
Subject:	EVENTS POLICY REVIEW AND UPDATED MEMORANDUM OF UNDERSTANDING TO HIRE COUNCIL LAND
Meeting and Date:	Cabinet – 13 May 2024
Report of:	Mike Davis, Strategic Director (Finance and Housing)
Portfolio Holder:	Councillor Charlotte Zosseder, Portfolio Holder for Community and Corporate Property
Decision Type:	Key Decision
Classification:	Unrestricted

Purpose of the report: To advise Cabinet of the options regarding reviewing and updating the corporate events policy ensuring all legal obligations are met and a safe, robust process is in place for the hire of Council land.

Recommendation: It is recommended that Cabinet:

1. Adopts the new Events Policy.
2. Adopts the new terms & conditions for event organisers.
3. Adopts the new event categories and pricing structure for the new categories.
4. Introduces the new events tier system.

1 Summary

1.1 Cabinet is asked to approve the new Events Policy which includes a risk (tier)-based system for Dover District Council (DDC) to undertake site visits, revised terms & conditions for the hire of Council land, a new system of charges and reinstating 'face to face' meetings for the Events Safety Advisory Group (ESAG), all to be implemented from 1 June 2024.

2 Introduction and Background

1.2 On 3 August 2022 an incident occurred at Pencester Gardens in Dover whilst the land was under hire; tragically the incident resulted in a fatality. The death was reported to the coroner.

1.3 Further to the inquest, DDC held a multi-agency ESAG debrief chaired by an independent chair. After this process, following recommendations from the debrief, meetings took place with DDC members of the ESAG from multiple service areas. This process reviewed the policy, making some amendments that service areas felt were needed.

1.4 The main amendments to the policy/ESAG process from the above discussions are:

Introduction of a Tier System

1.5 The tier system outlines the process and obligations for an event organiser depending on which tier they fall into. Administration charges have also been introduced for tiers 2 and 3; this is in reflection of the officer time needed to process applications and attend

site visits. Officers undertook a consultation with other Local Authorities in Kent and various other Local Authorities charge an administration charge for event applications.

Changes to the Terms & Conditions of Land Hire

- 1.6 There have been changes to the Terms and Conditions of land hire which event organisers sign on submission of an event application to DDC.

Charges for DDC Services

- 1.7 During the consultation process with other service areas, it was noted that on occasions event organisers use DDC provisions such as public toilets and waste disposal at no extra charge for the benefit of their event. It is felt that applications should be assessed on an individual basis and DDC may charge for such services should they wish.

Protecting DDC Land from Damage

- 1.8 In March/April of 2023 an event organiser occupied Victoria Park in Deal, causing substantial damage to the land. The land was repaired at a substantial cost to the Council which went above the costs from the deposit paid by the event organiser. Therefore, it is requested through this report that events with heavy machinery (tier 3) should only occupy DDC land between the months of May to August, however this is subject to Council discretion for example if substantial land protection (i.e. matting) is provided at the expense of the event organiser to protect the land and agreement is reached for any follow-up ancillary repairs required. Tier 3 events may be allowed outside the months of May to August.

Inclusion of the Protect Duty

- 1.9 At the request of Kent County Council, the Protect Duty and responsibility of the event organisers in relation to terrorism has been included in the policy and adapted terms & conditions of land hire.
- 1.10 Any new general legislation regarding terrorism at events passed by parliament will be inserted into the policy as and when required.

Changes to Charges on DDC Land

- 1.11 Each year the Head of Parks and Open Spaces Team applies through the fees and charges report to amend the hire fees for DDC land hire, usually in line with inflation. Attached to the policy are the recommended amended charges for 2024/25 in line with inflation. In addition to this, some new charging categories have been introduced as defined by the Foreign, Commonwealth and Development Office Guidance "Small to medium sized enterprise (SME) action plan", updated 2 May 2023). The introduction of these additional categories is to support the Council in covering all costs for possible damage and maintenance of the land used, particularly by very large events. All charges will be reviewed on an annual basis in line with the Council fees and charging policy.
- 1.12 The below table shows approximate possible income for land hire and administration fees for 24/25 using the proposed fees & charges, this is based on last year's events (this figure is excluding deposits):

Event Category	Number of events	Total income (for operating and non-operating days)
Community/Charity	16	£1,365.00
Micro Commercial organisation	3	£3,315.00
Small Commercial organisation	4	£25,320.00
Large Commercial organisation	1	£4,800.00
Administration fees	5	£200.00
Total Income		£35,000.00

The total income for 23/24 for land hire was £30,459.50.

Therefore, there will be an approximate increase of £4, 501.50 per annum.

3 Identification of Options

1.13 Option 1 - Adopt the policy, new terms & conditions for event organisers, new event categories and pricing structure and events tier system.

1.14 Option 2 - Do not adopt the policy, new terms & conditions for event organisers, new event categories and pricing structure and events tier system and continue with the existing arrangements.

4 Evaluation of Options

1.15 Option 1 is the preferred option for the following reasons:

- DDC stated at the inquest that DDC was actively reviewing its position
- The changes ensure, as far as is reasonably practicable, safe and effective events in the district.
- The change may bring additional income into the Council from land hire charges.
- The changes mitigate damage by events and associated costs.

1.16 Option 2 is not recommended as it fails to recognise additional measures to strengthen the Council's T&Cs and potential reduction in income and potential further damage to DDC land increasing financial pressure.

5 Resource Implications

1.17 There will be additional officer time required to process event applications and carry out site visits. At this time, it is anticipated that this workload can be absorbed within the team and no additional resources will be added.

1.18 The introduction of event administration charges will bring a small new income stream for the Council, aimed at helping to cover the costs of the ESAG process.

1.19 A clear events policy and charging structure may also lead to event organisers utilising our land and therefore deliver additional income from hire charges.

6 Climate Change and Environmental Implications

1.20 The Climate Change Officer has been consulted and has no further comments.

7 Corporate Implications

1.21 Comment from the Director of Finance (linked to the MTFP): The Head of Finance and Investment has been consulted on this report and has no further comments to add. (HL)

1.22 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make. (SRD)

1.23 Comment from the Equalities Officer: This report seeking approval to adopt the policy, new terms & conditions for event organisers, new event categories & pricing structure & events tier system does not specifically highlight any equality implications. Members are reminded in discharging their duties to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010
<http://www.legislation.gov.uk/ukpga/2010/15/section/149>

1.24 Other Officers (as appropriate):

8 Appendices

Appendix 1	Events Policy
Appendix 2	Pricing Structure
Appendix 3	Equality Impact Assessment

Background Papers

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