



Burnham Parish Council

Open Spaces hire and use policy

December 2024

Version Control Version ID	Description of Change	Version Sponsor	Policy Owner	Version creation date	Version Approval Date	Next Review Date
1.0	Initial policy creation	Sheridan Edward	R&A Committee	20/11/16	05/12/16	May 2017
2.0	Inclusion of flowchart / amended wording	Sheridan Edward	R&A Committee	01/05/17	08/05/17	May 2018
3.0	Date changes only	Sheridan Jacklin-Edward	R&A Committee	05/09/18	12/09/18	October 2020
4.0	Updated to encompass Cherry Orchard	Adam Killeya	R&A Committee	29/10/24	09/12/24	Sep 2027

A General Principles of the policy

- Burnham Park, including the village green, and Council play areas at Hag Hill, Stomp Road, and St Peter's, are open to the public for casual recreational use, and no specific permission is required for such use. Similarly, the Cherry Orchard nature park is open during certain hours for casual recreational use without permission.
- The George Pitcher Memorial Ground is available for hire for sporting use; and terms, conditions and charges will be published separately.
- Charges for use are not applicable for professional dog walkers or personal trainers carrying out sessions with fewer than five participants. However, carrying out the activities will be at users' own risk. We ask all users to respect other park users, and request that they do not monopolise any park facilities.
- Any use of the grounds must still be carried out in compliance with the letter and spirit of the conditions of use outlined in section E of this policy; and the Council may from time to time set down additional appropriate conditions for such use.
- The remainder of the policy relates to events that take place at any of these locations, outside of the casual use outlined above.

In all cases, the decision of the Parish Clerk as to the classification, charging and conditions of use are final, and the Clerk has delegated authority to interpret these rules in the line with their intended spirit.

B Application of rules of use

These rules apply if use of the open spaces does any of the following:

- charging participants, members of the public or stall holders
- selling merchandise (other than for charity donations)
- receiving any fee for the event or activity
- is otherwise commercial in nature (e.g. designed to promote a business)

Where an event is one of the following, it will generally be classed as an 'event'

- An annual event or otherwise regular but infrequent event
- Anticipating attracting more than 50 people on one day
- Requiring exclusive use of the park

Applicable use is otherwise classed as 'small-scale commercial use'

C Events

The council encourages the hiring of Burnham Park in particular, for appropriate events which give additional amenity to the community, or generate appropriate income for the council.

Such events must provide benefit that is proportionate to the loss of use for members of the public and must be pre-approved by the Parish Clerk.

Charges

Size of event

Small: Between 50 and 500 people attending per day - £500 per day

Medium: Between 500 and 5000 people attending per day - £1,000 per day

Large: More than 5000 people attending per day – from £1,500 per day, depending on details

At the Clerk's discretion there will be

- a 50% discount on the daily fee for non-operating days (set-up, take down etc);
- a 50% discount for community groups, non-profit making organisations, and local registered charities
- separate fees for circuses, funfairs etc, may be subject to negotiation.

Charges are excluding VAT, where applicable.

A deposit of 50% of the total hire fee will be required to secure the booking. The remainder of the fee is due at least ten working days prior to the event.

The hire fee is non-refundable if the organiser cancels the event within ten working days of the event taking place, and a 50% refund of the total hire fee will be given if the organiser cancels the event more than ten working days before the event.

If the event is cancelled by the Parish Council, through no fault of the organiser, a full refund of any fee paid shall be given.

Please contact the Parish Clerk for further details of any other services and costs.

D Small scale commercial activity

Burnham's parks and playgrounds are important community facilities, and are for the free enjoyment of residents and visitors. We are very supportive of activities that help promote the health of our residents and build a strong community.

We believe that access to the park's facilities shouldn't be unduly restricted to members of the public because of organised commercial activities, and we therefore require all such activities to be pre-approved with the Council.

We also believe that those making financial gain from the park facilities should contribute back to their upkeep and improvement, so we can provide the best possible facilities to our residents.

Charges do not apply to charitable or voluntary activities, and we do not want to discourage activities that support the wellbeing of our residents. If you are in doubt as to whether your activity is chargeable, or if you would like the Council to consider supporting your activity, please contact the Parish Clerk.

Charges

Below are the hire rates for organised small scale commercial activities, which apply when the following criteria are met:

- a) There is a charge levied on participants, and / or
- b) The organiser of the activity receives a direct financial benefit from carrying out the activity and / or
- c) The activity is otherwise commercial in nature (for example it is intended to help promote a business or to sell products, even if products are not being directly sold as part of the activity)

Fewer than 5 participants - free

5 – 10 participants - £5 per session

10 – 20 participants - £10 per session

More than 20 participants £15 per session

The fees are per session, up to 90 minutes in length. If you are running more than one session, the hire charge will be based on the greatest number of participants e.g. if one session has 12 people and another has 25 you will be charged the higher rate. Charges are excluding VAT where applicable.

E Terms and conditions of use

These conditions will apply differently to different events; it is the responsibility of the event organiser to check which conditions may apply to them and to contact the Clerk for clarification if required.

- a) Ground – the ground occupied by the event and its patrons must be left in the same condition as it is found. Event organiser(s) will be liable for damage done to the park (including its contents and ground) during set-up, operation and clear-down of the event and will be charged accordingly for any associated reinstatement works.
- b) Waste management – all rubbish generated by the event must be removed from the ground and surrounding area and disposed of appropriately by the event organiser(s). The Council strongly advocates the recycling of waste wherever possible.
- c) Parking – no vehicles are to be parked on the ground unless given express permission by the Council.
- d) Stage/PA equipment – any Stage or PA equipment must be positioned on the ground as directed by an appropriate Council officer.
- e) Noise control – noise levels generated by the event and specifically by the use of PA equipment must be kept to a minimum throughout the duration of the event, so as not to unduly disturb other users of the ground or occupants of surrounding commercial or residential properties.
- f) Catering – any catering units or food stalls must comply with appropriate food hygiene regulations and recommendations; and as far as possible in line with the councils ecological goals around sustainable food and waste reduction.
- g) Temporary Events Notice – all stipulations of a Temporary Events Notice (TEN) must be observed and adhered to.
- h) Trade stalls – all stipulations of a trading licence must be observed and adhered to.
- i) Public Liability Insurance – an adequate level of public liability insurance (minimum level of indemnity £5million) must be in place to cover the event and a copy of the document must be presented to the Council at least ten working days prior to the event taking place.
- j) Risk Assessment – a risk assessment in relation to the event and its activities must be produced and a copy of the document must be presented to the Council at least ten working days prior to the event taking place.
- k) Safeguarding Children – a *safeguarding children* policy in relation to the event/activities must be produced and a copy of the document must be presented to the Council at least ten working days prior to the event taking place.
- l) Payment – payment in full for the hire of the ground must be presented to the Council at least ten working days prior to the event or activity taking place.

m) Security – the organiser shall be responsible for ensuring the security of the event and participants, including any ticketing, and monitoring the number of attendees.

n) Martyn’s Law – organisers shall be responsible for ensuring that they comply with legislation around terrorism planning, under the Terrorism (Protection of Premises) Bill / Act, currently passing through parliament as this policy was updated.

F Withholding or withdrawal of permission for use

The Council reserve the right to withhold or withdraw permission for use of the ground if any of the following conditions apply:

a) The Council is of the reasonable opinion that an event organiser(s) is in breach of any of the agreed terms and conditions before, during or after the event has taken place.

b) The Council is of the reasonable opinion that the event is likely to be of an objectionable or undesirable nature, contrary to the values of the Council.

c) The Council is of the reasonable opinion that the event could cause an unacceptable level of disturbance to other users of the ground or surrounding residential or commercial properties.

d) The ground is in such a state as to be deemed dangerous for event use, as will be decided by an appropriate Council officer.

e) The Council is of the reasonable opinion that the ground is likely to be used for a purpose other than that stated in the application.

f) The Council is of the reasonable opinion that the event may significantly disrupt the enjoyment of the ground by the general public, other than for reasons due to the inherent nature of the agreed event.

g) For events requiring a licence, where the ground has already reached the specified number of events permitted for that year.

h) The Council is of the reasonable opinion that due to adverse weather conditions, the event would jeopardise the safety of any person within the event.

For more information, please contact the Parish Clerk:

Parish Clerk

Burnham Parish Council

Burnham Park

Windsor Lane

Burnham

SL1 7HR

Telephone: 01628 550385

Email: clerk@burnhamparish.gov.uk