



Cabinet 23 November 2011

Operational Procedure for events in the Council's Parks, including the Abbey Gardens (Dec11/14)

1. Summary and Reasons for Recommendation(s)

- 1.1 The Borough's parks and open spaces host a wide variety of events throughout the year. Many of these events, such as the Bury Festival, Children's Festivals, Big Days Out, firework displays and Armed Forces Weekend, are now an established and popular part of the annual community calendar.
- 1.2 The Abbey Gardens is a particularly desirable venue for events and, owing to its popularity and the need for the Parks Service to create more income, the number of externally managed events held at this site have increased steadily in recent years.
- 1.3 Neighbouring residents adjacent to the Gardens have been tolerant of the evening events held on site to date, however, given the increased number of events held over the last twelve month period, it is felt that there is now a danger of exceeding an acceptable level of disturbance as far as some of the neighbours are concerned.
- 1.4 Officers propose that the Borough continue to adopt a pragmatic approach to the hosting of future events held in the Borough Parks and Open Spaces by formally adopting an events procedure which will, amongst other things, govern the number, duration and type of events held on site in the Abbey Gardens. It is hoped that, through this procedure, local residents will be reassured that the use of the Gardens is reasonable and tolerable.
- 1.5 It is important that this procedure is in place by the end of 2011 to assist in the planning of established events such as the Festival. Equally, it needs to reflect the outcomes of consultation. For these reasons, it is proposed that the procedure be adopted in principle but be signed off after consultation under delegated authority.

2. Recommendations

- (1) The draft Operational Procedure for Events in the Council's Parks, including specific conditions for the Abbey Gardens, as set out in Appendix 2 of Report C229, be approved in principle; and
- (2) The Corporate Director for Community Services, in consultation with the relevant Portfolio Holders, be authorised to amend the procedure following the conclusion of public consultation and approve it for implementation from January 2012.

3. Corporate Objectives

3.1 The recommendation(s) meet the following Corporate Priorities, as contained within the Corporate Plan:-

- (i) To improve the safety and well-being of the community;
- (ii) to secure a sustainable & attractive environment; and
- (iii) to raise standards & corporate efficiency.

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4. History

- 4.1 The Council has an established booking process for events in its parks and open spaces. In recent years, there has been more demand for evening outdoor entertainment (e.g. Help for Heroes concert) and, at the same time, the Parks Service needs to explore how the cost of the parks to local taxpayers can be reduced through an in-house and external events programme.
- 4.2 With its central town position and attractive setting the Abbey Gardens has proven to be a popular venue for evening musical concerts. In the Summer of 2011 the Gardens hosted eight evening music events and one open air film screening. **Appendix 1** lists the details of the events held over the last twelve month period. Four of the new events (the open air film screening, Help for Heroes concert, Bury Sound and OEP Live) provoked complaints, as did the well established Bury Festival in May 2011.
- 4.3 In order to meet the desire of the local community to have fun and enjoyable events provided in the Borough's parks and open spaces a draft procedure note on the hosting of events has been drawn up for member consideration (attached as **Appendix 2**).
- 4.4 The overarching aim of the procedure is to ensure that any event held in our parks and open spaces is enjoyable, inclusive and safe for those that attend and does not unreasonably disturb neighbouring residents. Owing to the proximity of residential dwellings to the Abbey Gardens (now far closer due to the change of use of Alwyne House), the Code of Practice on Environmental Noise Control at Concerts, published by the Noise Council, has not been applied or set as a condition in any of the licensed events held in Abbey Gardens as to do so would prevent *any* events involving amplified noise ever taking place on site. Instead, it is proposed to regulate events through a specific procedure, adopted after public consultation.

5. Advice from Environmental Health concerning Abbey Gardens - Noise Nuisance

- 5.1 The Code of Practice on Environmental Noise Control at Concerts is only guidance and not statutory. Furthermore the guidance states: "Where arrangements are satisfactory with either higher or lower noise levels than those contained in the guidelines, these limits should continue." Environmental Health records show that, between 2000 and 2010, they had only one noise complaint in 2007. However, in 2011, seven were received (one of which was anonymous). There is therefore an argument to say that as the events have not given rise to a large number of complaints (notwithstanding this year's events) the previous noise levels must have been generally perceived as acceptable, and that events could at least continue as in previous years.
- 5.2 As far as statutory nuisance is concerned (Environmental Protection Act 1990) there are no noise levels or times specified. Nuisance will depend on a number of factors not just noise levels including duration, time and frequency of events (and if relevant - convention). The question then is whether the noise is an unreasonable interference with a person's enjoyment of their property.
- 5.3 Provided that the number and duration of events is limited and they finish at a reasonable time, then nuisance may be avoided even though the music is audible in the residents' homes.
- 5.4 Given the proximity of the residential premises, Environmental Health Officers suggest for *amplified* evening events/concerts at the Abbey Gardens that:-

- (1) music finishes by 10:30pm;
- (2) the total duration of amplified music played at a evening concert should be no longer than 3.5 hours over one evening (excluding intervals), with a much shorter period for sound checks;
- (3) evening concert programmes¹ should not be held on more than three separate occasions each year;
- (4) within any one programme of events, amplified concerts should not take place on more than three consecutive nights; and
- (5) there should be no significant noise after 11.00 pm and before 7.00 am, including overnight dismantling of stages and generators.

5.5 As this is what has gone on in previous years (by convention) with little complaint it may be argued that it is 'reasonable' and therefore unlikely to be considered to be a statutory noise nuisance.

6. Current position

6.1 Included as an annex in the draft Operational Procedure are specific restrictions which will apply to events in the Abbey Gardens, in accordance with the advice of Environmental Health. These will limit the number of amplified evening music events in the Gardens to a maximum of ten evenings per year, with no more than three evenings to run consecutively in any one week. This restriction would not cover evening events which do not involve amplified sound, or community events such as annual fireworks.

6.2 A local company, OEP Promotions, hosted concerts over three nights attracting over six thousand attendees in July 2011, at an event called "AbbeyFest". The concerts included stars such as Lulu, Rick Wakeman, Bill Wyman. The organiser paid the Council a hire fee for using the site and there was no Council subsidy. Overall, the local media heralded the events as a success, although two complaints were received (one of which relating to overnight noise). Given the success last year, OEP have approached the Council stating that they would like to host a similar series of concerts in 2012 and enter into an exclusive arrangement with the Borough concerning such events. The arrangement sought by OEP would prevent concerts not sanctioned or organised by their company taking place in the Abbey Gardens.

6.3 The officers have advised OEP that, while they would be keen to build on the successes of the 2010 summer concerts, they cannot enter into formal negotiations for 2012 until this new procedure has been adopted. OEP have also been advised that the Council would not wish to enter into any exclusive agreement for 2012, not least as the Council is already committed to the Bury St Edmunds Festival in May 2012. In any event, if an exclusive arrangement were ever to be considered, it would have to be subject to a formal tendering exercise under the Council's procurement rules to ensure that the taxpayer received the maximum return. As well as suitable safeguards to preserve community access to and involvement in performances in the parks.

¹ For the purposes of this procedure, a "concert programme" would constitute one single booking of the Abbey Gardens by an event organiser. This could be for one single concert or a series of concerts over more than one day (advertised collectively). For instance, a season of outdoor concerts as part of the Bury Festival would count as one programme.

7. Community impact			
7.1 <u>General</u> The objective of the procedure is to reduce the level of noise nuisance complaints received by the noise nuisance team whilst meeting the community's desire to attend local events in the Borough Parks.			
7.2 <u>Diversity and Equality Impact</u> An impact assessment has been completed and there were no significant issues of concern identified.			
8. Sustainability Impact			
8.1 SIA has been completed and no major adverse impacts were identified which required consideration.			
9. Consultation			
9.1 As part of the consultation process, officers have contacted the seven individuals who logged noise nuisance complaints concerning events hosted in the Abbey Gardens last year, as well as Local Residents' Associations, the Town Council and Local Borough and County Councillors. The Friends of Abbey Gardens, users of parks & open spaces and those who have hosted events in the Abbey Gardens in the past twelve month period have also been consulted. The views of the Police have also been sought, alongside those of Environmental Health and Licensing and the Council's Health and Safety Officer. An operational perspective has also been sought from the Festival Manager. The procedure presented in this report reflects the outcome of that consultation. Public consultation on the procedure will continue until 9.00 am Monday 12 December 2011.			
10. Resource implications <i>(including asset management implications)</i> There are no new resource implications to be considered as part of this report. The objective is to ensure that the parks earn the maximum possible income without any loss of enjoyment to their users and neighbours.			
11. Risk Assessment <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>			
11.1			
Risk area	Inherent level of Risk (before controls)	Controls	Residual Risk (after controls)
Noise nuisance complaints arising from permitted events held in the Abbey Gardens.	High	Promoters encouraged to use alternative venue (Nowton Park) Restrictions placed on number of events held in Abbey Gardens and their duration.	Medium
Loss of income as a result of promoters not accepting conditions and taking business elsewhere.	Medium	Procedure in place.	Medium
Negative publicity arising from disgruntled promoters/unhappy neighbouring residents.	High	Consultation will take place with both residents and promoters.	Medium
Loss of public enjoyment of popular evening music events in the Park.	Medium	Develop procedure to balance needs of residents with ability to operate the park for widest community benefit.	Low

12. Legal or policy implications

12.1 Officers are mindful of the various legal requirements regarding the management and hosting of public events. This new operational procedure sits within the Council's overall policy framework, in particular the Council's Licensing and Health & Safety Policies.

Ward affected	Abbeygate ward	Portfolio Holder(s)	Culture and Sport
Background Papers	Nil	Subject Area Corporate plans and strategies Environment Leisure, sport, arts and culture	

APPENDIX 1

Events permitted in Abbey Gardens October 2010 – September 2011

Event Dates	Duration	Event	Organiser	Amplified Sound	Number of noise nuisance complaints
20 October 2010	Afternoon & early evening.	Girl Guide Centenary Finale Event	Girl Guides	No	0
6 November 2010	1 x evening	Round Table Fireworks	Round Table	Yes - PA	0
22 April 2011	An afternoon event	Good Friday Passion Play	Churches Together For Bury St Edmunds & District	Yes - PA	0
1 May 2011	Morning event	St Georges Day Parade	Scout Association	No	0
20 & 21 May	2 evenings plus day time activities	Bury Festival Open Air Activities	Borough Council	Yes	1
28 May 2011	1 evening	Open Air Film Screening	City Screen Ltd	Yes	1
12 June 2011	1 day time	Bury Wheel (bike race)	Bury Wheel	No	0
24 June 2011	1 evening	Armed Forces Day Concert	Six Menswear Ltd	Yes	1
25 June 2011	Day activities and evening concert.	Armed Forces Day	Borough Council	Yes	0
26 June 2011	1 evening	Bury Sound-Help The Heroes	Borough Council	Yes	2
21-24 July 2011	3 evenings (2 days set up – 1 day take down)	Bury Fest	OEP Live	Yes	2
4 August 2011	1 afternoon	Dominican Sisters Service	Dominican Sisters	No	0

Appendix 1 Cont.

Event Dates	Duration	Event	Organiser	Amplified Sound	Number of noise nuisance complaints
9 August 2011	1 day	Children's Festival	Borough Council	No	0
17 September 2011	1 day	Start of the seventh start stage of the Tour of Britain + community Event	Borough Council	Yes	0
17 September 2011	Afternoon & early evening.	Party For Bury Scouts	Scouts Association	Yes	0
18 September 2011	Afternoon	Morris Day Of Dance	Green Dragon Morris	No	0
18 September 2011	Morning	Battle of Britain Commemoration Parade & Service	Borough Council	Yes	0

9 evening events last year
7 complaints from 5 separate individual properties.



Operational Procedure for Events in the Council's Parks and Open Spaces (November, 2011)

1.0 Introduction

The purpose of this operational document is to provide guidelines and set out procedures for the booking and running of events in the Borough's parks and open spaces.

It is intended that this procedure note establishes the importance of events in relation to the core council objectives that are contained within the Corporate Plan, and the Council's Policy Framework.

This procedure draws together and formalises the good custom and practice which has been in place in the Borough for some years.

This document addresses, in particular, pre-event planning and consultation so as to ensure that events:

- are safe and enjoyable for those attending
- are properly planned
- do not unreasonably disrupt the lives of local residents and other park users
- damage to sites is minimised and appropriate restoration work is carried out.

2.0 Events and the Community.

Events can be an important element in the process of building up a sense of community.

Events in parks can promote people's awareness of the facility, which in turn can lead to increased usage.

Promoting increased positive use of parks is an important part of reducing the fear of crime in parks.

Appropriate events that are well managed will promote a positive image of the borough.

Events can provide recreational opportunities for residents and visitors.

Well-managed events that have been appropriately consulted on can provide an annual income.

Local events can help to serve local economies.

3.0 Management Principles

In order to ensure that the aims that have been discussed above are achieved, the present processes have been reviewed and procedures and protocols have been updated. The key management principles are:

- Public safety is of paramount importance
- The effect of an event on local residents and other users of parks and open spaces should be carefully considered prior to a letting being agreed
- The nature and content of events should reflect well on the Council and local stakeholders
- Consultation should be carried out in accordance with the agreed guidelines.
- All precautions should be taken to limit damage to the Borough's parks and open spaces.
- Any damage caused should be rectified as quickly as possible at the event organiser's expense.
- Events should be well managed, safe and meet the Council's requirements.

4.0 Criteria to be considered prior to the confirmation of an event booking

The following criteria should be considered before confirming the booking of a specific event:

- The likely effect on park users, local residents and wildlife.
- Possible damage to ground, infrastructure or ecology of a park or open space
- Any legal constraints (special constraints are in place with regards the Abbey Gardens owing to its heritage and archaeological content).
- If the application is for a repeat of a previous event, a review will be carried out as to the success of the previous event and such information will be included in the consultation. This review will consider complaints, adherence to conditions and the impact on the local environment.
- The timing of an event and its duration.
- Size of proposed venue, the number of people who are attending or who are estimated to attend. In relation to this, the organiser should make it clear to the Council the various ways that the event will be advertised.
- The quality and content of an event.

- Car parking implications and possible impact on transport infrastructure.
- An organiser's commitment to equal opportunities, in particular access for people with disabilities.
- Licensing implications.

5.0 Conflict of users

If an application is given permission, officers will ensure that any potential conflict of users is minimised by ensuring that all user groups have been informed of the event, and if necessary it will be made clear to the organisers of the event the areas of the site that they are free to use and those where they will not be permitted to occupy.

6.0 Hours of operation

Operating hours and times for 'setting up' and dismantling will be negotiated between event organisers and Council representatives on an 'ad hoc' basis.

7.0 Noise

Environmental Health and Housing Services will be consulted where any event is likely to have a noise impact on the local community. Maximum noise levels and other relevant conditions may be applied to protect the amenity of neighbours. Any cost that is incurred will be met by the organisers of the event.

8.0 Licensing

The Abbey Gardens is already covered for events organised or sponsored by the Council by the 'Town Centre' licence which is held by the Borough Council.

St Edmundsbury Borough Council Parks Service can also apply for its other parks to become licensed premises in relation to music, dance and theatre. This is currently being considered.

If a proposed event in any park requires licensing, the process that needs to be followed is dependent on the size of the event. Anyone proposing to operate an event on Council owned land must provide licensing with confirmation that they have obtained consent from the relevant department.

8.1 A Temporary Event Notice (TEN)

This relatively simple process applies to licensable events at which no more than 499 people will be at an event at any one time.

- An application for a TEN has to be submitted to the Licensing section and the local police a minimum of ten clear working days before an event is to happen. Only the police can turn down the application.
- There is a maximum of 12 TENs per annum for any one site and a maximum of 15 days per year. It is not envisaged that this will create any problems

since it is highly unlikely that we will have more than a few applications for licensable events on any one site.

- It is suggested that an application will need to be made to the Parks & Open Spaces Service at least 4 weeks before the date of an event for which a TEN is applicable.

Cost: A Temporary Event Notice will cost the applicant £21

8.2 A Premises Licence (time limited)

This is a more complicated process that has to be followed for bigger events that are held at a 'premises' for which the St Edmundsbury Borough Council does not already hold a licence, or chooses not to let the applicant operate under an existing licence held by St Edmundsbury Borough Council.

The process is identical to that which needs to be followed when applying for an annual Premises Licence. Full details on the application process can be obtained from the Council's Licensing Service.

An event organiser will be responsible for obtaining the licence. It is suggested that applications for large events (where an audience of more than 500 people is anticipated at any one time) should be made a minimum of 12 weeks before an event is due to be held.

Cost: The application fee for a Premises licence, based on the premise a park or open space has rateable value of zero) is £100

NB. There is a separate scale of fees where the maximum number of people at any one time is 5,000. A copy of the licensing fees & charges are available from the Councils Licensing section.

8.3 Alcohol

- Alcohol can be sold at a parks event under a TEN where the event is limited to not more than 499 people at anyone time.
- Any individual can apply for a TEN, subject to certain conditions which are set out in St Edmundsbury Borough Councils Licensing web page.
- The Parks Service expects any person authorised for retail sale of alcohol to implement:
 - (i) a challenge 25 scheme.
 - (ii) promote free drinks of water
 - (iii) Provide alcohol in small measures
 - 125ml for wine
 - 25/35ml for spirits
 - ½ pints for beer & Cider
 - (iv) provide clear notices on site to inform the public of the above.

9.0 Classification of Events

9.1 Commercial events

For the purpose of this procedure, these are events that are not organised by a local authority or by a charity or community, voluntary or not-for-profit group or organisation. The following events will be classified as commercial:

- Corporate event
- Marketing and promotional activities for profit making organisations.
- Funfairs and circuses and any event that aims to make a profit from the activity.
- Private lets e.g. a wedding reception/private party.

9.2 Community Events

These are events that are organised by Community or voluntary groups in support of the community or local businesses. This includes events organised by the Borough Council, Town Council or their agents.

- This category also includes events that are organised by charities.
- Events will usually need to benefit borough or local residents to fall into this category.
- Events organised by a commercial organisation solely for charitable fund raising purposes (e.g. a charity bike ride or concert) would normally fall into this category. Events which are designed to generate a profit to a commercial organisation will normally be regarded as commercial even if they involve a charitable donation.

9.3 Camping (linked to events)

The Council will consider any applications for camping linked to events on their individual merits. In principle, the Council will allow camping (linked to an official event) by a recognised organisation e.g. scouts, but will not permit private camping on any of its sites. Any authorised camping will be subject to consultation and will have limitations placed upon it e.g. duration and numbers.

9.4 Circuses

The council is committed to only allowing circuses which have approval from the RSPCA, and will only allow domestic animals to be used in any performances in its parks.

10.0 Fees and charges

The authority will set an annual scale of fees and charges for parks events. The fees will be dependent on the type of event, the numbers of people attending and the duration of the event.

The following will apply:

- Provisional bookings will only be made after the Parks section has received a completed application form.
- Upon receipt of an application a decision will be made as to whether an event is licensable. If it subject to licensing the applicant will be advised accordingly.

- A reinstatement bond (when applicable) must be paid in advance of the event when the fee is payable. This will be used to repair any damage to the park that is caused as a result of an event.
- Full payment of the fee and the reinstatement bond should be made at least four weeks before the event.
- Deposits for large events will be calculated according to the size and nature of the event and the possible damage that could be caused.
- If the Council needs to clear litter or debris from a site after an event, or repair ground or infrastructure after it has been damaged as a result of an event, the cost of the work plus a management fee of 10% will be deducted from the deposit.
- Officers will have the discretion to waive or vary fees for an event with written agreement from the Head of Leisure Services.

11.0 Late Applications

Late applications will only be accepted for small events which do not require a licence, and officers will make every possible effort to carry out a consultation with ward councillors if the event is not covered by any existing protocols (e.g. at the Abbey Gardens).

Any late application for an event that is deemed to require a licence will not be permitted.

12.0 Management of Events

Organisers of events must ensure that health and safety legislation is followed by their own organisation and by sub-contractors. Dependent on the size and classification of an event, the documents required will be:

- Crowd Management
- Emergency / fire procedure
- Risk assessments
- Equal Opportunity Statement
- Event Communication
- Lost Child Procedure
- Food Hygiene certification
- Waste Management
- Site Plans
- Provision of First Aid

All organisers operating under the Councils Premises licence will need to ensure that they can comply with all the conditions in the licence, and submit documentation to St. Edmundsbury Borough Councils Leisure Services at least four weeks in advance of the event, and that all documentation is available for inspection at the event.

All organisers of events must ensure that they have an appropriate level of Public Liability insurance in place. The Council currently requires a minimum level of Public Liability insurance of five million pounds for events held on its premises.

All event organisers should ensure that they conform to:

- Health and Safety at Work Act 1974
- RIDDOR 1995
- The Children's Act 1989
- Fire Precautions Act 1971
- The Event Safety Guide; and
- Any subsequent or successor legislation governing event management.

NB. Events organised by Council Officers must also comply with the Borough Councils procedures & documentary guidance notes prepared by the Borough's H&S Manager.

13.0 Catering

The provision of food and drink at any event will be subject to the conditions of any catering contract(s) held for that park at the time an event booking is accepted.

14.0 Safeguarding Children and Adults

- Event organisers, their employees and contractors will be required to comply with the Council's Safeguarding Children and Adults Policy
- The content of each event shall be considered by the Council and an age limit agreed with the Organiser. These limits will be monitored by the Council and failure to comply with them may result in the closure of the event.
- All organisers and promoters will be required to provide evidence of procedures for dealing with lost children



Abbey Gardens, Bury St Edmunds.

Owing to the Abbey Gardens town centre location, its proximity to residential dwellings and it being a scheduled ancient monument site there are certain special conditions which will normally apply to the permitting of events at this venue, namely:

General Conditions

- (1) To ensure that subterranean archaeological is not damaged users of the site are not permitted to sink any tent peg or any other items into the ground on site.
- (2) Marquees & other structures must be self weighted
- (3) There are only certain areas within the gardens where events are permitted under no circumstances is anything to be leant against or attached to any of the standing ruins on site.

Evening events involving amplified music

Amplified evening events/concerts at the Abbey Gardens are restricted as follows:

:

- The Council will only accept bookings for up to three separate evening music concert programmes¹ in any one calendar year.
- The combined number of evenings of amplified music in these programmes will not exceed 10 in any one year.
- music and announcements will finish by 10:30pm
- the total duration of amplified music played at a evening concert should be no longer than 3.5 hours over one evening (excluding intervals), with a much shorter period for sound checks.
- The proposed timings for sound checking must be made known in the event plan.
- There should be no overnight dismantling of stages and generators or heavy plant, but quiet removal of performance equipment will be allowed.

The above conditions may only be varied by the Head of Leisure Services in consultation with stakeholders, including local residents.

Annex A Cont.

The general conditions above apply to all events. However, the specific restrictions above relating to amplified music would not cover evening events which do not involve amplified sound, or community events such as the Fright night, fireworks display and Christmas Fayre.

¹ For the purposes of this procedure, a “concert programme” would constitute one single booking of the Abbey Gardens by an event organiser. This could be for one single concert or a series of concerts over more than one day (advertised collectively). For instance, a season of outdoor concerts as part of the Bury Festival would count as one programme.

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