

Agenda Item No: 4 **Report No:** 47/13

Report Title: Gentleman of the Road Tour: Use of Convent Field

Report To: Mountfield Pleasure Ground Trust **Date:** 20 March 2013

Ward(s) Affected: Lewes Castle, Lewes Bridge and Lewes Priory

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Purpose of Report:

To seek the Trust's approval to the staging of a two day music event on Convent Field, Lewes.

Officers Recommendation(s):

To allow Convent Field (as shown edged red on the plan at Appendix A) to be used for the purposes of a two day music event provided that the general terms and conditions set out in paragraphs 12 and 13 of this report are incorporated within the licence agreement for the hire of the land.

Reason for Recommendations

The Trust will receive a rent from the organisers of this event which can be used either to improve the recreational facilities on Convent Field and/or for providing recreation on that land for the general enjoyment of persons residing within Lewes District in accordance with the objectives of the Trust.

Background Information

1. The Mountfield Pleasure Ground Trust comprises three parcels of land, the Dripping Pan (currently occupied by Lewes FC), the Mount, and Convent

Field. The land comprising the Trust was conveyed to the Borough of Lewes on 31 March 1896. It passed to LDC on Local Government re-organisation in 1972.

2. The Trust Deed states that the land (meaning all three areas of land) may be let and used:-

'for such other purposes as the Mayor, Alderman and Burgesses (of the Borough of Lewes) shall from time to time think fit but so that the Dripping Pan in its present or in an extended area shall at all times be used as a Cricket Ground (*the Charity Commissioners have since approved the use of the Dripping Pan as a football ground*) and no part of the Mound shall at any time hereafter be removed or added to so as in any way to alter the character thereof and so that the net income from time to time arising from the whole of the said hereditaments shall at all times be used in the maintenance or improvement of the said hereditaments or for the purpose of providing recreation in or upon the said land and hereditaments for the inhabitants of the Borough of Lewes.'

3. In summary then, Convent Field can be used for such purposes as the Council thinks fit provided that the net income from the use of the land is used in the maintenance or improvement of the land or for the purpose of providing recreation on the land for the inhabitants of Lewes.

Gentlemen of the Road Tour

4. Marcus Mumford, the lead singer of the band Mumford and Sons revealed in an interview on Radio 1 on 5 February 2013 that they planned to stage a two day music event (called Gentlemen of the Road) on Convent Field, Lewes on 19 and 20 July 2013.
5. The essence of the event is to create “a music festival that celebrates local people, food and culture, where everyone pitches in and everybody gets something back”.
6. The announcement was made early which is why the Trust was not briefed in advance. As is common in the industry, initial conversations with Officers, Leader of the Council, Chief Executive and key stakeholders were on a confidential basis.

Mumford and Sons

7. Mumford and Sons are a British band comprising 4 members. They formed in 2007 and started gaining popularity in 2010 with the release of their first album. Their second album 'Babel' was released in September 2012. This debuted at number 1 in the UK and US, becoming the fastest selling album of 2012 in the UK. Mumford and Sons are the first band to chart as many as six concurrent titles in the US chart since The Beatles 48 years ago and have won 2 Grammys and 1 Brit Award in the last month.

Risks to the Trust

8. Convent Field is a public open space. Various sports/activities currently take place on the land such as cricket, football, stoolball, bowls, tennis and croquet.
9. Approximately 25,000 people are expected to attend this musical event. The presence of such a large number of people in a relatively confined space will inevitably have an impact on the land and the surrounding area.
10. In mitigating that impact, it is important to distinguish between those issues/risks that must be addressed by the Trust as landowner and those issues/risks that will be addressed by the District Council as the Licensing Authority for this event.
11. The risks for the Trust are as follows:-
 - (i) Damage to Convent Field that prevents local inhabitants/clubs from using the land for the playing of formal and informal sports for any period.
 - (ii) Littering/rubbish.
 - (iii) Injury/damage/loss to those persons attending the event.

Mitigating those Risks

12. If the Trust permits the event to take place on Convent Field, then the event organisers will be required to enter into a hire licence agreement with the Trust as landowner. That hire licence agreement will require the organisers to take the following steps to ensure that the land is protected from damage (insofar as this is possible) and if damage does occur, to restore the land to its former condition in accordance with directions issued by the Council's District Services Department:-
 - Steps to protect the land including:
 - Covering the cricket squares with Terraplas
 - Fencing off and patrolling the Mount and Bowls Green
 - Protection of the ditches, stream, trees and walls
 - The submission of a list of vehicles to be used on site
 - Specified routes and use of trackway in inclement weather
 - Remove all debris, litter and rubbish daily

- Make good any damage caused to the land to the full satisfaction of the Trust.
 - Carry out any works to reinstate the land to its original condition subject to fair wear and tear.
 - Pay a deposit of £10,000 which the Council can use/retain in the event that the organisers fail to comply with any of the above mentioned steps/conditions.
13. With regard to public safety, the Trust has a duty of care to those persons who come onto its land. That duty requires the Trust to take reasonable steps to ensure that such persons are reasonably safe. The Trust can discharge this responsibility by ensuring that the event organisers are required by the terms of the hire licence agreement to do the following:-
- Carry out a comprehensive risk assessment and implement all measures necessary to minimise or eliminate risks to public safety (as identified by the assessment).
 - Take full responsibility for the organisation and management of the event in accordance with usual hire licence provisions
 - Comply with all statutory requirements and the provisions of the Health and Safety at Work etc Act 1974 (where these apply).
 - Take out public liability insurance in the sum of not less than £10 million and indemnify the Trust against all losses, claims, damages demands, actions, proceedings, costs etc.

The District Council's Function

14. In addition to obtaining a licence from the Trust as landowner, the event organisers will also need a Premises Licence from the District Council (Licensing Authority). An application for such a licence was received by the District Council at the end of February. Matters such as noise, nuisance, fire safety and crime/disorder will be addressed by conditions attached to that licence and members of the public and certain statutory organisations including Environmental Health and the Police can object to the granting of that licence if the conditions offered by the organisers are inadequate. If objections are received, a hearing before the Licensing Sub-Committee will be arranged to determine whether those objections should be upheld. These are not matters for the Council to deal with now in its capacity as Trustee.

Benefits to the Trust

15. It is proposed that a rental of £550 per day for up to 10 days will be charged. In addition the Trust will receive between £2,000 and £5,000 as a proportion of overall ticket sales (dependent on the total sales sold by the Tourist Information Centre) making a total of up to £10,500. This money must be spent on maintaining/improving the land which comprises the Trust and/or

providing recreational opportunity on that land and to that end, officers have compiled a list of projects/options which might be funded by this revenue once the event is over, including:

- Tree planting, environmental improvements and landscaping
- Pitch levelling works and top dressing
- Improvements to site access for disabled people
- Upgrading and improvements to the site furniture (seats, bins etc.)

Appendices

Appendix A: Plan

