

Terms and Conditions of the Community and Activities Form for a site regulated by Birmingham City Council

In these terms and conditions references to:

- a) “Activity Organiser” means the person identified in the “**Community and Volunteering Activities Application Form**” as the activity organiser.
- b) “Activity” means the activity described in the “**Community and Volunteering Activities Application Form**”
- c) “Activity Site” means the Birmingham City Council owned site, identified in the “**Community and Volunteering Activities Application Form**”, where the activity will happen.
- f) “Designated Premise Supervisor” (DPS) means the license holder of an alcohol license.
- g) “Safety Advisory Group Debrief” (SAGD) means full event debrief with the SAG post event.

If your application is approved, a use of parks fee may be applied. The current Fees and Charges are available at [Holding Events in Parks and Open Spaces](#)

1. Bye Laws

1.1 BCC’s Bye Laws relating to the site being used must always be adhered to and no undue interference caused to other users of the site.

2. Insurances

2.1 The Activity Organiser of any event shall indemnify BCC and hold it harmless from and against all and any costs, expenses, claims, demands, damage(s), loss, and other liabilities whatsoever which may arise from the activities and for this purpose should take out insurance covering such risks with such level of cover as BCC may reasonably require and produce the certificate for inspection to an authorised officer of BCC.

2.2 By virtue of 2.1, above (but without limiting the scope of that condition) it is noted that BCC will have the right to charge the Activity Organiser of any activity with the cost of repair of any damage(s) caused to a site, or any cost associated, as a result of an activity.

2.3 Public Liability Insurance for the duration of the activity, including rigging and de-rigging for the minimum sum of £5 million or more dependent on the activity type.

3. Event Management

3.1 The Activity Organiser of any activity shall be responsible for managing all aspects of the activity; it's set up and break down in accordance with these Terms and Conditions and any requirements as set out by a risk assessment. In particular, the Activity Organiser shall be responsible for ensuring the safety of all persons involved in the activity, and the safety of the general public attending the activity. This condition shall apply whilst the activity is in progress and also during any setting up and taking down of equipment which may be necessary prior to and after the activity. Where applicable, the "Health and Safety at Work Act 1974" and "Management of Health & Safety at Work Regulations 1999" must be complied with.

If you carry out volunteering, either as an individual or as part of a community group that has no employees then health and safety law will not normally apply to you, unless you control and provide access to a non-domestic premises such as a village or community hall.

However, you should still carry out your role safely and follow any local government guidelines. For example, a community group of volunteers doing a litter-picking exercise should check with their local authority if there are any restrictions, such as avoiding public highways.

The Waste Industry Safety and Health (WISH) Forum guidance on [Safe cleansing on the highway \(WASTE 24\) \(PDF\)](#) provides further information on this topic.

When civil law applies

Under the common law, voluntary organisations and individual volunteers have a duty of care to each other and others who may be affected by their activities. In some cases, people may sue you for damages using the [civil law](#) if they are injured as a result of negligence, for example a volunteer injuring a passer-by with a falling branch while carrying out tree maintenance.

You can find more information from:

- [Health and safety at work: criminal and civil law](#)
- [Citizens Advice](#)

4. Approval of Activities

4.1 The Activity Organiser of any activity must complete an online application form which must be received by BCC Parks Service at least 6 weeks before the event is to take place. The application will be subject to an initial screening and may require further endorsement by BCC Parks. The Activity Organiser of any activity is required to carry out an Activity Risk Assessment and to submit an Event Manual to include: - an Event Method Statement, a First

Aid Plan and Emergency Plan together with any other documentation as so required by any representative of the SAG. BCC will provide guidance to help the Event Organiser complete the above on request.

4.2 The format of activities shall be as agreed by BCC and, where appropriate the SAG. Any changes to the agreed format shall not be allowed unless any such be notified in writing to the BCC and approved by them 4 clear weeks before the event takes place. Any unauthorised changes to the event could lead to permission being withdrawn. BCC will not accept liability for costs incurred.

4.3 Approval of any activity shall be subject to the statutory requirements for Event Licensing, and BCC Licensing policy statement, being met by the event proposal and the event itself. The Event Organiser's application will be refused, and an approved event may be cancelled or terminated immediately by BCC, if any requirement of these conditions is breached or not observed (including time limits).

4.4 The Activity Organiser shall immediately comply with all and any instructions, whether oral or in writing given during the activity, including its set up and break down by any officer of BCC. The Activity Organiser will ensure its staff, contractors, agents and guests comply likewise.

4.5 BCC reserves the right to reject any application, particularly if it contravenes any Council Policy. E.g. BCC's No Platform Policy. 'No person using Birmingham City Council facilities should express or promote extreme ideological, religious or political views. Further, BCC will not allow the use of its facilities to any group or organisation proscribed by HM Government.' A list of proscribed organisations can be found: [List of Proscribed Organisations WEBSITE.pdf](#)

5. Electricity

Activities using electricity must be applied for via the Use of Parks form

6. Legal Requirements to be Met

The Activity Organiser shall be responsible for ensuring that the activity complies with all current legislation and regulations enforced by statutory bodies:-

- Health & Safety at Work Act 1974.
- Management of Health and Safety at work Regulations 1999.
- Regulatory Reform (Fire Safety) Order 2005.

The Activity Organiser of any activity must, in compliance with the above regulations, undertake and provide written and recorded suitable and sufficient Risk Assessments for the activity.

It is the responsibility of the Activity Organiser to ascertain from the West Midlands Police, West Midlands Fire Service and BCC Regulatory Services that the proposed activity will meet the respective requirements of these bodies.

7. Licences

Activities requiring licences must be applied for via the Use of Parks form

8. Contribution by Birmingham City Council

8.1 Any works or activities which the Activity Organiser requires BCC to undertake in preparation for, or assistance with, the activity must be requested in writing and formally agreed by BCC Parks Service prior to the activity taking place. Any such work undertaken will be recharged to the Activity Organiser in addition to VAT at the standard rate.

9. Restrictions on Activities

9.1 Subject to the size and content of any activity, the BCC may require the Activity Organiser to attend 1 or more SAG meeting(s). If there is a requirement to hold / attend SAG, such a commitment is a condition of use of any land under the control of the Council.

9.2 The positioning of any activity and all on-site arrangements must be agreed by an officer of BCC Parks Service who will be nominated when formal approval of the use of site is granted.

9.3 No living animal of any species including fish and invertebrates can be offered for sale or reward as a prize for taking part in an activity.

9.4 Route markers may be used but must be free standing and in no way fixed to any park furniture or trees. Aerosol spray paint or any other form of permanent markings is prohibited.

9.5 The Activity Organiser should not advertise the requested activity until BCC has formally approved the activity. BCC will not be liable for any costs incurred due to advertising an activity that is not formally approved.

9.6 The sale or display of any items that are likely to cause offense or harm is not permitted. This includes imitation or replica firearms and other weaponry. This is in line with the Park's Bye Law No. 24. 'A person shall not in any part of the park, sell, or offer or expose for sale, or let to hire, or offer or expose for hire, any commodity or article, unless, in pursuance of an agreement with the Council, or otherwise in the exercise of any lawful right or privilege,

such person may be duly authorised to sell or let to hire in the park such commodity or article’.

9.7 Caterers must be registered food businesses and hold a Food Hygiene Rating of 4 or 5

9.8 Chinese Lanterns, Balloon Releases and Confetti are not permitted on Birmingham City Council land due to the risk of potential danger to wildlife and the general environment.

9.9 Applications from individuals or organisations that have outstanding fees or charges relating to previous activities will not be considered until aforementioned amount(s) are settled in full.