

Examination of Use of Green Spaces for Commercial Activity

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Introduction

Green spaces are valuable assets for the community, providing environmental, social, and health benefits. However, they also present opportunities for commercial activity, such as events, markets, catering, and sports.

Brighton & Hove is proud to host over 200 events annually ranging from small artist installations and private parties up to the UK's most well-known Pride Celebrations and England's largest multi-disciplinary arts and fringe festival. With 9 days of music events annually with a capacity on excess of 9,999 Brighton & Hove is demonstrating an ability to buck the national trend in the industry which is currently undergoing huge negative pressure. In addition, Brighton & Hove has a thriving reputation as a sports events location. Listed as a preferred host city by UK Sport for major international competitions and host to iconic events such as the Brighton Marathon Weekend, the London to Brighton bike ride and a regular programme of key international sport in association with the AMEX Stadium.

This document outlines our policies and some comparative examples of UK council's policies in relation to the use of green spaces for commercial activity, focusing on the time allowed, noise control, licensing considerations and reinstatement policies. The aim is to provide council members with an overview of the current practices and considerations for future decision making.

In Brighton & Hove, the Governance structure for the use of City Parks is within the City Services Directorate. Ultimately under the jurisdiction of Donna Chisholm as Corporate Director. Strategic direction of the programme is the responsibility of Chenine Bhatena as AD for Culture, Tourist, Sport & City Parks. Tactical methods to delivering strategic goals is managed by Mark Fisher as Head of Service for Sport & Leisure alongside Ian Baird as Outdoor Events Development Manager. Day to day operation of the programme is through Ian Baird and the outdoor events team.

Time Allowed

The time allowed for commercial activity on green spaces varies depending on the type, size, and impact of the activity, as well as the availability and demand of the space. Brighton & Hove currently has a policy of a maximum of 28 days use on any green field site in the City. We do not have an official policy for separation of events but generally stick to a rule of no more than one event on each location in a month. In some exceptional circumstances, and with permission from cabinet members, this can be waived.



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Some examples of UK council's policies are:

- Birmingham City Council allows commercial events on green spaces for up to 14 days per year, with a maximum of 10 days per event. The council also requires a minimum of 28 days between events on the same site, and a minimum of 14 days between events on adjacent sites.
- Edinburgh City Council allows commercial events on green spaces for up to 28 days per year, with a maximum of 14 days per event. The council also requires a minimum of 14 days between events on the same site, and a minimum of 7 days between events on adjacent sites.
- Leeds City Council allows commercial events on green spaces for up to 21 days per year, with a maximum of 7 days per event. The council also requires a minimum of 14 days between events on the same site, and a minimum of 7 days between events on adjacent sites.

These policies aim to balance the benefits and costs of commercial activity on green spaces, ensuring that the spaces are accessible and enjoyable for the public, as well as generating income and enhancing the city's profile. However, they also pose challenges for the management and maintenance of the spaces, as well as the coordination and communication with the stakeholders involved.

Reinstatement Policies

Reinstatement policies are the rules and procedures that apply to the restoration and repair of green spaces after commercial activity. They are essential to ensure that the spaces are returned to their original or improved condition, and that any damage or disturbance is minimised and compensated. Brighton & Hove City Council currently operates a full cost recovery policy for ground reinstatement but availability of internal resource or external contractors has been problematic. There is currently a tender out for a framework contract so all repairs can be managed internally with agreed costs to be shared with operators in advance. Once agreed this will fundamentally change the speed and quality of reinstatement work.

Some examples of UK councils policies are:

- Bristol City Council requires commercial event organisers to submit a reinstatement plan and a damage deposit before the event. The council inspects the site before and after the event, and deducts the cost of any reinstatement works from the deposit. The council also charges a reinstatement fee based on the size and duration of the event, and the type and condition of the space.
- Glasgow City Council requires commercial event organisers to submit a reinstatement plan and a bond before the event. The council inspects the site before and after the event and releases the bond if the site is satisfactorily reinstated. The council also charges a reinstatement fee based on the size and duration of the event, and the type and condition of the space.



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- London Borough of Camden requires commercial event organisers to submit a reinstatement plan and a damage deposit before the event. The council inspects the site before and after the event and refunds the deposit if the site is satisfactorily reinstated. The council also charges a reinstatement fee based on the size and duration of the event, and the type and condition of the space.

These policies aim to ensure that the commercial activity on green spaces does not compromise the quality and sustainability of the spaces, and that any negative impacts are mitigated and remedied. However, they also require careful monitoring and enforcement, as well as adequate resources and expertise for the reinstatement works.

Noise issues from commercial use of public land

Another aspect that needs to be considered when allowing commercial activity on green spaces is the potential noise disturbance to the nearby residents and users of the spaces. Noise can arise from various sources, such as music, entertainment, generators, vehicles, or crowds. Noise can have adverse effects on people's health and well-being, as well as on wildlife and biodiversity. Therefore, it is important to have appropriate policies and measures to control and reduce noise levels from commercial activity on green spaces. Policy in Brighton & Hove is currently decided on a case-by-case basis and requires the event organiser to submit a full noise management plan to Environmental Health via the events team at least 6 months before the event.

Case Study – On The Beach

Background

- Noise levels at music events can pose a risk to the hearing health of the attendees, performers, and staff.
- The UK has regulations and guidelines for controlling noise exposure at work and in entertainment venues, such as the Control of Noise at Work Regulations 2005 and the Code of Practice on Environmental Noise Control at Concerts.
- The regulations and guidelines set limits and recommendations for the maximum noise levels, duration of exposure, and noise management measures.

Key Issues

- The main issue is how to balance the enjoyment and artistic expression of music events with the protection of hearing health and the prevention of noise nuisance.
- Some of the challenges and factors that affect this issue are:
 - The diversity and variability of music genres, venues, and audiences.
 - The difficulty of measuring and monitoring noise levels in complex and dynamic sound environments.
 - The potential legal and reputational consequences of breaching the noise regulations or causing noise complaints.

The "On The Beach Noise Management Plan" (14A-Noise Management Plan-V2 (1).pdf) is a detailed document authored by **Electric Star Live**, last modified on March 11th. It outlines the sound management strategy for the "On The Beach" music event at Madeira Drive, Brighton, from July 19



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to July 21 and July 26 to July 28, 2024. The plan is designed to minimize noise impact on the local community while ensuring compliance with sound levels for public enjoyment and safety.

Key components of the plan include:

- **Sound Management:** The main stage, facing west towards the Palace Pier, is the primary source of noise, complemented by bars and concessions. The sound systems are designed to be highly directional to minimize noise breakout. Continuous sound level monitoring is in place to ensure compliance with agreed values and to address any disturbances promptly
- **Community Engagement:** The plan includes proactive steps to engage with the community, such as publishing information locally and operating a helpline during the event to address noise concerns. This engagement is crucial for maintaining good public relations with the local community
- **Control Measures:** The plan incorporates robust control measures based on previous experiences. These include pre-event sound system checks, continuous sound level monitoring, and responsive measures to any concerns raised. The Music Noise Level at representative monitoring locations shall not exceed the agreed values
- **Document Control and Definitions:** The plan includes a document control section that outlines the roles and timing updates, with definitions for terms such as decibels (dB), Music Noise Level (MNL), and equivalent sound level (Leq). These definitions ensure clarity and consistency in the management of sound levels
- **Contributors:** The document lists contributors from various organizations, including **NW Live, Louder Entertainment Ltd, Joy Events Ltd, and Concorde 2 Ltd**, indicating a collaborative effort in the creation of the plan
- **Regulatory Compliance:** The plan takes into account statutory criteria for noise prelude to health or nuisance, such as the Control of Pollution Act 1974, EPA90, NA96 amendments, and coordinated Codes of Practice. It also references standards like BS 5228-1:2009+A2014 and BS 7445-1: 2003 for noise and vibration control on construction and open sites, and environmental noise measurement
- **Noise Management Team:** During the event, a roaming noise management team will monitor the local area and liaise with sound technicians to ensure compliance with the noise management plan. Sound checks are scheduled before and during the event, and a helpline is available for the local community to report any noise-related inquiries

Some examples of noise policies from UK councils are:

- Bristol City Council requires that any commercial activity on green spaces complies with the Environmental Protection Act 1990 and the Noise and Statutory Nuisance Act 1993, and that the noise levels do not exceed 65 dB(A) at the nearest residential property or 55 dB(A) in areas of tranquillity. The council also reserves the right to impose additional noise limits or restrictions depending on the location, duration, and nature of the activity.



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- Edinburgh City Council has a code of practice for outdoor events, which sets out the maximum permissible noise levels for different types of events and locations, as well as the procedures for noise monitoring and enforcement. The code of practice also provides guidance on noise management plans, noise mitigation measures, and noise complaints handling.
- Leeds City Council has a policy for the management of events on parks and open spaces, which states that noise levels from events should not exceed 75 dB(A) at 1 meter from the facade of the nearest noise-sensitive premises, or 65 dB(A) in rural areas. The policy also requires event organisers to submit a noise management plan, to carry out noise assessments before and during the event, and to liaise with the council's environmental health officers and noise patrol team.
- Manchester City Council has a guidance document for events on public open space, which specifies that noise levels from events should not exceed 65 dB(A) at the nearest noise-sensitive receptor, or 55 dB(A) in quiet areas. The guidance document also advises event organisers to consult with the council's environmental health team, to conduct noise surveys and sound checks, and to implement noise control measures, such as limiting the sound power of the equipment, using directional speakers, and creating buffer zones.

London operates a number of sites with the following guidance:

Venue	Concert days per annum	Licence condition	Notes
Alexandra Palace Pk, Tower Hamlets	30 (3x type A, 4x B, 23 x C)	A: 75dB, B: 65dB, C: 55dB LAeq 15'	No low-frequency limit
Victoria Park, Tower Hamlets	Unknown	75dB LAeq 15' at 1m from façade	
Trafalgar Sq., Westminster	40 amplified events	75 dB LAeq 15' at 1m from façade	No low-frequency limit
Central Park, East Ham, London	Unknown	75dB LAeq 15' at 1m from façade	
Lambeth parks: (Clapham Common, Brockwell Park, Kennington Park, Streatham Cmn, Norwood Park)	Up to 8 major events per venue (Total maximum of 40 major events in Lambeth Parks)	75dBA and 90dBC Leq 15' free-field	Non-major on a case-by-case basis. Typically, 65dB LAeq 15'

Table 7 - Venue noise limit

Licensing policies around outdoor events

One of the key aspects of organising an outdoor event on a green space is to obtain the necessary licenses and permissions from the relevant authorities. Depending on the nature and scale of the event, different types of licenses may be required, such as:

- Premises license: This allows the event to sell alcohol, provide regulated entertainment, or serve late night refreshment. A premises license can be either permanent or temporary and is granted by the local licensing authority. Brighton & Hove City Council hold several open-ended licences for key event areas that are utilised by event organisers. By holding these licences internally, we have the ability to ensure standardised conditions across all events in the City and maintain overall control of the event as DPS
- Temporary event notice: This is a notification to the local licensing authority that an event is taking place, which involves the sale of alcohol, provision of regulated entertainment, or serving of late-night refreshment, for up to 499 people, and for up to 168 hours. A temporary event notice can be either standard or late, depending on the notice period given to the authority.



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- Street trading consent: This allows the event to sell goods or services on a street or public place, such as food stalls, merchandise stands, or funfairs. A street trading consent can be either permanent or temporary and is granted by the local council. Brighton & Hove City Council also operates a flyering licence system to manage the distribution of branded printed materials. This is primarily an environmental measure and is managed and enforced via Environmental Services. A review of this system to maximise income from product sampling, managed by the outdoor events team, is currently underway.

- Landlords Consent: This is the consent from the owner or manager of the land where the event is taking place, such as a park, a garden, or a field. A landowner permission may include conditions on the use of the land, such as the duration, the capacity, the access, the security, the insurance, and the fees.

In Brighton & Hove the process for receiving landlord's consent has two specific routes. The annual programme of events (January-December) is shared with all Councillors in August each year before we go to Cabinet in September for full approval. In addition to this in the last year we have established regular quarterly face to face consultations for all our key event areas, including Preston Park, Hove Park, East Brighton (to include Kemptown) and the Valley Gardens. Advanced sight of the proposed programme will be shared with regular attendees to these groups for informal feedback before full approval is sought.

We also have a secondary process via delegated powers for the Corporate director, after consultation with the relevant Cabinet member to make any alterations to the events programme as necessary including approving new applications and cancelling events if required.

Statutory Bodies Oversight and management of the Public Realm

All event operators, before full landlord's consent is issued are required to submit a full and detailed event management plan. This plan is the basis on which internal departments and external stakeholders are able to make assessment of the feasibility and potential impacts of an event on the wider city. All event management plans must include chapters on all of the following topics:

- (a) Statement of Intent;
- (b) Event Planning and Management;
- (c) Contacts;
- (d) Public Information;
- (e) Health and Safety;
- (f) Crowd Management;
- (g) Medical;
- (h) Fire;
- (i) Transport and Parking;
- (j) Traffic Management;
- (k) Waste Management;
- (l) Sustainability;
- (m) Sanitation;



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- (n) Infrastructure;
- (o) Communications;
- (p) Entertainment;
- (q) Noise Management;
- (r) Charities and partners;
- (s) Diversity and discrimination;
- (t) Welfare;
- (u) Inclement weather/adverse conditions; and
- (v) any other matters reasonably required by the Council.

These plans are scrutinised by various Council departments and are also shared with Safety Advisory Group members for comment and feedback before being accepted. The SAG includes representatives from Sussex Police, South East Coast Ambulance, NHS Commissioners, East Sussex Fire & Rescue and several other key council colleagues.

The Outdoor Events Team chair a quarterly events logistics meeting where all internal departments meet to discuss the wider impacts of events on day-to-day functioning of the city. Participants in these meetings include colleagues from Net zero, Highways, Parking, City Park and Healthy Lifestyles. The meetings are fundamental to a circular approach to event improvements in the city following a Plan, Act, Review, Improve process.

The Safety Advisory Group (SAG) is a multi-agency group that provides advice and guidance to event organisers on the safety aspects of their events. The SAG aims to ensure that events are planned and delivered in a safe and responsible manner, and that any potential risks or impacts on the public and the environment are minimised. The SAG also supports the development and improvement of event standards and best practices across the city.

Brighton and Hove City Council has a statutory duty to convene SAGs for certain types of events, such as large-scale, high-risk, or complex events. The Council also has discretion to convene SAGs for other events that may benefit from the input of the SAG members. The Council's Events Team acts as the coordinator and the Regulatory Services Manager as chair of the SAG meetings, which are usually held monthly or as required. The SAG meetings are an opportunity for event organisers to present their event management plans and receive feedback and recommendations from the SAG members.

The SAG members may also request further information or documentation from the event organisers before granting approval or consent for their events. The SAG does not have the power to authorise or prohibit events, but it can advise the Council and other authorities on the suitability and safety of events. The final decision on whether to grant landlord's consent or any other permissions for events rests with the Council or the relevant authority.

Conclusion

Brighton & Hove is nationally recognized for its high-quality event services, with affiliations to both the National Outdoor Events Association (NOEA) and the local authorities event organisers group (LAEOG). The Outdoor Events team stays updated on new technologies and trends. Moreover, the Outdoor Events Development Manager is on the LAEOG board and serves as a director for the Event



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Industry Forum (EIF), which oversees the national outdoor events guidelines, The Purple Guide, further cementing Brighton & Hove City Council's status as a hub of outstanding event management.

Considering the constraints on space within the city, we manage to present a dynamic and influential range of events for a city our size. Our events team is dedicated to enhancing standards and is in the process of creating in-depth documentation for each event site. These documents will include comprehensive Environmental and Equality impact assessments for every venue, guiding us toward aligning specific types of events with appropriate locations. We will also use past programs as essential information for future planning to help balance spatial utilization while still accommodating our events program and considering the requirements of the local community.