



ITCHEN VALLEY PARISH COUNCIL

Full Council Meeting

Discussion Paper on Organised Events & Car Parking on Parish Council Occupied Land.

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1. Background

The Parish Council are the:

- Owner and occupier of the King George Vth Playing Fields, Martyr Worthy
- Owners and occupiers of the land adjacent to the KGVth with the play area at Couch Green, Martyr Worthy
- The Custodian Trustee and holder of a license to operate at the Old School Field, Easton.

The Parish Council in setting out this guidance wish to facilitate the maximum use of both open spaces by the local community. This document sets out the requirements for parking and events on Council controlled land. Therefore, this policy **does not apply** to the land at the Old School Field Easton, which is occupied and controlled by the McPherson School Field Trustee's.

Under the 1906 Open Spaces Act, the public are the beneficial owners of parks and public open spaces, the council responsibility is to maintain open access areas for amateur sport and public amenity. Except for the play area at Couch Green which has a timed restriction on its use, the public normally have 24 hr a day unfettered access to these areas.

Under the Occupiers' Liability Acts 1957 and 1984 Acts every "occupier" of land has a duty of care towards those using the land. The council as occupier must take reasonable care to ensure the facilities/land is reasonably safe for the purpose for which the visitors are permitted to be there. The concept of reasonableness is an elusive one, but it can be grasped by asking "would the average reasonable person think this is sensible". If there is a breach of this duty which causes personal injury or damages to goods, then the occupier is liable to pay damages.

There are two main Acts that stipulate how Council controlled land can be used

1. Section 44 of the Public Health Acts Amendment 1990
2. Section 145 of the local Government Act 1972

1.1 Section 44 of the Public Health Acts Amendment 1990: The Council may close to the public the whole or part of any park or pleasure ground provided by them and may use it to allow any public, charity or institution to use it for

- a) An agricultural show
- b) Any other type of show
- c) Any other public purpose.

This includes fetes, festivals and carnivals. Entry to the event may be free of charge or by payment. The ground may be closed on any day the Council sees fit but the closures must not;

- d) exceed 12 days in any one year

- e) exceed four consecutive days on any one occasion or
- f) Include a Sunday (This rule is later relaxed by S145 LG Act 1972, which allows for partial closures.)

1.2 **Section 145 of the local Government Act 1972** allows partial enclosure of parks for specific purposes, which relate principally to entertainment. (see Appendix A)

Its important to note that unless the use of the land is permitted by statute it is Unlawful.

2. Organised Events on the Fields:

2.1 Permission will be granted for organised events on both fields, for the following;

- a) Any sports event or end of season celebration for Sports Clubs who regularly hire the pitches
- b) Fundraising events where all the proceeds are to support local good causes or local public facilities.
- c) Local village celebrations inc fetes and parties
- d) Car boot sales run for public benefit
- e) Music Festivals run for public benefit
- f) Classes or training events

2.2 The following criteria must be met;

- a) Requests to hold an event are made directly to the Parish Clerk **6 or 8** weeks in advance and should be accompanied by a **£100** Deposit.
- b) An application form detailing key information about the event will be considered by the Parish Council at its next meeting. (See Appendix B))
- c) Event insurance is in place to cover liabilities not covered by the Parish Councils insurer, a copy of the policy should be forwarded to the Clerk, no later than 48 hours before the event
- d) An Event Coordinator is appointed, and their contact details are lodged with the Clerk The event organiser is responsible for ensuring that:
 - i. A risk assessment is carried out prior to the event and all risks are notified to the council so that they can be minimised before the event.
 - ii. The organiser or their deputy must be on site at all times during the event.
 - iii. Play area: Must remain available to the public throughout the event unless specific notice has been given that it will close.
 - iv. Pitches: unless agreed at least one pitch should be available to the public throughout.
 - v. The event set up occurs no more than 24 hours before the event.
 - vi. The clear down takes place immediately the event ends.
 - vii. Vehicles will only be allowed on the grass if the field conditions allow. However, no vehicles are allowed on the marked pitches unless agreed with the Clerk as part of the set up

- viii. Tents /bouncy castles may be pitched 24 hours in advance but at the event organisers own risk and must be removed immediately the event is finished.
- ix. Cooking/food service: No open fires are allowed, small raised BBQ's and food trucks are permitted, the later must be parked in the car park area. BBQs need to be cited away from public access routes.
- x. All 3rd Party involved in the event must carry their own appropriate insurance
- xi. All event organisers using council facilities must ensure they comply with the licensing requirements for;
 - Live Music
 - Sale/ provision of alcohol.
 - Any form of Gambling
- Xii The organiser must take every care that no damage is done to any part of the field including: trees, paths, buildings, fences, furniture, the play areas and football pitch.
- Xiii As far as is practicable, the organiser will return the facilities in the state in which it was found, in particular to ensure that:
 - all litter and detritus is removed away from the facilities immediately after the event. It is not permitted to place any collection of litter in the litter bins on or near the carpark;
 - any damage to the facilities or the vegetation surrounding it will be reported to the Clerk and made good or paid for such to be effected. Any damage and/or repair must be reported to the Clerk.
- Xiv Parking ancillary to the event should be controlled and marshalled as per the instructions in para 3 below.

2.3 Charges: The following charges apply:

- a) No charge for a one-off sports event.
- b) No charge for charitable events. As defined above
- c) No charge for a village celebration
- d) Commercially run events will be subjected to a charge. The charge to be determined when the application is considered by the Parish Council.

Note: Event organisers are to note that there is no power or water supply at either field.

3. Additional Car Parking:

The following rules do not apply to the dedicated Couch Green Car Park off the B3047 which the council provides, as a public free of charge carpark but does apply for parking on the sports pitches or surrounding fields.

- a. Parking on the fields will be allowed on the following basis:
 - i.) When it is ancillary to an approved event taking place on the field.
 - ii.) Parking and event requests do not exceed the allowable 12 days per year.
 - iii.) Ancillary parking will only be approved when the surface of the playing fields is deemed fit by a council member, employee or nominate person. If the

weather is inclement or extremely hot/dry parking approval may be withheld during this period.

- b. An application form requesting permission for ancillary parking is received by the Parish Clerk 6 or 8 weeks in advance of the event,
- c. A further deposit of £50 is required if ancillary parking is required.
- d. The Parish Council carries Public Liability Insurance for the playing fields. Failure to notify the Clerk of additional parking will result in Trespass.
- e. The Parish Council do not carry insurance for damage to the surface of the field, or other unforeseen parking/personnel problems. Therefore, all events should carry appropriate comprehensive Events Insurance which includes car parking cover.
- f. The following are the maximum number of cars permitted to park when the fields closure has been agreed.
 - i) 100 cars on the King George Vth Playing Field at Couch Green
 - ii) 15 cars on the Youth pitch close to the play area at Couch Green
- g. An event coordinator must be nominated, their contact details need to be lodged with the clerk. they must ensure that the Car park is appropriately supervised at all times to prevent the risk of a clash between users and cars. The event coordinator must ensure the risk to the individuals carrying out this role is minimised and insured against.
- h. The Parish Council nor its agents accept any liability for damage to property, individuals parking on the field do so at their own risk and appropriate notices must be displayed to make drivers aware.
- i. If permission is granted the local event organiser should confirm to the Parish Clerk that the criteria above has been met – and details of the Event Insurance forwarded to the Parish Clerk before the event takes place.
- j. Charges: The following charges apply and are due to Itchen Valley Parish Council.
 - i.) £1 per car for sports events and other entertainment events
 - ii.) No charge for charitable

4. Sanctions

- a) Any failure to observe any of the above considerations will incur the loss of deposit or part thereof in order to make good any repairs and/or any other sanction that the PC may impose, including possible redress under law.
- b) Any such sanction shall be reasonable, fair and proportionate.
- c) Such sanction will be notified to the organiser as soon as possible after the event. The organiser and will be entitled to put forward an explanation before any sanctions are carried out. Any explanation will be considered by IVPC and the final decision notified to the organiser.
- d) The Parish Council reserves the right to update this document as appropriate.

Appendix

- A. S145 Local Government Act 1972 ~ Provision of entertainments.
- B. Application Form to hold an event on Parish Council Land

Appendix A

S145 Local Authority Act Provision of entertainments.

(1) A local authority may do, or arrange for the doing of, or contribute towards the expenses of the doing of, anything (whether inside or outside their area) necessary or expedient for any of the following purposes, that is to say—

(a) the provision of an entertainment of any nature or of facilities for dancing;

(b) the provision of a theatre, concert hall, dance hall or other premises suitable for the giving of entertainments or the holding of dances;

(c) the maintenance of a band or orchestra;

(d) the development and improvement of the knowledge, understanding and practice of the arts and the crafts which serve the arts;

(e) any purpose incidental to the matters aforesaid, including the provision of refreshments or programmes and the advertising of any entertainment given or dance or exhibition of arts or crafts held by them.

(2) Without prejudice to the generality of the provisions of subsection (1) above, a local authority—

(a) may for the purposes therein specified enclose or set apart any part of a park or pleasure ground belonging to the authority or under their control;

(b) may permit any theatre, concert hall, dance hall or other premises provided by them for the purposes of subsection (1) above and any part of a park or pleasure ground enclosed or set apart as aforesaid to be used by any other person, on such terms as to payment or otherwise as the authority think fit, and may authorise that other person to make charges for admission thereto;

(c) may themselves make charges for admission to any entertainment given or dance or exhibition of arts or crafts held by them and for any refreshment or programmes supplied thereat.

(3) Subsection (2) above shall not authorise any authority to contravene any covenant or condition subject to which a gift or lease of a public park or pleasure ground has been accepted or made without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

(4) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of a stage play or the public exhibition of cinematograph films, or for boxing or wrestling entertainments or for public music or dancing, or for the sale of **[F1alcohol]** .

(5) In this section, the expression “local authority” includes the Common Council.

Appendix 2**EVENT MANAGEMENT AND CAR PARKING APPLICATION FORM**

Date and Times of Event	
Set Up Time and Clear Down Time	
Description of Event	
<i>To include description of event, numbers of attendees expected, details of temporary fixtures and/or equipment, area needed (all the field, King George V playing pitches, or the play area and youth pitch) and risk assessment arrangements (see note at base of table and risk assessment form).</i>	
Event Insurance Details	
<i>This box needs to be completed at the time of application or not less than 48 hours before the event. Without it, the event will be cancelled.</i>	
Name of Applicant	
Address of Applicant	
Email/Tel number(s)	
Name of Event Coordinator	
Address of Event Coordinator	
Email/Tel number(s)	

NB: Risk Assessment (on the form provided and Event Insurance Policy should be forwarded to Clerk (details below) not less than 48 hours before the event

Payment Arrangements

1. Please attach a deposit cheque of £100 payable to Itchen Valley Parish Council.
2. If ancillary parking is required (parking on King George V Field), please attach a deposit cheque of £50 payable to Itchen Valley Parish Council.
3. If ancillary parking is required (parking on King George V Field), please attach a payment cheque for 'anticipated' number of vehicles x £1 per vehicle.

NB: Cheques (1) and (2) above will be returned to applicant or destroyed if all requirements of Itchen Valley Parish Council Event Management and Car Parking Policy are met.

Please apply to

Parish Clerk & RFO, Itchen Valley Parish Council

'Balneath', Petersfield Road, Ropley, Alresford, Hants SO240EQ

Tel 07835726816 Email clerk@itchenvalleyparishcouncil.org.uk

