



# Use of Open Spaces Policy Document

Site specific data files  
for sites managed by  
Christchurch Town Council

Policy name	Version	Owner	Date Adopted	Review Date
Use of Open Spaces	V1.0	Clerk	January 2023	May 2024

## TABLE OF CONTENTS

<b>SECTION NO.</b>	<b>CONTENTS</b>	<b>PAGE</b>
	INTRODUCTION	3
	SUMMARY TABLE	5
1.0	CHRISTCHURCH QUAY	6
2.0	CHRISTCHURCH QUAY BANDSTAND	11
Appendix A	USAGE CATEGORIES	14
Appendix B	OPEN SPACES EVENTS BOOKING – PROCEDURE	17
Appendix C	SELF MONITORING DETAILS FOR EVENT ORGANISERS	18
Appendix D	PRICING POLICY	20

## INTRODUCTION

Christchurch Town Council believes our parks and open spaces are for use by everyone and freely available to both residents and visitors to enjoy. They are primarily used for informal recreation such as dog walking, relaxation, local sporting activities, picnics and enjoyment of the natural environment. Our policy is to allow the public the widest possible use of our open spaces and this is why we welcome large and small events that add vibrancy, community cohesion and opportunities for new experiences.

We are keen to see our parks and open spaces used for events and, whilst BCP is the Licensing Authority for the area and all applications for events must go through the Unitary Authority, this policy is needed in order to ensure events are held in a suitable location, with appropriate frequency and carried out safely. This policy identifies permissible uses, other than the traditional council and sporting uses, for the following sites within the Town Council's control:

- 1 Christchurch Quay
- 2 Quay Bandstand

The sites listed above have the potential to be booked for events using the procedure outlined in this document. Numerous applications are received each year for the use of open space sites within Christchurch. They range from charity groups through to fairs and circuses at the commercial level (Appendix A lists possible uses for open spaces).

### **Event Self – Monitoring**

Event organisers need to be aware of the potential impact that their events are likely to have on the neighbouring area. Event organisers are required to ensure that the impact of their event is acceptable to adjacent home owners and to provide feedback on the way the event had gone. The details of the self monitoring scheme are set out in Appendix C.

### **Implications of the Licensing Act 2003**

The Licensing Act 2003 places requirements on those who undertake certain activities covered by the Act.

A number of defined activities are subject to licensing under the Act and these are listed below. Some activities are exempt from licensing. These include fun fairs, circuses (depending on content), educational films, incidental music, religious services, garden fetes, Morris dancing (and the like) and licensable activities from moving vehicles.

BCP Council is the Licensing Authority and all event organisers must apply for any event or TENS directly to the Unitary Authority.

Licensable activities authorised by the license:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- entertainment of a similar description to that falling within entertainment for making music or dancing
- provision of late night refreshment

The license authorises the carrying out of licensable activities seven days a week between the times of 8.00am and 11.00pm.

Under the Act the Council is the licensing authority, taking over the responsibility from the magistrates' courts.

In order to meet the requirements of the Act the Council applied for licenses for all its open spaces to be licensed for all licensable activities under the Act with the exception of boxing/wrestling and the sale of liquor. All sites were granted a Permanent Premise License with the exception Knapp Mill.

### **Implications of the Licensing Act 2003 for Event Organisers**

In order to comply with the new licensing regime, event organisers must acquire a Use of Open Spaces license for their event from the Unitary Authority, BCP Council; the fact that the land is licensed under the Act is not sufficient to permit an event from taking place.

Event organisers must display a copy of Premise License on site for the duration of the event. Copies of the license will be made available by BCP Council. Knapp Mill does not have Permanent Premise Licenses so event organisers need to apply for a Temporary Event Notice (TEN) for these sites in order to comply with the Licensing Act.

## 1.1 SUMMARY TABLE

The following table indicates the permissible uses for each of the Open Space Sites.

SITES		CATEGORIES										
		A	B	C	D	E	F	G	H	I	J	K
1.0	CHRISTCHURCH QUAY	0	0	0	0	0	0	0	0	0	0	0
2.0	CHRISTSCHURCH QUAY BANDSTAND			0	0	0		0		0	0	0

### CATEGORIES

- A - Field Based Sporting Activities
- B - Water Based Sporting Activities
- C - Specialist Activities
- D - Passive Use
- E - Community Activities
- F - Play schemes
- G - Charitable Organisations
- H - Commercial Use
- I - Public Information
- J - Major Events
- K - Other

## CHRISTCHURCH QUAY

### 1.0 CHRISTCHURCH QUAY

#### 1.1 LOCATION

Christchurch Quay is located in the centre of Christchurch on the banks of the River Stour, which runs into Christchurch Harbour.

##### 1.1.1 Plan of the Site

The site plan in Figure 1 shows

- (i) boundaries
- (ii) access points
- (iii) site features
- (iv) site facilities

##### 1.1.2 Size of the Site

The total area of the site is 4 hectares. The site can be divided into two compartments:

- (i) Main Recreation Ground - The Quomps (Compartment A)
- (ii) Bandstand Area - Town Quay (Compartment B)

#### 1.2 DESCRIPTION

Christchurch Quay is a high profile site, located in the centre of Christchurch. It offers views of the River Stour running into Christchurch Harbour, and of Hengistbury Head. The river houses numerous boats and flocks of ducks, geese and swans inhabit the river.

There is only pedestrian access onto the site. Public parking is available at Mayors Mead, Wick Lane, Quay Road and Priory car parks. There is also a limited amount of street parking within the vicinity. In addition, there is authorised vehicle access only from Quay Road, Mayors Mead car park and Whitehall, the latter two having locked barriers.

Christchurch Quay has a promenade that runs the length of the river and there are several other footpaths criss-crossing the site.

Trees, seats, shelters, litter bins, dog bins, and life-saving equipment line the promenade and other areas of the site.

**Compartment A** is a flat, open, grassed area and is the main recreation ground and will allow multi-use. Within this Compartment is a brick built toilet facility (see Drawing below) and various flood defence structures. Part of Compartment A is known as the Quomps.

In the northern corner there is a pumping station and in the southern corner lies a Splash Park and associated pump room and a play area which belongs and is managed by BCP Council.

**Compartment B** comprises a grassed area and a Victorian bandstand.

The entire site is used extensively, particularly in the summer months.

### **1.3 OWNERSHIP STATUS**

Christchurch Town Council owns Christchurch Quay under a freehold agreement.

### **1.4 ITEMS AFFECTING USAGE**

#### **1.4.1 Covenants**

Part of the land is subject to covenants imposed by a Conveyance dated 19 January 1911 between Mr W E Birt and the Council. These can be summarised as follows: -

- There are various fencing covenants to keep a strip of land raised.
- Covenant to use land as public pleasure grounds only. The Council having the right to make paths and to make byelaws to exclude the public for not exceeding 12 days a year.
- No buildings on the land except a Bandstand and three shelters (temporary tents allowed for periods not exceeding 12 days a year).
- Right for owner or occupier of land adjoining Compartment A to form gateways onto the land.
- Part of the land is subject to the matters referred to in a Conveyance dated 19 October 1911 between the Earl of Malmesbury and Christchurch Borough Council which can be summarised as: -
  - An obligation to use land for public walks and other pleasure grounds
  - Covenant not to erect or permit to be erected any building to be used as a public library, museum, club or institution
  - References made to other easements and customary rights
- Christchurch Commoners Association has a right of access since 1911.

Part of the land is subject to Covenants contained in a Conveyance dated 18 October 1935 between Mr H W M Aldridge and the Council to use the land for the use, benefit and recreation of the public and for no other purpose

whatsoever and that the Council will not sell or part with possession of the land.

Part of the land is also subject to Covenants contained in a Conveyance from Sir G A E T G Meyrick to the Council dated 18 May 1911, restricting use to public walks or pleasure grounds under S.164 Public Health Act 1875.

#### **1.4.2 Byelaws**

Christchurch Quay is subject to the following byelaws: -

- Nos. 2, 5, 9 & 28 various byelaws dealing with good rule and government and for the prevention of nuisances
- No. 13 Pleasure Grounds
- No. 31 Hitting of Solid Golf Balls in Pleasure Grounds
- No. 36 Flying of Power-Driven Model Aircraft in Pleasure Grounds

#### **1.4.3 Other management controls**

- A Public Space Protection Order (PSPO). PSPO powers are to be used explicitly for addressing nuisance or annoyance associated with the consumption of alcohol in a public place. It is important to note that these powers do not make it a criminal offence to consume alcohol within a designated area. An offence is committed if an individual refuses to comply with a police officer's request to refrain from drinking alcohol or to surrender alcohol. Christchurch Quay lies within the BCP PSPO area.
- The Christchurch (Fouling of Land) Order No. 1 1997 designates Christchurch Quay as land to which the Dogs Fouling of Land Act 1996 applies. This requires persons in charge of dogs to remove dog faeces from land forthwith. Penalty Tickets can be issued under this Act by the BCP Dog Warden and Community Enforcement Officers (CEO's) where there is failure to do this.
- The CEO's can also issue Litter Fixed Penalty tickets under the Environmental Protection Act 1990.
- Christchurch Town Council will publish a monthly calendar of events on the Quomps notice board and on its website.
- BCP Council will provide a contact number in event of emergencies.

#### **1.4.4 Restrictions**

- ◆ The site is open plan and access cannot be restricted without specific purpose and consent of the Council
- ◆ Limited roadside car parking facility
- ◆ Trees could restrict access/space for certain activities
- ◆ Public access is pedestrian only
- ◆ Within the river floodplain there are stringent development criteria, and a flood defence on site



- ◆ Within designated Green Belt
- ◆ Boundary factor of residential properties
- ◆ Designated public open space and Conservation Area
- ◆ Within designated Conservation Area

#### **1.4.5 Assets**

- ◆ High profile site
- ◆ Road access and car parks
- ◆ Toilet facility
- ◆ Amenities for children
- ◆ Good Disabled access

#### **1.4.6 Safety Considerations**

- ◆ The site is bounded by a river which presents a potential risk
- ◆ Paddling pool and play area require adult supervision
- ◆ Prior to commencement of increased usage of the site, a thorough Risk Assessment should be carried out to highlight important issues

### **1.5 RECOMMENDED USE**

#### **Compartment A**

The site could be used for activities from Categories A, B, C, D, E, F, G, H, I, J and K (see Appendix A). However, the aforementioned Section 1.4 will limit particular uses.

#### **Compartment B**

The Compartment could be used in conjunction with Compartment A and used for activities from

Category A	-	Field based sporting activities
Category B	-	Water-based sporting activities
Category C	-	Specialist activities
Category D	-	Passive use
Category E	-	Community activities
Category F	-	Play schemes
Category G	-	Charitable activities
Category H	-	Commercial use
Category I	-	Public information
Category J	-	Major events
Category K	-	Any other activities

See Appendix A for detailed examples, however Covenants and restrictions (see Section 1.4) will limit particular uses. In particular Compartment B should be used for activities from Category E - Community Activities.

### 1.5.1 Frequency of Use

The maximum usage of the site is for: -

- Enclosed events restricted to 12 days per year none of which can be on Sundays by Covenants.
- All events (in total)
  - a) No events are to run consecutively - there is to be at least 5 clear days between events.
  - b) No event to be more than 10 days in length.
  - c) No more than 35% of days in any calendar month to be occupied by events.

### 1.5.2 Special Conditions

All users must adhere to a Standard Licence which sets out appropriate Codes of Conduct and Practice.

### 1.5.3 Cost of Hire

Frequent users of the site are subject to fixed rates of hire. Occasional users are charged according to a fixed scale from a minimum rate to a maximum rate per user.

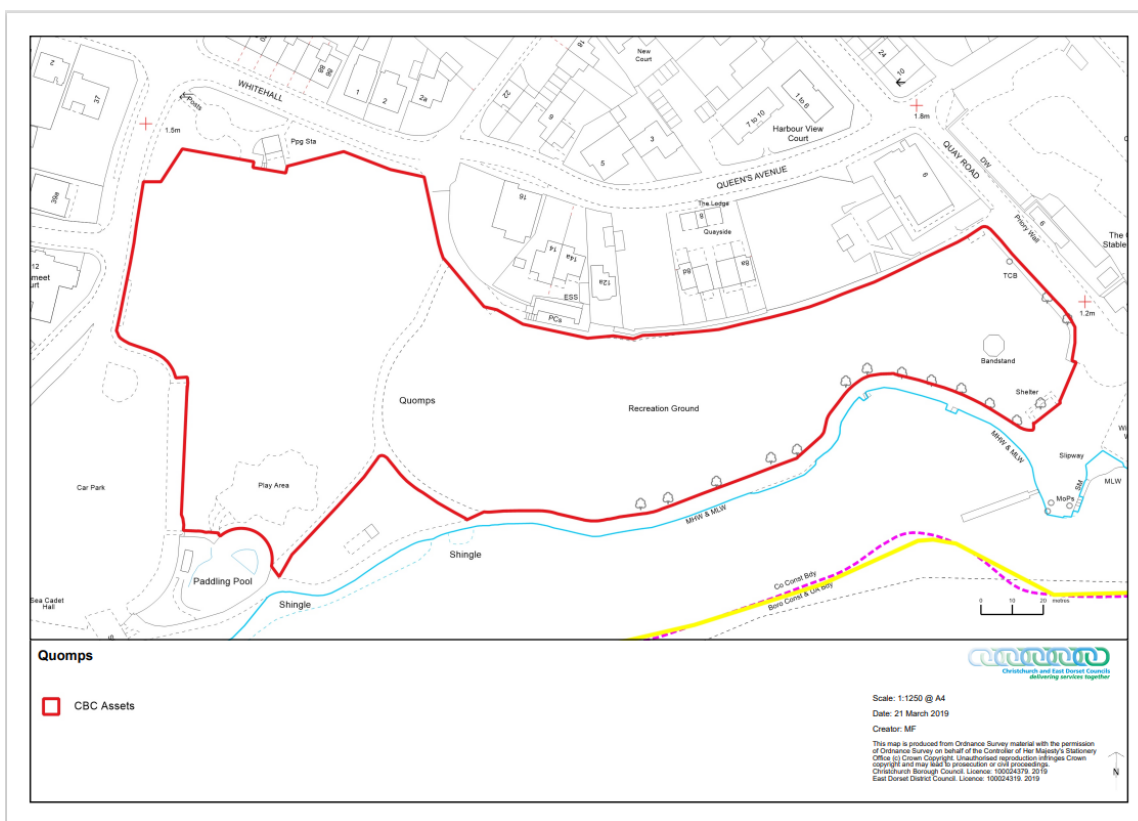


Figure 1: Christchurch Quay Site Plan

<b>CHRISTCHURCH QUAY BANDSTAND</b>
------------------------------------

## **2 CHRISTCHURCH QUAY BANDSTAND**

### **2.1 LOCATION**

Christchurch Quay Bandstand is located on Christchurch Quay (Figure 2).

#### **2.2.1 Plan of the Site**

Christchurch Quay Bandstand is shown within the site plan for Christchurch Quay below.

### **2.2 DESCRIPTION**

**Compartment B** comprises a grassed area and a Victorian bandstand.

### **2.3 OWNERSHIP STATUS**

Christchurch Town Council owns Christchurch Quay Bandstand under a freehold agreement.

### **2.4 ITEMS AFFECTING USAGE**

#### **2.4.1 Covenants**

Part of the land is subject to covenants imposed by a Conveyance dated 19 January 1911 between Mr W E Birt and the Council. These can be summarised as follows: -

- No buildings on the land except a Bandstand and three shelters (temporary tents allowed for periods not exceeding 12 days a year).

#### **2.4.2 Other management controls**

- A Public Space Protection Order (PSPO). PSPO powers are to be used explicitly for addressing nuisance or annoyance associated with the consumption of alcohol in a public place. It is important to note that these powers do not make it a criminal offence to consume alcohol within a designated area. An offence is committed if an individual refuses to comply with a police officer's request to refrain from drinking alcohol or to surrender alcohol. Christchurch Quay lies within the BCP PSPO area.

#### **2.4.3 Restrictions**

- ♦ The site is open plan and access cannot be restricted without specific purpose and consent of the Council
- ♦ Limited roadside car parking facility

- ◆ Public access is pedestrian only
- ◆ Within designated Green Belt
- ◆ Boundary factor of residential properties
- ◆ Designated public open space and Conservation Area
- ◆ Within designated Conservation Area

#### 2.4.4 Assets

- ◆ High profile site

#### 2.4.5 Safety Considerations

Access to the Bandstand is via a set of steps – there is no disabled access

### 2.5 RECOMMENDED USE

The site could be used for activities from Categories C, D, E, G, H, I, J and K (**see Appendix A**). However, the aforementioned Section 2.4 will limit particular uses.

#### Compartment B

The Compartment could be used in conjunction with Compartment A and used for activities from

Category C	-	Specialist activities
Category D	-	Passive use
Category E	-	Community activities
Category G	-	Charitable activities
Category H	-	Commercial use
Category I	-	Public information
Category J	-	Major events
Category K	-	Any other activities

See Appendix A for detailed examples, however Covenants and restrictions (see Section 2.4) will limit particular uses.

#### 2.5.1 Frequency of Use

The maximum usage of the site is for: -

- All events (in total)
  - a) No events are to run consecutively - there is to be at least 5 clear days between events.
  - b) No event to be more than 10 days in length.
  - c) No more than 35% of days in any calendar month to be occupied by events.

## 2.5.2 Special Conditions

All users must adhere to a Standard Licence which sets out appropriate Codes of Conduct and Practice.

## 2.5.3 Cost of Hire

Frequent users of the site are subject to fixed rates of hire. Occasional users are charged according to a fixed scale from a minimum rate to a maximum rate per user.



Figure 2: Bandstand's location

<b>USAGE CATEGORIES</b>
-------------------------

The lists of activities under each category are cited as examples; the lists are not intended to be exhaustive. Requests for uses not specifically identified below will be assessed by the Council for suitability at a particular site.

All applications are individually assessed on merit and the Council decides whether to accept or refuse an application.

**CATEGORY A: FIELD BASED SPORTING ACTIVITIES**

Cricket	Baseball	School Sports days
Football	Cycling	5-a-side football
Rugby	Skateboarding	Kite flying
Rounders	Netball	Golf
Softball	Lacrosse	
Volleyball	American Football	
Athletics	Fun Days	
Fitness Circuit	Fun Runs	
Tennis	Aerobics	
Hockey	Gymnastics	

**CATEGORY B: WATER BASED SPORTING ACTIVITIES**

Sailing  
 Canoeing  
 Water-skiing  
 Windsurfing  
 Fishing  
 Swimming (sea)  
 Model boating  
 Paddling Pool  
 Lido  
 Rowing  
 Board Sailing  
 Yachting

**CATEGORY C: SPECIALIST ACTIVITIES**

Bowls  
 Croquet  
 Large Chess  
 Archery  
 Yoga

#### **CATEGORY D: PASSIVE USE**

Walks  
Dog walking  
Adventure trails  
Historic walks

Nature trails  
Relaxing in the fresh air  
Landscaped displays

#### **CATEGORY E: COMMUNITY ACTIVITIES**

Arts and Craft Fayres  
Wine Festivals  
Theatre Performances  
Bands  
Opera  
Religious Group Meetings  
Social Gatherings  
Educational Events/Lessons

#### **CATEGORY F: PLAYSCHEMES**

One O'clock Club  
Youth Clubs  
Schools  
Crèches  
Guides/Scouts/Cubs/Brownies Meetings  
Birthday Parties  
Beach Clubs  
Sports Courses

#### **CATEGORY G: CHARITABLE ORGANISATIONS**

Charity Fetes  
Charity Fayres

#### **CATEGORY H: COMMERCIAL USE**

Circus  
Fair  
Art Galleries  
Medieval Jousts

#### **CATEGORY I: PUBLIC INFORMATION**

Travel shows  
RAC, AA, RSPB etc. shows  
Dog training/obedience classes

Emergency Services displays  
Museum and library buses/displays

**CATEGORY J: MAJOR EVENTS**

Flower Shows

Car Shows

Boat Show

Fashion Show

Gymkana

Sports Tournaments

Fireworks Display

Music Festival

Laser Show

Water Display

Carnival Assembly and Dispersal

**CATEGORY K: OTHER**

Special Event Car Parking (Overflow Sites)

Picnics

Wedding Receptions/Photographs



## APPENDIX B

<b>OPEN SPACES EVENTS BOOKING PROCEDURE</b>
---

Initial enquiries can be made to Christchurch Town Council. All bookings are to be made through BCP Council as the Licensing Authority.

This can be done through email [email:events@bcpcouncil.gov.uk](mailto:events@bcpcouncil.gov.uk) or

Completing the On line form - [Event Application Form \(zohopublic.eu\)](https://zohopublic.eu)

### SELF-MONITORING EVENTS ON PUBLIC OPEN SPACE

Increasing pressures from residents, increasing requirements under legislation and increasing aspirations of many event organisers have meant that the Council has had to take a fresh look at how it permits events to take place on open spaces.

All event organisers are required to carry out the following:

- **All event applications must be accompanied by a full impact assessment**
- **Following the event a report on how it went must be sent to the Council within 4 weeks.**
- **If complaints have been received then future impact assessments must address them**
- **In the event of the above, a fee will be charged to cover the Council's monitoring costs at any such future event.**
- **If that future event generates complaints then no more approvals will be issued.**
- **Demonstrating that steps have been taken may remove the above ban**

#### **Environmental Impact Assessment:**

An impact assessment should identify all issues which the event will impact on. It should quantify them, set down how they will be mitigated and monitored and should set out procedures for corrective action in case the monitoring shows that the threshold levels are being exceeded. The assessment should cover issues which arise before, during and after the event.

The following list is included to help you prepare your impact assessment and is not deemed to be a complete or absolute list of every relevant topic.

**The site:** legal constraints, access, services, slopes, soft patches, rights of way, dangers, site plan showing land take, other users.

**Off site:** dangers, access, signs, traffic control, neighbours, advertising,

**Administration:** licence for site, public entertainment licence, alcohol licence, insurance, planning, trading standards, food hygiene, certificates for structures, risk assessment, fire arrangements, advertising and promotion, environmental impact study, safeguarding of children and vulnerable adults, training, production of programme, licences for raffles and draws, layout plan of site, timetable of events, opening and closing times, complaints procedure, recording results of monitoring, incidents etc., booking procedure.

**Facilities:** water, sanitation, litter, bulk waste, recycling, electricity, first aid, P.A., telephones, lighting, seating, crèche, tents and marquees.

**The Event:** setting up, parking (both organisers and customers), servicing, patrolling, monitoring and checking, pollution (noise, smells, liquids, solids, dangerous substances), wet weather contingencies, overnight and day time security, lost children, cash handling, communications, crime and disorder, crowd control, drugs, emergency access, prevention of unauthorised vehicles, control of third parties / contractors.

### ***Safeguarding Children and Vulnerable Adults***

Safeguarding children and vulnerable adults is everybody's responsibility and the responsibility of the event organiser should there be an incident.

BCP Council has its own Safeguarding Children Policy which sets out the following, all clubs, organisations, individual tutors or Governing Bodies that use Council facilities or services, must have a robust Safeguarding Children Policy in place. As a minimum requirement, all such clubs and organisations must accept and apply the standards set in BCP Council's Safeguarding Children & Young People Policy".

In addition to an organisation's policy, it is essential that safeguarding measures are considered in an event risk assessment and event plan. There are key areas/ headings that each organisation should address to help cover and implement safeguarding practices.

The examples below highlight some of the areas you should consider:

- Does your organisation have a child protection policy statement?
- Do any members of your team require CRB checks if they are going to be in contact with children or young people?
- Do you have a nominated individual who is the point of contact during the event for any safeguarding issues, such as lost children or where staff should report concerns?
- Are all staff/volunteers aware of your safeguarding procedures and their own personal responsibilities?

The list above is not exhaustive and is merely a guide. For further information and practical advice online see:

[http://www.nspcc.org.uk/help-and-advice/for-the-community/the-safe-network/the-safe-network\\_wda73296.html](http://www.nspcc.org.uk/help-and-advice/for-the-community/the-safe-network/the-safe-network_wda73296.html)

[http://www.nspcc.org.uk/get-involved/fundraise-for-us/getting-started/safeguarding-young-people-and-children/safeguarding\\_wda72686.html](http://www.nspcc.org.uk/get-involved/fundraise-for-us/getting-started/safeguarding-young-people-and-children/safeguarding_wda72686.html)

**After the Event:** dismantling, litter clearance, reinstatement of damage, securing site.

## PRICING POLICY

**Commercial rates – Christchurch Quay**

<b>Type of Commercial Event</b>	<b>Expected attendees at any one time</b>	<b>Price (per day of operation)</b>
Concert (high profile name)	Up to 4,999	£5500 - £7700
	5,000 - 7,499	£11000 - £16,500
	7,500 - 10,000	£16500 - £22,000
Sporting Event	Up to 499	£220 - £550
	500 - 999	£770 - £1100
	1,000 - 5,000	£4,400 - £7,700
Large Festival	Approx. 20,000	£2,200 - £4,400
Medium sized Festival (i.e. music or food)	Approx. 5,000	£1,650 - £3,300
Small event	Approx. 500	£500 - £1200
Funfair / Circus	Approx. 500	£330 - £660

**Non-Commercial rates**

Small community event (i.e. small run, local charity event) - £15 + VAT

Medium (i.e. larger community run or fete) - £75 + VAT

Large (i.e. large event such as Christchurch Carnival) - £150 + VAT

- £50+VAT per extra operational day applies to all three