

AMENDED AGENDA

HERITAGE, CULTURE AND LEISURE COMMITTEE MEETING



Date: Tuesday 1 March 2016
Time: 6.30 pm
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Ash (Vice-Chairman), Ells, Fissenden,
Fort, Hemsley, Mrs Hinder, Newton
(Chairman), Paterson and Pickett

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Urgent Items
4. Notification of Visiting Members
5. Disclosures by Members and Officers
6. Disclosures of Lobbying

Continued Over/:

Issued on Thursday 25 February 2016

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Poppy Collier on 01622 602242**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

7. To consider whether any items should be taken in private because of the possible disclosure of exempt information
8. Minutes of the meeting held on 5 January 2016
9. Presentation of Petitions (if any)
10. Questions and answer session for members of the public
11. Report of the Head of Finance and Resources - Plaques and People: a proposed protocol for the borough of Maidstone
12. Oral Update of the Parks and Leisure Manager - Play Area Capital Programme Project
13. Report of the Head of Commercial and Economic Development - Maidstone Parks and Open Spaces 10 Year Plan
14. Report of the Head of Commercial and Economic Development - Revised Festivals and Events Policy
15. Report of the Head of Commercial and Economic Development - Destination Management Plan Progress Update
16. **Report of the Head of Commercial and Economic Development - Policy for the Use of Jubilee Square**

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| Heritage, Culture and Leisure Committee | 1st March 2016 |
| Is the final decision on the recommendations in this report to be made at this meeting? | Yes |

Approval of the Policy for the Use of Jubilee Square

| | |
|---------------------------------------|---|
| Final Decision-Maker | Heritage, Culture and Leisure Committee |
| Lead Head of Service | Head of Commercial and Economic Development |
| Lead Officer and Report Author | Fran Wallis, Local Economy Project Officer |
| Classification | Public |
| Wards affected | High Street Ward |

This report makes the following recommendations to this Committee:

1. That the proposed policy governing the use of Jubilee Square is agreed.
2. That the pricing schedule set out in paragraph 5.8.1 in Appendix 1 of the report is agreed.
3. That the progress towards establishing a Farmers Market on Jubilee Square is noted.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all – by ensuring that Jubilee Square is used for high quality events
- Securing a successful economy for Maidstone Borough – by making Jubilee Square more vibrant, footfall and dwell time will increase.

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| Timetable | |
| Meeting | Date |
| Heritage, Culture and Leisure Committee | 1 March 2016 |
| | |

Approval of the Policy for the Use of Jubilee Square

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to agree a policy for the use of Jubilee Square. Since the Square was created, it has been used for a range of different events, festivals, and promotional activities but there has been no agreed management or promotional policy for its use. This report, seeks to address this, making it clear what uses will be acceptable on the Square, how it will be managed and pricing structure.
 - 1.2 The policy will make it clear to those wishing to book the Square what process they must follow and at what cost. Income from commercial activities on the Square may then be used to support community and charity events.
 - 1.3 The Policy for the use of Jubilee Square supports the Council's ambitions to become more commercial in its activities. In addition, by making the Square more vibrant with increased activity, it is hoped that this will in turn increase footfall and dwell time in the town centre, thus supporting town centre businesses.
 - 1.4 This report also provides an update on progress on the proposed Farmers Market in Jubilee Square.
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2. INTRODUCTION AND BACKGROUND

2.1 Policy for the Use of Jubilee Square

- 2.2 Jubilee Square was created as part of the High Street Public Realm Improvement Project in 2012. Prior to these works, the junction of the High Street and Week Street was very 'traffic orientated' and Maidstone lacked a central 'town square'. Brenchley Gardens, the front of County Hall and the official Town Square at Lockmeadow are on the periphery of the town and lack footfall.
- 2.3 Since Jubilee Square was created, there has not been a coherent policy on its use, which has led to this prominent and high quality asset being under-utilised. The Square is available throughout the year for commercial activities as well as community and charity events. In the summer of 2015, the management of the Square came under the Parks and Open Spaces Team, which is part of Commercial and Economic Development.
- 2.4 Since then, officers have been working towards agreeing a policy which will allow for greater clarity both for those who wish to book the Square, but also for officers taking the bookings. Agreement has been reached with officers on the types of activity which was determined to be of benefit to the town, and an appropriate level of cost, given its central location and high levels of footfall.

- 2.5 The Square is a key asset in the town, with facilities including in-ground electricity points, served by numerous bus routes, and is on the natural route between Fremlin Walk and The Mall. The entrance of Week Street sees an average of 2,500 – 3,000 people walking past per hour. By promoting the Square and what it has to offer for commercial uses at a higher rate, there will be scope for community and charity uses to use the Square at a reduced rate, and still keep the management of it viable.

3. FARMERS MARKET

- 3.1 An additional piece of work which has been progressing alongside the development of the Policy for Jubilee Square is the Farmers Market. Officers from Economic Development have met with the Kent Farmers Market Association, and Produced in Kent, to discuss how best to introduce a Farmers Market in the town centre.
- 3.2 Jubilee Square was identified as the obvious choice to hold the market. A Farmers Market was previously held outside County Hall several years ago, but proved unsuccessful due to low footfall. Lockmeadow was also discounted for the same reason – low footfall and visibility.
- 3.3 The proposal is to hold the market on a Friday - by analysing footfall data, Jubilee Square is shown to consistently have 3,000 – 4,000 people on the Square per hour, during the day on a Friday. Apart from Saturdays, Fridays generally have the highest footfall, and are the most consistent regardless of time of year/weather. Saturdays were discounted for various reasons:
- Most market traders are already committed to other Farmers Markets on a Saturday.
 - Saturday footfall is more affected by weather and seasonality – Fridays offer a more 'guaranteed' number of potential visitors.
 - Saturday is a popular day for other events to be held on the Square e.g. St Georges Day Parade, Arts Festivals etc.
 - Fridays are more likely to target people who work in the town, who are therefore more likely to become regular visitors to the market.
- 3.4 The proposal is for the Farmers Market to be held monthly, on the fourth Friday of every month. This will coincide with most people's pay day. Fortnightly markets were initially considered, but it was felt that this may put potential traders off, if they had to commit to such a regular market initially. Kent Farmers Market Association (KFMA) advised to start monthly, to test the appetite of both traders and shoppers. Most Farmers Markets around the county are held on a monthly basis. Once the Farmers Market is established, there will be scope to increase its frequency. If the Council started with a fortnightly market and it struggled to attract traders or shoppers, then to 'downgrade' it to a monthly market would be seen as a 'bad news story' for the town.
- 3.5 The Markets Team have established that up to 32 stalls can fit on Jubilee Square. Consequently a planning application will be submitted, to allow for

this. In addition, street trading consents are being applied for, for the wide variety of traders which we hope to have on the market. Street trading consents take up to 90 days for approval.

- 3.6 KFMA suggested that an approximate ratio of 80:20 for farm/produce:crafts for a successful market. The Market Team also has their own personal experience of Farmers Markets and advise that this ratio gives the right balance to keep the market sustainable.
- 3.7 Once the Planning Application and the Street Trading Consents have been approved, the Farmers Market will open in June 2016.

4. AVAILABLE OPTIONS

- 4.1 Option 1: Do nothing – i.e. do not agree to the Policy. This will mean that there is no coherent management or promotion of the site. Without this, the Square will continue to be under-utilised.
- 4.2 Option 2: Agree to the Policy on the Use of Jubilee Square set out in Appendix 1. This will allow for more effective management and promotion of the Square, as outlined above.

5. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 5.1 It is recommended that this Committee approve Option 2 – as set out in Appendix 1 as it will allow officers within the Commercial and Economic Development department to have greater control over what the Square can be used for, and the costs for using it. It will also allow those wishing to hire the Square to have greater clarity on the costs involved.
- 5.2 By agreeing to a higher rate for commercial activities, the Council will then be able to offer the Square at a reduced rate to community and charity events, whilst still being able to cover costs incurred.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 There has been consultation internally with officers who are involved in the management of the Square. In addition, Town Centre Management has been involved in the formation of the Policy, given the number of enquiries that go through them first.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once the policy has been agreed, a copy of it will be uploaded to the Borough Council website, allowing anyone with a view to booking the Square to be able to see it. The Policy will come into effect on an agreed date (suggestion of 1st April 2016), with scope for it to be reviewed after 1 year to ensure that the Policy is working effectively.

8. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue | Implications | Sign-off |
|---------------------------------------|---|---|
| Impact on Corporate Priorities | <p>Keeping Maidstone Borough an attractive place for all – by ensuring that Jubilee Square is used for high quality events.</p> <p>Securing a successful economy for Maidstone Borough – by making Jubilee Square more vibrant, footfall and dwell time will increase.</p> | Head of Service Commercial and Economic Development |
| Risk Management | There is minimal risk associated with the Jubilee Square Policy – the policy will mitigate any potential reputational risk by making the process clearer for all. | [Head of Service or Manager] |
| Financial | The proposals as set out in the report are intended to cover the costs of managing the Square and the market. | Head of Service Commercial and Economic Development |
| Staffing | There is a potential requirement for a member of staff to be on site at unsociable hours, to check the in-ground power units for each booking. The current markets team will manage the Farmers Market. | Head of Service Commercial and Economic Development |
| Legal | <p>The Council does not own the site, but manages it under a licence from Kent Highways. The licence has been in place since 2012 and expires 30 April 2016. However, Legal has been informed that an approach for the extension of the licence has been made and no issue with the extension is anticipated. The licence gives the Council permission to run temporary events and set up temporary associated equipment.</p> <p>Members should note that the licence does not give the Council</p> | Deputy Head of the Legal Partnership |

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| | <p>exclusive use of the square so others could use it, subject to obtaining the necessary permissions. Although our proposed Policy sets out various prohibitions for use of the square, the Council's powers to enforce those prohibitions are uncertain as the Council does not own the land. The final point to note is that there is a slight financial risk in that any commercial charges we make could be subject to possible future claims if anyone claiming ownership of the land came forward.</p> <p>These are all fairly slight risks, since the Council has operated the land successfully for a number of years. However, they are issues which the Committee needs to note in order to make an informed decision.</p> | |
| Equality Impact Needs Assessment | N/A | [Policy & Information Manager] |
| Environmental/Sustainable Development | N/A | [Head of Service or Manager] |
| Community Safety | N/A | [Head of Service or Manager] |
| Human Rights Act | N/A | [Head of Service or Manager] |
| Procurement | N/A | [Head of Service & Section 151 Officer] |
| Asset Management | Although the Square is Highways and hence the responsibility of KCC, MBC have taken on the management of the site. | Head of Service Commercial and Economic Development |

9. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix I: Policy on the Use of Jubilee Square
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10. BACKGROUND PAPERS

None.

POLICY ON THE USE OF JUBILEE SQUARE

Effective from 1st April 2016

1. SCOPE

This policy applies to Maidstone Borough Council and those within the Council with the responsibility of managing the Jubilee Square area.

2. PURPOSE

The purpose of this Policy is to ensure the consistent management of Jubilee Square and to dictate the terms and nature of the uses of the area. Jubilee Square is a bookable space.

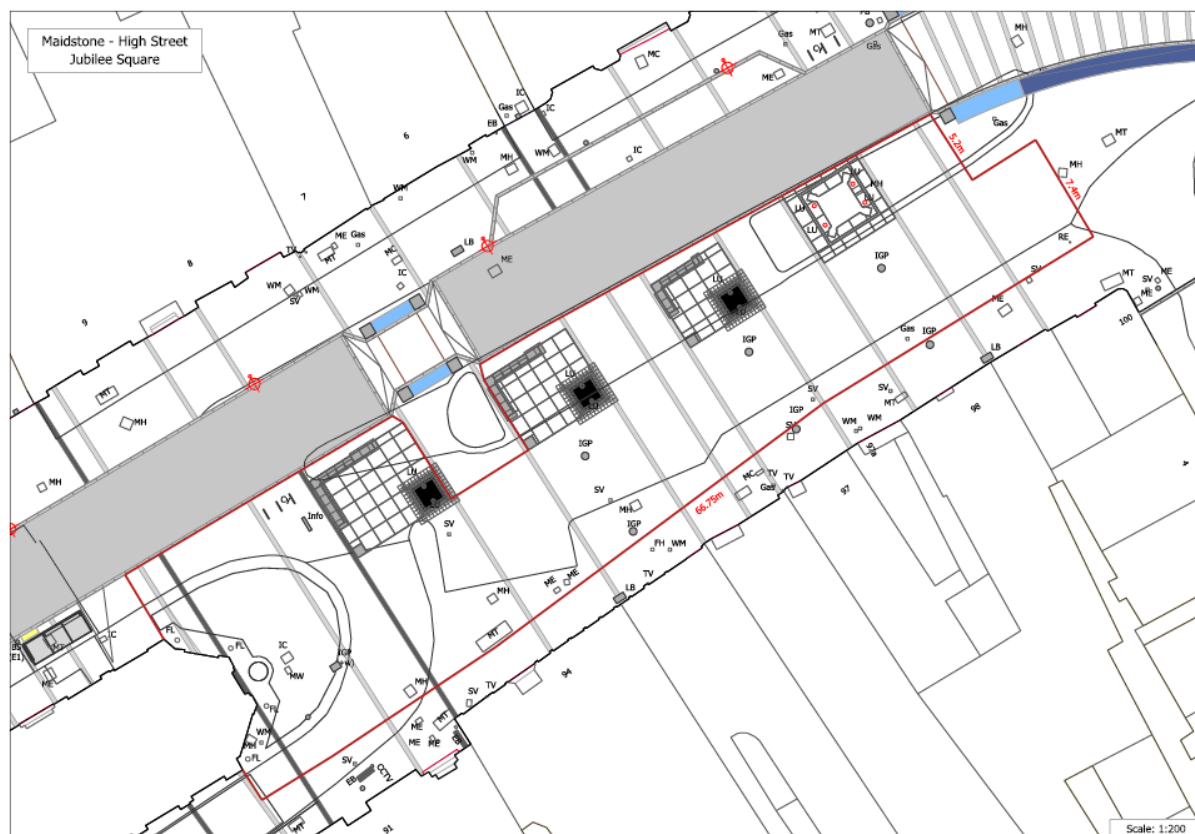
3. DEFINITIONS

For the purposes of this policy, the following definitions apply:

“the Site” means Jubilee Square which is the area shown in red in Figure 1 below.

“users” means any person, group or organisation who wish to use Jubilee Square.

Figure 1: Jubilee Square



4. THE USE OF JUBILEE SQUARE

The use of Jubilee Square is subject to a number of terms and conditions and requirements which are detailed in the following sections.

4.1 Timings

Jubilee Square is available for bookings from 9am until 11pm from Monday to Saturday and from 9am till 10.30pm on a Sunday. Use of the Square outside of these hours may be permitted, (for example to set up for an event), with the express permission of the Council. Certain structures (e.g. stages) may be allowed to remain up overnight but these will be considered on a case by case basis.

4.2 Length of Use

No activity of a permanent nature is permitted to use Jubilee Square. No commercial, community or charitable activity exceeding a 2 week period (per event / display etc) will be allowed and any proposed use lasting in excess of 1 week will be considered on a case by case basis. This is to ensure that the Square is available for a variety of uses.

4.3 Type of Use

4.3.1 Desirable Uses

The following are considered to be desirable uses of Jubilee Square

| CONTEXT | DESIRABLE USE |
|----------------|---|
| COMMERICAL USE | Corporate Promotions |
| | Fairs |
| | Musical Events |
| COMMUNITY USE | Promotion of Local Services & Opportunities |
| | Showcasing by Community Groups |
| | Art Displays |
| | Dance |
| | Sports and Play Promotion |
| | Musical Events |
| CHARITABLE USE | Fundraising Activities |
| | Promotional Activities |

4.3.2 Undesirable Uses

The following are considered to be undesirable uses of Jubilee Square;

- Hawkers and Peddlers;

- Street Based Art; and,
- Fairground Type Activities (Except for Public Holidays/Festive Season)
- Political Meetings or Rallies

4.3.3 Prohibited Uses

The following uses of Jubilee Square are prohibited;

- Gambling and Obscene Exhibitions;
- Events where performing animals are in any way included or involved.
- Collection of Direct Debits

5 CONDITIONS OF USE

5.1 Insurance

That all persons / organisations / companies who use the square must insure with some reputable insurance office against third party risks arising from the proposed use of the Site to the minimum sum of five millions pounds (£5m) and produce such policy to the organiser at least twenty eight days before entering on the Site. And;

To ensure that any user of the Site in connection with the Event possess their own individual third party contents and property insurances, and that such insurances are inspected by the organiser 21 days before the event.

5.2 Indemnity

That any user of Jubilee Square indemnify and keep indemnified the Council against all actions proceedings, costs, damages, claims and demands of whatsoever nature brought, claimed or made by any person in respect of any liability arising directly or indirectly from the use of the Site.

5.3 Health and Safety

5.3.1 Risk Assessment

That any user of Jubilee Square completes and submits to the Council a Risk Assessment Form no later than 21 days before the event.

5.3.2 Set up of the Event & Erection of tents / stages / other structures

That in setting up on the site to ensure, particularly where tents / marquees / stages are erected that the safety arrangements are made in accordance with advice from the Council and all appropriate certificates and consents are obtained (including

Temporary Grandstand Consent). Gazebos should be erected to the manufacturer's instructions.

5.3.3 Provision of Fire Fighting Equipment

That any user provides and maintains in good working order a sufficient number of adequate portable fire-fighting appliances and while the public are at the Event to keep such appliances conspicuously placed and readily available for use.

5.3.4 Prevention of Electrical Shock

That any user takes such steps as may be reasonable and necessary to prevent risk of electrical shock or fire caused by electricity at or used in connection with the Event.

5.3.5 Safety of electrical installations

That any user ensures that any electrical installation complies with the current edition of the Regulations of the Institution of Electrical Engineers and that protection is provided for any wiring liable to mechanical damage and that all wiring accessories and apparatus is so far as is possible out of reach of the public.

Use of the in-ground power units will be charged as per Clause 4.5 Hire Charges.

5.3.6 Public Safety

That any user ensures that all stall holders, employees, agents and servants of the Organiser shall be conversant with the action to be taken to ensure the safety of the public and;

- The location of the nearest available telephone;
- How to call the Fire Brigade; and,
- How to attack a fire with the equipment available pending the arrival of the Fire Brigade but without compromising their personal safety.

5.4 Event / Use Provision

5.4.1 Provision of Water and Disposal of Waste

That any user of the Site provide a sufficient supply of wholesome water for the use of persons employed in or about the event and a means for the disposal of any impure or waste liquid or solids where the circumstances require or where so directed by Maidstone Borough Council.

5.4.2 Provision of Food and Drink

That in the event of any user providing or selling food has the relevant street trading consent for the event. Anyone selling alcohol must hold a Temporary Events Notice, which can be applied for via the MBC website.

5.4.3 First Aid and Lost Child Reception Areas

That, where required, any user should ensure that there is a qualified First Aider available on the Site and to provide sufficient child reception areas and adequately advertise the same for the benefit of the public.

5.4.4 Provision of Stewards

That, where required, any user should provide adequate numbers of fully trained stewards for marshalling who must wear high visibility clothing and be contactable by radio or mobile phone.

5.4.5 Provision of signage

That, where appropriate, any user should provide obvious signage which should be monitored by stewards on the day.

5.4.6 Limit on Participants

That any user should be mindful of the limited space on the Square, in particular keeping a 4m distance from the buildings. Users must also be mindful that Jubilee Square has a maximum capacity of 1000 people.

5.5 Compliance

5.5.1 Traffic Control and Parking

That any user of the Site adhere to the traffic regulation orders present on Jubilee Square and where necessary obtain a parking dispensation if the user can demonstrate that the use of a vehicle between the hours of 10.30am and 5.30pm is critical to the functioning of the event.

5.5.2 Police

That Officers of Kent Police are permitted to enter the Event and should such Event or any part thereof not meet with the approval of the Chief Constable of Kent either to modify or to close the same.

5.5.3 Control of Animals

That any user should take all reasonable steps to ensure that any animal attending the Event which his likely to cause danger to the public is effectively secured or caged in

such manner as not to be a cause of danger while the public are at the event. Under no circumstances will performance animals as part of the event be permitted.

Where animals are present (e.g. to raise funds for an animal charity) appropriate hand washing/sanitising facilities must be provided.

5.5.4 Compliance with all reasonable requirements of Council Officers

That any user of the site should:

- Comply with all reasonable requirements of the Director and the Environmental Health Manager or any other duly authorised Officer or servant of the Council;
- Comply with any Council byelaws relating to the Site;
- Observe and perform all statutory requirements relating to the proposed use in particular those arising out of the Licensing Act 2003; and,
- Abide by the parking restrictions relating to the Site and where appropriate acquire at the users' expense a parking dispensation permit.

5.5.5 Prevention of nuisance

That any user shall not at any time create or cause or permit to be created any statutory nuisance whatsoever and to permit that the Environmental Health Manager or his agents to investigate any such nuisance or alleged nuisance which may be brought to their attention and for this purpose to permit them to enter the Site on demand and at all reasonable times and to comply with all reasonable requirements of the Environmental Health Manager or his agents in this regard.

Additionally, that any user shall not in the use of this Site cause or permit to be caused any nuisance or annoyance to members of the public living near to or using the High Street, Maidstone.

5.5.6 Utilities

At the time of booking, users must notify the Council if they require use of the in-ground power units. Use of these units are charged as per the Hire Charges in Clause 4.5.

5.6 Prohibited Activities

5.6.1 Prohibition of Vehicles etc

That no user is to park or station on the Site any vehicle, stall, tent or stand or other structure within 1.2 metres of the edge of an adjacent carriageway or within 4.0 metres of the buildings. Vehicles must not be parked or driven over the tree grilles.

5.6.2 Prohibition of advertisements

That no user is to display on or about the Site any advertisements except with the previous consent in writing of the Council.

5.6.3 Prohibition of music and public address systems

That no user is to play or permit or cause to be played any music or musical instrument on or about the Site except with the previous consent in writing of Council, and to observe such conditions as may be imposed and set out in the consent. Users will be expected to obtain a PPL Licence and a PRS for Music Licence, where appropriate, for their event. Copies of relevant licences must be shown to the Council 21 days prior to the event. A Temporary Events Notice may also be required for the event – it is advisable to seek advice from Maidstone Borough Council Licensing Team to ensure that your event is compliant with all relevant legislation.

5.6.4 Prohibition of animals as prizes

That no user is to display on stalls or give away as prizes any animals whatsoever as part of any use of the Site or event.

5.6.5 Prohibition of barbeques

That no barbeques shall be used or permitted on the Site.

5.6.6 Prohibition of gambling and obscene exhibitions

That no user shall carry on or permit to be carried on any gambling or obscene exhibition on the Site.

5.6.7 Prohibition of Political Meetings

That no user shall use the Site for any political meetings or rallies.

5.6.8 Prohibition of fly posting

That no user shall cause or permit any fly posting in relation to the use of the Site nor to suffer or allow any fly posting to remain in position.

5.7 Reservation of Jubilee Square

The process for reserving Jubilee Square shall be through contact with the Officer within the Council charged with managing the use of Jubilee Square.

All requests for the use of Jubilee Square will need to submit a completed application form to ensure all relevant details about the event / proposed use are captured. It is recommended that you contact the Council as soon as possible to check availability, as the Square is booked on a “first come, first served” basis. The Square can be booked up to 12 months in advance, with a minimum of 6 weeks’ notice.

5.8 Hire Charges

5.8.1 Rates for Use

Maidstone Borough Council is able to recuperate the costs incurred in the granting of permission for third parties to use Jubilee Square. The rates for the use of Jubilee Square are variable relative to the nature of the usage and the level of involvement of Council Officers. In the case of a standard single day use of the Square the amount chargeable to the user should be determined using the Charging Model spreadsheet but the unit costs for different elements are shown below.

| Element | Associated Cost |
|--|----------------------|
| Booking and admin fee (per booking) | £40 |
| Consent to place a structure on Jubilee Square (per booking, where relevant) | £120 |
| Consent to use the Council's Town Centre Premises Licence (per booking, where relevant) | £68 |
| Use of the electricity supply on Jubilee Square (per day, where relevant). Deposit is to ensure the in-ground units are used correctly and that the key is returned. | £25 plus £20 deposit |
| Temporary Grandstand Consent Visit (weekend cost only) | £180 |
| Commercial use of the Square (per day) | £240 |
| Community and charitable use of the Square (per day) | £50 |

In the instance of a single day large scale event or a multi-day event / use then this will be subject to a bespoke costing depending on the level of officer involvement required to enable the activity.

5.8.2 Type of Use

All commercial type activity will be expected to pay the relevant costs as noted above to ensure the Council is reimbursed for the costs associated with the grant of permission to use Jubilee Square. Community Groups and charities using the square will also be asked to pay these relevant costs, but it is expected that in some cases, the

Council will have to exercise discretion in this to enable certain events and activities to happen.

5.8.3 Booking Deposits

The requirement to take booking deposits will depend on the nature of the use of the Square and the subsequent cost associated with the permission. Where the total costs payable by the proposed user exceed £250 then a deposit of 50% of the total amount payable is required in advance of the event / use.

Where the user needs access to the in-ground power units, a refundable deposit of £10 is required. This is to ensure that the covers to the units are replaced correctly to avoid damage, and that the key is returned to the Council. Where necessary an Officer of the Council will be available to meet with a hirer of the Square, to show the correct usage of the power units.