



Cabinet
16 March 2015

**Report from the Strategic Director of
Environment and Neighbourhoods**

For Action

Wards affected:
ALL

**Revisions to recovering costs for events in Brent's parks
and open spaces**

1.0 Summary

In September 2012 Members agreed a charging policy to partly recover the costs associated with assessing and approving events in Brent's parks and open spaces.

- 1.1 The new charging policy was introduced from December 2012 and included a clause that permits registered charities with an income of less than £10,000 who are holding a community event in a park or open space to be exempt from the cost recovery charge.
- 1.2 Mapesbury Dell Trust have submitted a petition requesting that they be exempt from any cost recovery fee. The Mapesbury Dell Trust played a critical role in making the Dell the award winning park that it is today and wish Members to exclude them from the agreed charging policy.
- 1.3 In order to avoid Members potentially receiving further petitions in from community groups that may also have significantly assisted in improving a local park officers have reviewed the cost recovery policy and recommend that minor amendments are made to the existing policy.

2.0 Recommendations

The Executive agrees to:

- 2.1 Retain the principle of partial cost recovery charging to organisers that wish to hold events in Brent's parks and open spaces.

- 2.2 Agree to retain the four charging criteria as agreed by Members in September 2012 and detailed in paragraphs 3.7 to 3.10 inclusive
- 2.3 To amend the exemption from charges as defined in the definition of a community event to that defined in paragraph 3.18.
- 2.4 That the amended exemption to the charging policy be implemented for events being held after 31 March 2015.

3.0 Detail

- 3.1 On 19 September 2012 the Executive agreed to the establishment of the Brent Safety Advisory Group to consider all applications for events in Brent's parks and open spaces. They also agreed a cost recovery policy in recognition of the significant officer time it can take to review, consider and approve an event to ensure that the Council meets its landlord and regulatory responsibilities.
- 3.2 The charges that were set were at a level that would not deter residents and community groups from organising their own events whilst also contributing to the costs incurred by the borough in deciding on their application.
 - 3.1. It was recognised that there should be a different approach to charging for community and commercial events.
 - 3.2. **A community event was identified as one which:**

is organised by registered charities, faith groups, places of worship, schools, not-for-profit community or voluntary groups. However, any registered charity with less than £10,000 income p.a. would be exempt from the charge but would need to pay for any relevant licence or Traffic Management Order (TMO) costs.
 - 3.3. The inclusion of the exemption from charge for registered charities with less than £10,000 income was to support smaller charitable groups and encourage them to run local events.
 - 3.4. **A non community event was identified as one which:**

does not fall in the above classification such as concerts, product launches, corporate events, marketing and promotional activities for profit making organisations, private lets e.g. a wedding reception or private party. Since 2012 the main interest for commercial events has been running events such as Run to the Beat and Colour run.
 - 3.5. The application charges do not include charges for licences, public liability insurance, traffic management orders, road closures etc. since such charges are made separately.
 - 3.6. Four charging categories were agreed by the Executive in 2012 and no changes are proposed to these categories.
 - 3.7. **Category 1:** Those events which are agreed in principle by the BSAG on application. A nominal fee of £31 is currently charged for such an event.

- 3.8. **Category 2:** Those events that that satisfy at least one of the following and are required to present their event management plan to the BSAG:
- a) 1000 people or more are anticipated to attend
 - b) Alcohol to be sold or supplied
 - c) A licence will be required (Temporary Event Notice, Premises, Occasional Sales or Street Trading licences)
 - d) Possible hazardous activity (including, but not limited to: fireworks, lasers, staging, funfairs, special treatments)
 - e) Significant police concern
 - f) Traffic Management Order is needed
 - g) There is a poor track record with the event's organisation in the past or the event organiser has very little experience
- A fee of £155 is currently charged for such an event.

- 3.9. **Category 3:** The event is more complex than category 1 and 2 events and will require its own Event Safety Advisory Group to be established (this will be determined at the Borough Safety Advisory Group). A fee of £310 is currently charged for such an event.

- 3.10. For commercial events the fees will be negotiated on a case by case basis.

- 3.11. For the year 2014/15, 50 events have been approved under these categories. This is compared to only 26 in 2012. Details are shown in the table below with the events in 2012 being assumed into the four categories based on number of attendees.

	Number in 2014/15	Assumed number in 2012
Category 1	33	13
Category 2	7	11
Category 3	5	1
Commercial	5	1
TOTAL	50	26

- 3.12. There is clearly an appetite for local groups to organise events but this continues to put pressure on staffing resources to ensure the Council upholds reasonable standards of public safety at public events and ensure compliance with licensing legislation.
- 3.13. In 2014/15 the policy to not charge registered charities with an income of less than £10,000 has only been implemented for one event.
- 3.14. It is identified that the process of becoming a registered charity may be too restrictive for many of Brent's not for profit community organisations. If a group's annual income is less than £5,000 they are not able to register as a charity with the Charity Commission. Many small organisations don't generate this level of income and they are unable to become a registered charity and therefore unable to claim exemption from the cost recovery fees when organising an event in Brent's parks or open spaces.

- 3.15. For groups with an income of less than £5,000 they are able to apply to HM Revenue and Customs for recognition as a charity to get charity tax breaks and claim gift aid. If accepted by the HMRC they receive an HMRC charity number as evidence of charitable status. An unregistered charity is still legally a charity and must abide by charity law.
- 3.16. Larger charities, with an income of £5,000 or more are required by law to register (although there are no financial penalties if they don't).
- 3.17. As the inclusion of registered charities with an income of less than £10,000 has only enabled one organisation to hold an event in Brent's parks without paying a fee, it is proposed that the definition of exemption from payment for a Community event be amended. As the amount of officer time considering a larger event that comes under category two and three is significant, the amended exemption definition excludes larger events.
- 3.18. **A community event will therefore be identified as one which:**
is organised by registered charities, faith groups, places of worship, schools, not-for-profit community or voluntary groups. However, any organisation recognised as charitable by the Charity Commission or HMRC for tax purposes with less than £10,000 income p.a. would be exempt from the charge from category 1 events. All community events would need to pay for any relevant licence, insurance, road closures or Traffic Management Order (TMO) costs.
- 3.19. Mapesbury Dell Trust would fall under this exemption criteria and their events are Category 1 events. They would still be required to pay for licences, insurance, road closures, TMO's etc where required.
- 3.20. Some of the event organisers of the Category 2 and 3 events are registered charities but have incomes greater than £10,000

4.0 Financial implications

- 4.1 To date the approved charges for the different Community events this financial year has generated the following levels of income:

	Number	Income received
Category 1	33	£1023
Category 2	7	£1085
Category 3	5	£1550

- 4.2 The current process being operated by the service area does not easily identify whether or not, applications received from organisations under these categories are HMRC registered, with an income of less than £10,000. However, if extending the exemption from charges to Category 1 events only is being considered, the financial loss to the Council is likely to be insignificant and can be absorbed within the existing cash envelope (budget).

5.0 Legal Implications

5.1 The Local Government (Miscellaneous Provisions) Act 1976 enables councils to provide such recreational facilities as they think fit and allows the Council to charge as it sees fit. In addition S145 Local Government Act 1972 provides that the Council may permit any park or pleasure ground to be used for by others for entertainment on such terms as to payment as the Council sees fit. In so far as the use of the parks and open spaces falls outside of the powers to let and charge set out above the Localism Act 2011 general power of competence enables the council to enable such use and cost recover from those using the service.

6.0 Diversity Implications

6.1 On the event application form the organising groups are asked to indicate what type of event their event is. Data from the application forms for 2014/15 shows the following:

6.2

	Category 1	Category 2	Category 3	Total
Charity Event	2	0	0	2
Community Event	15	0	1	16
Religious Event (Christian)	3	0	0	3
Religious Event (Hindu)	1	2	4	7
Religious Event (Muslim)	3	4	0	7
Religious Event (Sikh)	0	1	0	1
School	1	0	0	1
Sporting Event	8	0	0	8
Total	33	7	5	45

6.3 See appendix 1 for a list of Category 1, 2 and 3 events held in Brent's Parks and open spaces together with an analysis of attendees. The information demonstrates that a wide range of groups with different protected characteristics have sought to make use of the service demonstrating that the low fees promotes use and advances equality of opportunity.

6.4 Under S149 Equalities Act 2010 the council is required, when exercising its functions (such as recovering part costs for the use of parks and open spaces for events) to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity between those who have a protected characteristic and those who do not, and to foster good relations between those who have a protected characteristic and those who do not.

- 6.5 The exemption proposed advances equality of opportunity in that it encourages protected characteristic groups, sometimes with limited finances, to hold events in the open spaces. Community events often foster good relations between different groups and this is assisted by the fee exemption which is proposed. There is no obvious indirect discrimination in that there is no group that is particularly disadvantaged by the exemption when compared with those who do not share that protected characteristic.
- 6.6 The amount proposed to be charged for other use of the open spaces is nominal and has been calculated having regard to the scale of the event and the type of event. In relation to large scale events for which the higher rates are charged, there is often income and or sponsorship which make paying the proposed fee manageable. Accordingly the fees suggested will have no or little impact on any groups or organisations who do, or wish to use the Council's parks and open spaces for events.
- 6.7 So far as there is any impact upon any protected characteristic groups, it will be small and it is justified on the basis that the Council is under considerable financial constraints and the cost to the Council of processing and managing events is high.

Background Papers

Executive Report 19th September 2012

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Appendix 1

Community Events held in Brent's Parks and Open spaces 2014/15

	Event	Location	Category	Target audience	Open / restricted entry event	Event type
1.	New Beginnings Charity Day	King Edwards Park, Wembley	1	All ages	Open	Charity
2.	Darkness Into Light	Gladstone Park	1	All ages	Open	Charity
3.	Family Easter Egg Hunt	Mapesbury Dell	1	All ages	Open	Community
4.	Willesden Triathlon/Aquathlon	King Edwards, Willesden	1	All ages	Open	Community
5.	Daniel's Den Annual Family Picnic	Roundwood park	1	All ages	Open	Community
6.	Opera Evening	Mapesbury Dell	1	All ages	Open	Community
7.	Family Fete and Wild Day	Mapesbury Dell	1	All ages	Open	Community
8.	Parklife Singers Summer Concert	Mapesbury Dell	1	All ages	Open	Community
9.	QPCS Fun Day	Tiverton Green	1	All ages	Open	Community
10.	Gladstone Park School Fun Day	Gladstone Park	1	All ages	Open	Community
11.	Family Sports Day & Picnic	Roundwood Park	1	All ages	Open	Community
12.	10th Anniversary for Harmony Montessori Nursery	John Billam Ground	1	All ages	Open	Community
13.	Willesden Triathlon	King Edwards Park, Willesden	1	All ages	Open	Community
14.	Mapesbury Dell Children's Party	Mapesbury Dell	1	All ages	Open	Community
15.	Cricklewood Festival	Keyes Road precinct	1	All ages	Open	Community
16.	Annual Remembrance Service	Barham Park	1	All ages	Open	Community
17.	Mapesbury Dell Christmas Carols – Mapesbury Dell Trust	Mapesbury Dell	1	All ages	Open	Community

	Event	Location	Category	Target audience	Open / restricted entry event	Event type
18.	Good Friday Ecumenical Service	Butlers Green	1	All ages	Open	Religious / Christian
19.	Christ in the Community - Kingdom Builders	Roundwood Park Annexe	1	All ages	Open	Religious / Christian
20.	Palm Sunday procession:	Ealing Road Methodist Church to St John the Evangelist Church.	1	All ages	Open	Religious / Christian
21.	BAPS Celebration of Holi	Brentfield Open Space	1	All ages	Open	Religious/Hindu
22.	BAPS Sponsored Walk	King Edwards Park, Wembley	1	All ages	Open	Religious/Muslim
23.	Mo Basharo Eid Prayer Event	King Edwards Park, Wembley	1	All ages	Open	Religious/Muslim
24.	Mo Basharo Eid Prayer Event	King Edwards Park	1	All ages	Open	Religious/Muslim
25.	Mora Primary Sports Day	Gladstone Park	1	Children	Restricted	School
26.	Festival of Running	Sudbury	1	All ages	Open	Sporting
27.	St Andrew's & St Francis Sports Day	Gladstone Park	1	All ages	Restricted	Sporting
28.	Tak Bo Na Fun Run	King Edwards Park, Willesden	1	All ages	Restricted	Sporting
29.	Gaal Sports & Fun Day	John Billam Ground	1	All ages	Restricted	Sporting
30.	Christian Action Faith Fun Run	Gladstone Park	1	All ages	Restricted	Sporting
31.	Family fun run for Kenmont Primary School.	Roundwood Park	1	All ages	Restricted	Sporting
32.	University of Westminster 5k Run	Northwick Park	1	All ages	Restricted	Sporting
33.	Liddiard Cross Country Trophy	Fryent Country Park	1	All ages	Restricted	Sporting
34.	Shri Guru Procession	Barham Park	2	All ages	Open	Religious / Sikh

	Event	Location	Category	Target audience	Open / restricted entry event	Event type
35.	Holi Celebrations - BAPS Swaminarayan Sanstha	Brentfield Open Space	2	All ages	Open	Religious/Hindu
36.	Holi Festival Hindu Council	Roe Green	2	All ages	Open	Religious/Hindu
37.	CMYT Eid Prayer Event	Gladstone Park	2	All ages	Open	Religious/Muslim
38.	Harlesden Ummah Eid Prayer	Roundwood Annexe	2	All ages	Open	Religious/Muslim
39.	CMYT Eid Prayer Event	Gladstone Park	2	All ages	Open	Religious/Muslim
40.	Harlesden Ummah Eid Prayer	Roundwood Annexe	2	All ages	Open	Religious/Muslim
41.	Brent celebrates Fireworks Night	Roundwood Park	3	All ages	Open	Community
42.	Chariot Procession	Wembley	3	All ages	Open	Religious/Hindu
43.	Kingsbury Mandir Grand Opening Cultural Show	Roe Green Park	3	All ages	Open	Religious/Hindu
44.	BAPS Diwali Fireworks	Gibbons Rec	3	All ages	Open	Religious/Hindu
45.	Kingsbury Mandir Parade	Roe Green Park	3	All ages	Open	Religious/Hindu