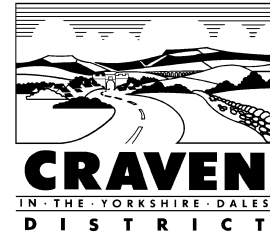


Policy Committee – 17 June 2014

Trading on Council owned car parks



Report of the Director of Services

Wards affected: All

1. Purpose of Report

To seek approval to formally amend the Council's Parking Order(s) to permit trading on Council owned car parks and agree a license fee for trading space to be included in the Council's Fees and Charges schedule.

2. Recommendations

Members are recommended to:

- 2.1 Authorise the Director of Services to take the necessary action to permit trading on Council owned car parks and to grant delegated authority to the Director of Services to make the necessary formal Order including considering and deciding on duly made objections to the proposal.
- 2.2 Approve license fees to be included in the Council's Fees and Charges schedule.

3. Report

- 3.1 The Council's approved Asset Management Plan challenges the review of assets on an ongoing basis and to look for opportunities to maximise income as far as possible, asking the question "*Are we maximising our income and minimising our expenditure, in terms of good estates management?*"
- 3.2 Much of the Council's small land holdings provide very little opportunity for maximising our income against expenditure. However, to sell licenses for trading does provide an opportunity on some pieces of land where other opportunities do not exist. In addition, whilst the Council's car parks work hard in terms of generating income there are areas within the car parks that are unsuitable for use as parking spaces but could be used for trading, generating income to the Council.
- 3.3 The Council does currently provide ad-hoc licenses for one off events and usually following an approach from an organisation or individual, however, this could be used further to the Council's income generating advantage through the advertisement of pitches to trade from.

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- 3.4 A number of Councils including Harrogate, Leeds and Bradford, as well as other organisations, such as Yorkshire Water, allow vendors to trade from their parks, car parks and other areas of suitable land, in return for a licence fee, generating a valuable source of income at minimal cost.
- 3.5 Craven District Council owns a number of car parks and areas of land in the towns and villages throughout the District that would potentially be suitable for such a use. However, in order to include the Council's car parks the Parking Places Order(s) would need to be amended to change the position from prohibiting the use of the car parks for the sale of items or services.
- 3.6 The Off-Street Parking Places Orders enable the Council to charge for parking, but currently prohibit the use of parking places for the sale of items or services. Should Members be minded to permit trading from Council owned car parks, vendors that have been authorised by the Council to operate from its land could do so. Licence agreements would set out a specific small pitch/area, so that the vendor does not affect parking activities and income. Land other than parking bays would be specified, i.e. areas where it is not possible to have a parking bay.
- 3.7 Typically such vendors sell a small, fairly specific product range of either non alcoholic drinks or food, but they can also include parties selling car break down cover or similar services. Generally they have a small display or vehicle, to sell their products from.
- 3.8 Traders would only be permitted to sell cold food, non-alcoholic drinks and services/utilities etc. It is not proposed to allow hot food or alcohol due to a higher risk of litter and nuisance.
- 3.9 Where reasonable, the Projects and Asset Management Department will try and ensure that the traders do not directly compete with existing retail premises, directly adjacent. Although traders are unlikely to be required to pay Business Rates, small adjacent retailers will also currently pay either reduced or no Business Rates, by way of Small Business Rate Relief.
- 3.10 If approved and the Parking Places Order(s) amended, advertising of the availability of such licences for use of Council land would be undertaken, followed by negotiation with all potential interested parties, to achieve the best outcome for the Council.
- 3.11 Use of the land would be permitted by way of annual licence agreements detailing the trading rules and conditions as set by the Land Owner (the Council). These agreements would specify which area of land is to be used, the hours and days of use, public liability insurance, type and size of vehicle or trailer to be used, goods for sale, registration with home authority where the vehicle is normally resident/stored if a food business, a food safety management system and a requirement for a food rating of four stars or above.

- 3.12 All licensees would be allowed to trade throughout the year, no more than four days per week and would be required to remove their vehicle/stand from site, each evening.
- 3.13 Potential licence fees will vary from site to site, depending on factors such as location and footfall etc. Neighbouring authorities achieve between £2,000 and £6,000 per annum per pitch dependant on location. Initially offers would be invited from prospective traders for pitches in the following locations:-
- High Street car park, Skipton
Coach Street car park, Skipton
Skipton Bus Station
Community Centre car park, Ingleton
Ashfield car park, Settle
- Further sites would be included in the future, if the project is successful.
- 3.14 The project will provide a valuable income for the Council; be of benefit to the public/visitors and would contribute to the vitality of Craven's service centres/villages. It may also enable some parties to set up a small business, particularly in the smaller villages and more affordable pitches.
- 3.15 All licensees would need to comply with the usual legislation that governs their trade and would need to maintain appropriate insurance cover.
- 3.16 The proposal would produce a new revenue income stream, year on year that could increase as new sites and vendors are added into the project.

4 **Implications**

4.1 **Financial Implications**

The proposal would generate a valuable income for the Council. Annual licence fees per trader, per site will vary. High Street Car Park, Skipton could achieve in the region of £5,000 per annum, whereas a pitch in one of the smaller towns or villages may achieve £2,000 per annum or less. These figures are indicative only at this stage, but are based on research carried out with neighbouring authorities.

4.2 **Legal Implications**

The recommendation is subject to first checking the title to each of the potential sites to ensure that restrictions on trading (if any) are not contravened.

Under the officer scheme of delegation the Director of Services has power to grant licence agreements for use of Council land.

The Council's car parks have been designated as parking places by a number of Off-street Parking Places Order(s), pursuant to section 32 of the Road Traffic Regulation Act 1984, and are subject to the civil parking enforcement regime. The

Orders prohibit trading in the car parks. Should members agree to proposals within this report a formal Order will be required to allow trading from car parks (the procedure involves a statutory consultation and notification procedure).

4.3 **Contribution to Corporate Priorities**

Managing the Councils assets appropriately and maximising the income from these falls within the Corporate Priority of Financial Resilience.

4.4 **Risk Management**

The annual licence agreements would be drafted to prevent potential issues occurring in relation to noise or nuisance etc.

If other unforeseen issues did arise, the agreements would be amended for the following year to take account of these.

The licence agreement would require the licensee to provide proof of suitable and sufficient public liability insurance to reduce the risk of claims being made against the Council's own insurances. Suitable risk assessments will be carried out in relation to siting of the vendors.

Initial discussions have taken place with the Council's Planners and we understand that the proposal would not require planning consent as it is effectively a temporary use.

5 **Consultations with Others**

5.1 Legal Services, Finance Management and Risk/Procurement & Insurance.

6. **Access to Information : Background Documents** –

6.1 None

7. **Author of the Report**

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Note : Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

8. **Appendices**

8.1 None