<p>This report and/or its appendices include information that has been exempted from publication as the Monitoring Officer:</p> <ul style="list-style-type: none"> • has deemed that the information meets the definition of a category of exempt information as set out in the Council's Access to Information Rules; and • has deemed that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. <p>The exempt information is contained in</p> <ul style="list-style-type: none"> • Exempt Appendix 1 <p>The exempt information falls into this category: Information relating to the financial or business affairs of any particular person (including the authority handling the information)</p>
Strategic Plan Priority / Outcome	4. Boosting culture, business, jobs, and leisure

Executive Summary

The Arts, Parks and Events team manages a range of community, commercial and corporate events across the Council's parks and open spaces. This includes the Victoria Park Major Events programme. This report sets out the recommended commercial approach for licensing major events in Victoria Park in 2024, 2025, 2026 and 2027 in line with the Council's Major Event Policy for Victoria Park. The report outlines the management arrangements and how these support the Council's Medium Term Financial Strategy.

It is proposed that the Council extends the licence to occupy arrangement, approved by Cabinet on 31 January 2024, to enable AEG Presents Ltd to deliver events in Victoria Park from August 2024 to September 2027 (at times to be specifically agreed). This approach will enable the Council to continue to maintain its parks and open spaces as central government grants reduce further over the coming years and provide increased opportunities for residents and visitors to engage with a wide range of events including free to access community event days.

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Decision Type

Key Decision?	Urgent Decision?	Exempt from Call-In?	Restricted Report or Partially Restricted (e.g. appendix)?
Yes	No	No	Yes

*If the answer is yes make sure the forthcoming decision on the website states this or else the decision cannot be taken.

Guidance Documents

Further details on the procedure for Urgent Decisions can be found in the [Intranet Library](#) and the Guide to Report Writing [guidance note](#).

Specific Issues for Pre-Decision Meetings

(Officers may use the following table to add points of note for internal meetings such as CLT, MAB or DMTs. Content can be deleted at any stage and, in any case, will be before publication for the decision making meeting.)

Directorate Leadership Team
Corporate Leadership Team
Mayor/Lead Member
Communications

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Recommendations:

The Mayor in Cabinet is recommended to:

1. Approve the option to enter into a Licence to Occupy with AEG Presents Limited as required.
2. Authorise the Corporate Director of Communities to instruct the Director of Legal Services and Monitoring Officer, to execute and enter into all necessary agreements to give effect to the implementation of recommendation 1;
3. To note the Equalities specific considerations as set out in Paragraph 4.

1 REASONS FOR THE DECISIONS

- 1.1 Cabinet approved a three-year licence to occupy in January 2024 to permit AEG Presents Limited to hold events in Victoria Park Between April and September in 2024, 2025 and 2026.
- 1.2 As the Council was unable to grant permission until January 2024, it was not possible for AEG Presents Limited to make the necessary arrangements for additional events in May/June 2024. Therefore, AEG Presents Limited's licence to occupy will now only operate from 1 August 2024 until 30 September 2026. This will result in a reduction in the forecasted income to the Council for financial year 2024/25.
- 1.3 AEG Presents Limited, has approached the Council to extend their licence to occupy parts of Victoria Park at times to be agreed from 1 August 2024 until 30 September 2027. This extension would enable AEG Presents Limited to deliver three full years of events (as originally approved by Cabinet) in Victoria Park (in addition to the planned August 2024 event dates).
- 1.4 The number of event days, as approved by Cabinet in January 2024, would remain at the same level of a proposed 11 days of major events (or such other days that comply with the Council's Major Events Policy for Victoria Park) and up to eight days of community events plus additional days to be agreed for assembling and dismantling of any required facilities per annum.
- 1.5 The decision to revise the licence to occupy arrangement, to enable AEG Presents Limited to deliver three and half years of events, will enable the Council to receive a guaranteed rental fee.

- 1.6 Under the current licence to occupy arrangement, AEG Presents Limited are only obligated to deliver and pay a fee for All Points East/In the Neighbourhood and one additional weekend in 2025 and 2026 (total of 14 event days per annum). In addition, AEG Presents Limited, have the option of delivering a second weekend of events in 2025 and 2026 (total of 19 event days per annum). It should be noted that the second weekend of events proposed for 2025 and 2026 (five event days in total per annum) are only payable if these additional event days take place.
- 1.7 Through the revised licence to occupy, AEG Presents Limited propose to deliver All Points East and In the Neighbourhood in August 2024. In calendar years 2025, 2026 and 2027, AEG Presents Limited would guarantee the Council a fee for rights to hold up to 11 major event days and up to eight community event days (with the fee payable regardless of whether they deliver all the proposed event days). This would result in the Council receiving a guaranteed fee for 19 event days per annum in 2025, 2026 and 2027.
- 1.8 The additional event days will provide more opportunities for residents to benefit from cultural events, increase expenditure through the local economy and generate more income to support Council services including the upkeep of parks and open spaces.
- 1.9 The licence to occupy would enable the Council to test (with an experienced operator with a good track record) an increased number of large and major event days per year in Victoria Park, in line with the Council's revised Major Events Policy for Victoria Park.
- 1.10 By demonstrating that Victoria Park can successfully hold more event days per annum, in line with the Major Events Policy for Victoria Park, it is anticipated that the Council will receive more commercially advantageous offers for future licence to occupy/contract opportunities. Future opportunities would be made available to the market in 2026 for a licence to occupy/contract commencing from 2028, by which point AEG Presents Limited will have (subject to obtaining a Premises Licence) delivered 11 paid entry commercial music focussed major event days and eight free to access community event days per annum in Victoria Park.
- 1.11 The revised licence to occupy would remain in line with the arrangement approved by Cabinet on 31 January 2024 with AEG Presents Limited delivering a proposed 11 music focussed event days and eight free to access community days over the three-year licence period, giving a total of 19 major and large event days per year. In 2024, AEG Presents Ltd, due to insufficient planning time, propose to deliver 10 event days (All Points East and In the Neighbourhood). The increased number of event days would be implemented from 2025.

- 1.12 The proposed licensing arrangement is a key decision as it may have a significant impact on the communities of two or more wards.

2 ALTERNATIVE OPTIONS

- 2.1 If the Council does not enter into a revised licence to occupy, then the Council would not be guaranteed a fee based on two additional weekends in May/June in 2025 and 2026, plus the loss of guaranteed income in 2027. Details of the loss of potential income to the Council is provided in exempt Appendix 1.
- 2.2 AEG Presents Limited have proposed a guaranteed fee for all the event days proposed (19 event days per annum including two additional weekends in 2025, 2026 and 2027) on the basis that the Council revises their current licence to occupy to enable them to deliver a full three years of events plus All Points East/In the Neighbourhood in 2024. This is due to the financial risk and resources required to extend their current programme from 10 event days to up to 19 event days per annum.
- 2.3 The licence to occupy will enable the Council to test the viability (commercially and practically in relation to Premises Licence requirements) of increasing the number of large and major events held in Victoria Park before committing to a longer term (up to six years) commercial arrangement with other potential operators.

3 DETAILS OF THE REPORT

- 3.1 In 2013 the first multi-year tender was awarded to Lovebox Festival Limited for three plus one year. In 2017, the Council went out to tender for a new contract from 2018 onwards for four plus one year, which was awarded to AEG Presents Limited. Due to the pandemic, and in line with procurement regulations, AEG Presents Limited was granted an extension of one year with 2023 being the last year of this contract arrangement.
- 3.2 In June 2023, officer authority was given to enter into a one-year licence to occupy arrangement with AEG Presents Limited to deliver 10 major event days in Victoria Park in the summer of 2024, whilst the Council undertook a review of the Victoria Park Major Events policy.
- 3.3 In November 2023, Cabinet approved a revision to the Major Events Policy for Victoria Park, enabling the Council to host up to 12 major event days per annum in Victoria Park (subject to licensing).
- 3.4 In January 2024, Cabinet approved a three-year licence to occupy with AEG Presents Ltd to deliver events in calendar years 2024, 2025 and 2026.
- 3.5 Under the current licence to occupy arrangement (approved in January 2024), AEG Presents Limited are permitted to deliver a staggered events programme

in line with the Council's major events policy. The proposal includes a potential 14 event days in 2024 (achieved through All Points East/In the Neighbourhood plus the option of one additional weekend in May/June 2024). By mutual agreement, and subject to market conditions, the licence to occupy permits up to 19 event days in 2025 and 2026 (delivered via All Points East/In the Neighbourhood and two weekends in May/June in 2025 and 2026).

- 3.6 AEG Presents Limited are obligated to pay for one additional weekend in May/June 2025 and 2026 with 2024 subject to timescales for approvals and availability of artist etc. Although AEG Presents Limited considered options for delivering event dates in May/June 2024 (additional to All Points East/In the Neighbourhood), it has not been viable for them to secure artists and therefore there will be no additional events in 2024.
- 3.7 As there are no additional event dates in May/June 2024, the Council will only receive a fee for All Points East/In the Neighbourhood in financial year 2024/25. Under the current licence to occupy, the Council is guaranteed an additional fee for one weekend in May/June 2025 and 2026 (total of 14 event days per annum). However, the second weekend (taking the total to 19 event days per annum) is by mutual agreement and will be subject to market conditions so fees for these additional event days are not guaranteed.
- 3.8 Currently AEG Presents Limited are only able to deliver two and half years of their three-year licence as the authority provided by Cabinet was limited to a licence to occupy for events in calendar years 2024, 2025 and 2026. AEG Presents Limited have submitted a revised proposal deliver events from August 2024 to September 2027 (just over three years and across four calendar years).
- 3.9 Should the Council consider the revised proposal, AEG Presents Limited would guarantee to pay a licence fee for the optional second weekends in 2025, 2026 and 2027 (total of 19 event days in 2025, 2026 and 2027). However, this would be contingent on the Council agreeing to enter into this arrangement by 30 June 2024 to give sufficient time for AEG Presents Limited to make arrangements for the additional event days in 2025.
- 3.10 The revised proposal would provide the Council with secure financial planning across the next three financial years. Exempt Appendix 1 provides a breakdown of the guaranteed fee to be paid to the Council should this revised licence to occupy arrangement be entered into.
- 3.11 AEG Presents Limited will only take the financial risk of committing to 19 event days in 2025, 2026 and 2027, if the Council can offer a licence that extends into calendar year 2027. The revised licence would be for just over three years starting from 1 August 2024 until 30 September 2027 (as opposed to 1 May 2024 to end of September 2026). The Council will need to enter into a licence to occupy by 30 June 2024 to enable AEG Presents Limited to commit to this arrangement.

- 3.12 AEG Presents Limited have delivered a successful event programme throughout their contract with the Council, exceeding contractual obligations and improving their performance year-on-year. AEG Presents Limited's event planning and delivery will be monitored through a multi-agency planning process through which they will need to demonstrate to the police, licensing, health and safety (including environmental health) and other agencies that they are delivering their event plans.
- 3.13 All events delivered as part of the licence to occupy will be in line with the Council's Major Events Policy for Victoria Park and subject to licensing conditions (Licensing Act 2003).
- 3.14 In line with the current licence to occupy arrangement, the revised licence to occupy would preclude other competing music focussed events from being held between April and September each year. However, the Council could continue to programme other types of events including winter fairs, food festivals, comedy, corporate and private hire events.
- 3.15 The benefits of the licence to occupy include:
- Guaranteed income over the licence to occupy period providing funding to maintain the quality of the Council's parks that would otherwise not be available under current budgeting arrangements and to provide a more solid basis for medium term financial planning.
 - Allows for testing of the market for an increase in the number of major event days before the Council commits to a potential six-year arrangement from 2028 onwards.
 - Improved local impact management and resident feedback arrangements to inform detailed planning for subsequent years events through one event organiser (rather than a roster of changing event organisers).

4 EQUALITIES IMPLICATIONS

- 4.1 Events income contributes significantly to the maintenance and provision of parks and open spaces across the borough, and the delivery of free to access community cultural events. Parks, open spaces and events are open to all residents from all backgrounds and protected characteristics.
- 4.2 Income generated from a well-managed events programme in Victoria Park enables the Council to continue investing in parks and open spaces and free community events at a time of reducing budgets, thereby benefitting all residents.
- 4.3 Events have localised, time limited impacts. These are not considered to affect any particular protected characteristic disproportionately. Localised impacts are minimised through contractual requirements to continuously improve event management arrangements.

5 OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 **Best Value Implications:** a multi-year licence to occupy will support the Council's budgeted income targets for 2024/25, 2025/26, 2026/27 and would guarantee income in financial year 2027/28. This approach will provide better financial stability and support the Council's medium-term financial planning.

A single event operator for major events in Victoria Park is considered the most effective use of resources, both in terms of staffing and asset use. The approach allows for more effective contract management arrangements, which could not be achieved with a multitude of contracts for smaller events.

5.3 **Consultations:** events with an attendance of more than 499 at any one time, which have regulated entertainment and or the provision of alcohol, require a Premises Licence. It is a statutory requirement for Premises Licence applicants to undertake a 28-day public consultation period. AEG Presents Limited, in preparation for their 2024 events programme, have obtained a Premises Licence to hold events in Victoria Park in line with the Council's Major Events Policy for Victoria Park. As part of the event planning process residents within a set catchment area of Victoria Park will be notified in advance of each event programme. This notification will detail event dates and timings (including set up and take down), sound check timings, road closures and how to contact them to raise a query or make a complaint. Information will also be published on the Council's website.

AEG Presents Limited have stated that they will hold community engagement meetings pre and post event to take into account any issues or suggestions by residents to inform their event planning and delivery arrangements.

Environmental (including air quality): as the events are held in public open spaces, consideration is given to reduce impact to residents and the park. Measures include effective site planning, ground protection and noise management procedures agreed with Environmental Protection. AEG Presents Limited, through the Park Hire Application process and licence to occupy, will be required to provide detailed site plans, demarcating ground protection measures, plus details of site services (including effective waste management and recycling). AEG Presents Limited are committed to operating sustainable events and would continue to seek to improve their practices to reduce the environmental impact of their events programme. AEG

Presents Limited will also be charged an environmental impact fee that will be used to improve the park's infrastructure.

- 5.4 **Risk Management:** the recommendations of this report seek to mitigate budgetary risks by securing guaranteed events income across four financial year. This approach will provide a more stable and predictable environment for year-on-year budgeting.

If the Council were to go to market with an opportunity for a multi-year contact in 2024 rather than enter into a three-year licence to occupy with AEG Presents Limited, the commercial offers received are likely to be lower given that event operators will base their proposals on the established success of the venue and potential for additional events based on current / previous Premises Licences. The proposed licence to occupy will enable the Council to go to the market in 2026, once an expanded events programme has been successfully delivered at Victoria Park in relation to the necessary Premises Licence conditions.

Should the Council decide to enter into this arrangement, then the licence to occupy agreement must be entered into no later than 30 June 2024 to provide sufficient time for AEG Presents Limited to plan for an increased events programme from 2025.

The risk of residents being impacted by poorly managed events is reduced as AEG Presents Limited has delivered a successful event programme throughout their contract with the Council, exceeding contractual obligations and improving their performance year-on-year. The Council can be confident that, based on previous performance, an increased number of event days would be responsibly managed by AEG Presents Limited.

All major events are subject to multi-agency planning, including the relevant emergency services. In addition to the contractual requirements, the premises licensing process provides for further mitigation through licensing conditions. Through the event planning process, the event organiser will need to demonstrate that they have the resources and experience to safely plan and deliver their event with minimum impact to the park and residents. This includes providing, relative to the size and risk of the event, Event Management Plans; Crowd Management Plan; Noise Management Plan, Risk Assessment (including fire); Safeguarding Policy; Sustainability Plan; and adequate insurance.

- 5.5 **Crime Reduction:** AEG Presents Limited have made continuous improvements to their current event management arrangements in order to minimise any potential negative impact from major events. This has resulted in a reduction of adverse impacts and the current events programme has been confirmed as a low-crime event by the Metropolitan Police service. AEG Presents Limited are committed to building on these arrangements so they can expand their event programme.

AEG Presents Limited will be required to provide a Crowd Management Plan, which will be subject to review by the multi-agency planning group, which includes representatives from the Metropolitan Police Service. Through this process, event organisers will need to adequately demonstrate how they will meet the Licensing objectives (Licensing Act 2003). Detailed plans must be provided to document on site (event footprint) and off site (park and key external walking routes) arrangements to and from Victoria Park.

5.6 **Safeguarding:** through the licensing and multi-agency planning process, event organisers must provide detailed and robust arrangements and measures to protect children and vulnerable adults from harm. These plans are subject to review by the multi-agency planning group. As part of the Premises Licence application and multi-agency planning process the Council's Safeguarding and Quality Assurance Service team reviews safeguarding measures.

5.7 **Data Protection / Privacy Impact Assessment:** event organisers do not manage sensitive data held by the Council. They are responsible for compliance with the Data Protection Act 2018 (DPA 2018) and the Privacy and Electronic Communications Regulations 2003 (SI 2003/2426) and this responsibility is covered via the Park Hire Contract.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 As part of a review of the Council's Medium Term Financial Strategy for the next three years, additional income targets for major events were approved, commencing as part of the 2024/25 budget.

6.2 Further financial comments are provided in exempt Appendix 1.

7 COMMENTS OF LEGAL SERVICES

7.1 Cabinet approved the option to enter into a three-year Licence to Occupy with AEG Presents Limited as required on 31 January 2024.

7.2 The Cabinet report for the licence to occupy states that the licence would be for events held in 2024, 2025 and 2026. Therefore, a decision is required to authorise events to be held in 2024, 2025, 2026 and 2027. This decision could be taken by the Mayor as an Individual Mayoral Decision (either for the amendment to be made or to authorise the Corporate Director for Communities to take an Officer Decision). Alternatively, the decision could be made by the Mayor in Cabinet, however this would need to be concluded before 30 June 2024.

7.3 This report does not give rise to any particular legal implications in respect of planning, licensing, etc. Specific advice on event licensing, planning and other issues will be given to the relevant Committee or Sub-Committee, as required.

- 7.4 Section 145 of the Local Government Act 1972 gives local authorities a power to do or arrange for the doing of anything necessary or expedient for the provision of any entertainment. This power includes the power to set aside or enclose any part of a park or pleasure ground that they own or that is under their control. This includes the power to allow such a part of a park or pleasure ground to be used by some other person, on payment or such other terms as the authority thinks fit and allows that other person to make charges for admission.
- 7.5 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 agreement will prohibit unacceptable uses of the land in the usual manner.
- 7.6 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.
- 7.7 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.
- 7.8 The proposal for the use of the land submitted to the Council shows information relating to AEG Presents Limited'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 Presents Limited, 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.
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Linked Reports, Appendices and Background Documents

Linked Report

- Cabinet [report](#) for the amendment to the Victoria Park Major Events Policy and [decision](#) taken.
- Cabinet [report](#) for the current three-year licence to occupy and [decision](#) taken.

Appendices

- Exempt Appendix 1

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- None.

Officer contact details for documents:

N/A