

Policy: Town Centre Trading Policy

Author: L. Cairney
 Division: Neighbourhoods and Prosperity
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1. Purpose

The document describes how, under what circumstances and subject to what conditions, Broxtowe Borough Council will permit temporary trading on designated Council owned land in Town centre locations.

2. Scope

- 2.1 This policy applies to town centre trading which is temporary in nature, on Council owned squares, not physical premises located within each town centre boundary, defined within the Council's most current Local Plan.
- 2.2 Permanent traders who currently stand at The Square, Beeston, under separate full lease agreements and are managed by the Council's Estates Section as commercial tenants, are excluded from this policy and have separate agreed terms for town centre trading detailed in their individual leases.
- 2.3 Town centre trading refers to activity at a Council owned town square, where a stall/s, promotional stand, catering vehicle or any combination of those operate with permission under a Council issued permit.

3. Policy

3.1 Principles

- To achieve the outcome of flourishing and thriving town centres.
- To ensure applications to trade are handled in a consistent and fair manner.
- To set out a clear set of considerations to guide decision making about allocation of permits.
- To prevent activity in town centres which may be undesirable and cause harm or nuisance.
- To ensure that town centres provide a variety of new and interesting opportunities for visitors, attracting visitors to shop in these locations.
- To enhance current town centre facilities.
- To increase the effectiveness Council owned assets, by generating additional income.

3.2 Responsibilities

- The Business Growth Manager shall be responsible for receiving, processing considering determining (against criteria set out in appendix 1) and issuing permit applications to use Council owned squares for town centre trading.
- The Business Growth Manager is responsible for ensuring this Policy is kept under review and for publishing the policy on the Council's website, and removing all previous versions.

- The Council's Environmental Health Department is responsible if requested to inspect and/or take formal action against a permit holder in case of a breach of licensing conditions.
- The Commercial Property Officer shall be the premises licence holder and is responsible for receiving and requesting regulatory action in relation to any allegations of breaches of license conditions.

3.3 Risks

Broxtowe Borough Council recognises that there are risks associated with the handling of applications for town centre trading activities.

This policy aims to mitigate the following key risks:

- Unsafe activities on Council owned land, which could cause injury, harm or distress.
- Unauthorised use or access of Council owned land.
- Damage to physical infrastructure of town centres, including street furniture and surfaces.
- Loss of potential income from ground rent.

Non-compliance with this policy may have a significant effect on the efficient operation of the Council and may result in financial loss, an inability to provide services to our customers, and adversely impact the Council's reputation.

4. Applications

- 4.1 Only fully completed applications will be considered. Details of minimum the supporting documents required are indicated at the top of the 'Use of Town Squares application form' in Appendix 1 but include as a minimum; signed and witnessed indemnity form, photograph/s of the stall/s setup and other associated equipment, proof of public liability insurance, and any further details at the request of the Business Growth Manager including risk assessments and event management plans.
- 4.2 Only applications received using the current version of 'Use of Town Squares application form' will be accepted.
- 4.3 Applications shall not normally be considered if submitted within 28 days of the proposed date of town centre trading activity. However, where there is enough officer time to carry out any necessary consultations, validate an application against all criteria in the 'officer checklist for town centre trading', produce and distribute a permit, applications within shorter timescales will still be considered.
- 4.4 Applications will be considered and permission to trade will be issued on a first-come first-served basis.

- 4.5 The Council will not take provisional bookings for use of any of its town squares. Any date/s and location are not secured by an applicant until a permit has been issued by the Council and in cases where the use is chargeable, paid for in full.
- 4.6 Applications will only be authorised during a 12-month period.
- 4.7 All applicants or operator/s of any stalls related to town centre trading must be over the age of 18 years.
- 4.8 Political parties and those groups affiliated to political parties are not permitted to hold a permit to use the sites covered by this policy.
- 4.9 Applications will normally be determined within 28 working days of submission.

5. Consultations

In determining applications under this policy the Business Growth Manager shall, where necessary, consult and take into account the views of:

- Environmental Health section
- Licensing section
- Health and Safety Officer
- Nottinghamshire County Council highways department
- Police
- Fire and Rescue Service
- Trading Standards

The following will be informed of the applications for permits:

- The leader of the Council and Opposition party leaders
- Local Councillors
- The Chair and Vice Chair of the Jobs and Economy Committee
- Parish or Town Council

It shall not be a requirement to consult individual traders in town centres.

6. Large Events

- 6.1 Where a town centre trading event has an attendance of more than 500 or more, a risk assessment, event plan (map identifying the exact location of all activities), an operational plan and emergency plan will be forwarded to the Police, the Fire Service and the Council's Environmental Health

Department a minimum of 28 days prior to the start of the permit. The lawful requirements of the above consultees will be complied with.

- 6.2 Where a town centre trading event has an attendance under 500 at one time and alcohol is being sold in conjunction, an applicant will need to serve the Council's Licensing Department with Temporary Event Notice. It should be noted that a Temporary Event Notice could produce objections from the Police and/or Council's Environmental Health Department. Events of 500 or more attendees at any one time which includes the sale of alcohol, may require a "time limited" premises licence. Organisers are advised to contact the Council's Licensing Team to ensure compliance with the Licensing Act 2003 requirements.
- 6.3 Where a town centre trading event has an attendance of 500 or more, an applicant must provide proof of public liability insurance cover, and a declaration of any stalls/operators planning to attend the event, must be included in any application, with the correct level of cover required by the operation of this policy. Because of the level of necessary consultation, an application for town centre trading which is likely to attract an attendance of 500 or more, cannot be considered in a reduced timescale.

7. Insurance

Where the proposed town centre trading is through market stalls, evidence of the correct levels public liability insurance cover will be required for each individual stall and the market in its entirety. The correct levels of cover are minimum £5m public liability cover for each individual stall and minimum £10m for an entire market/event.

8. Criteria for Determination of Applications

- 8.1 Applications shall be permitted if they enhance the facilities offered to visitors of town centres in Broxtowe unless:
- The application would be likely to present an unacceptable risk to public health and safety.
 - The application would be likely to cause undesirable noise or nuisance.
 - The application would be likely to damage the reputation of the Council or bring it into disrepute.
 - The application would be an affront to public decency.
 - The application would be likely to encourage hatred or extremism.
 - The application would be likely to be unsightly and detract from the visual amenity of town centres.
 - The application would be likely to damage or harm an element of the infrastructure or street furniture of town centres.

- 8.2 The introduction of additional trading competition which might affect the business of existing retailers shall not of itself be a ground for refusal of an application.

9. Access

- 9.1 The area of agreed squares use will be shown on an accompanying plan issued with a permit. Town centre trading should only take place within the highlighted area on the plan.
- 9.2 No vehicles are to use the squares unless agreed with the Business Growth Manager prior to the event.
- 9.3 Any vehicle/s using the square where permitted, must also apply for a Parking Dispensation available from the Council's Parking Services Department. Please note that there may be additional charges for this. Some vehicles may not be eligible for a parking dispensation, further terms and conditions of Parking Dispensations are available from the Parking Manager.
- 9.4 No trailer may use the square except as may be specifically approved by the Business Growth Manager, under conditions prescribed by them. Any application to use a trailer must give details of height, width, length and weight of the trailer and provide images.
- 9.5 Anyone town centre trading, must be able to produce accurate access information to any Council representative on request, which includes a valid signed permit and accompanying plan from the Business Growth Manager. Failure to produce the necessary documents may lead to the person/s attending being asked to leave the area permanently, with no refund of ground rent to be issued.

10. General Conditions of Permit

- 10.1 A permit holder or person/s employed by them, must not place on the street, fix to equipment/street furniture placed on the street, any advertising material of any description whatsoever except with written consent from the Business Growth Manager.
- 10.2 If large Christmas trees and associated safety barriers, seasonal planters, art exhibits or other temporary structures are in position at a town square, which limits the space for town centre trading, further conditions on times, dates, areas and methods of access could be applied to a permit, which

may differ from other permits issued previously or in the future for the same location.

- 10.3 Town Squares must be cleared as soon as practicable after the cessation of any town centre trading activity; this includes stalls, tables, vehicles and other associated equipment. All waste must be taken away from the site. The named permit holder will be responsible for litter related to any activity and maybe liable for associated costs related to the clean-up of improperly disposed waste. The public bins are not to be used to dispose of trade waste.
- 10.4 All applicants will indemnify the Council against all claims for damage or injury or loss arising out of the use of the squares for town centre trading.
- 10.5 In a case where town square space has been secured by a 3rd party promotional space booking agent, their own access information alone may not be accepted by a Council representative. Both the booking agent and any organisation trading at a square area (if these are separate) are responsible for ensuring a valid Council issued permit is available for inspection.
- 10.6 A permit holder or person/s employed by them, must not make any holes or indentations of any description in the ground, place or fix any equipment of any description into a town square surface.
- 10.7 A permit holder or person/s employed by them, shall not do anything in or on a squares area, which in the opinion of the Council, may pose or become a danger, nuisance or annoyance, cause damage or inconvenience to the Council or to the owners or occupiers of any premises within the locality or to members of the public.
- 10.8 A permit holder or person/s employed by them, must comply with all reasonable requirements of the Business Growth Manager, or any other authorised officer of the Council, a police officer or a police community support officer in the execution of their duties.
- 10.9 A permit holder or person/s employed by them, are expressly forbidden to sell, display or wear any article which is or is offensive either in writing, sound or pictures.

- 10.10 The appearance of associated equipment or structures shall be of good quality. Photographs are sent to the Business Growth Manager of equipment related to an application before a permit is granted. Where it is statutory that any equipment related to town centre trading activity is subject to a maintenance schedule, certificates or other documentation related to that equipment may be requested at the application stage.
- 10.11 No lighting, bunting or banners may be placed on town squares which could cause confusion with the traffic signals. Permission will be required to display lighting, bunting or banners from the Business Growth Manager.
- 10.12 No artificially amplified loudspeakers are permitted save with express authority from the Business Growth Manager.
- 10.13 All permits will be limited to daily 'trading hours' between 8am and 10pm.
- 10.14 A permit holder or person/s employed by them, shall obtain child protection training and where necessary CRB checks will be required.
- 10.15 Additional conditions may be imposed at the discretion of the Council.

11. Notifications and Additional Permissions and Requirements

- 11.1 An applicant will inform and consult with the local police station as soon as a permit is granted to trade on a town square, where the proposed activities would deem it appropriate.
- 11.2 Where town centre trading is through a regular organised market, it is the responsibility of market operator/manager named on the Council issued permit to obtain any additional licence/s from neighbouring local authorities that have protected market rights on certain days.
- 11.3 Information of any town centre trading activities which are licensable under the Licensing Act 2003 should be provided to the premises licence holder for a town square and form part of any required risk assessment. The full risk assessment must be in line with current Fire Precaution legislation. Any significant findings should be addressed to the satisfaction of the Fire Service prior to the town centre trading taking place.

- 11.4 It is a legal requirement to apply to the Council's Licensing Department for a street collection permit when undertaking charitable collections or sales or any other activity where the collection or donation of cash occurs. (e.g. Busking for charity).
- 11.5 Where an applicant intends to carry out direct debit data capture on behalf of registered charitable organisations, the Council's Licensing Department must be informed as required by the Institute of Fundraising code of practice. This could include forwarding copies of the 'Use of Town Squares application form', or a notification via email from the Business Growth Manager to Licensing.
- 11.6 Where security staff are required and used for a town centre trading activity on a town square, they will be qualified as required by legislation. A legible record containing names, addresses and Security Industry Authority badge numbers of Door Supervisors shall be maintained and kept for a period of three months and be available for inspection by the Police and the Licensing Authority.
- 11.7 If it is indicated in an application the use of the Council's electricity supply is required for town centre trading activity, arrangements should be approved by the Business Growth Manager who has responsibility for this facility. Please note there is a charge for this, additional to any fee for ground rent. Applicants will be asked to sign a separate agreement for the use of the electricity supply.

12. Miscellaneous

- 12.1 The Council may find it necessary to issue multiple permits for the partial use of a square area at the same time, where there is physical capacity to carry out the activities listed on each individual permit harmoniously. The Council will inform all applicant's/permit holders affected where this may be the case, to stipulate the individual areas covered by each permit.
- 12.2 Where a Temporary Event Notice is required, the applicant should clearly define within their application documents and physically barrier a designated area on a town square, from the overall town centre trading activity, for the sale and consumption of alcohol. This defined area has a maximum attendance of 499 people.
- 12.3 Tacit consent for squares usage does not apply - i.e. if you have not heard from us following your application, this does not mean permission has been

granted. If you are still waiting for a permit 28 days after confirmation we have received an application, please contact us.

13. Refusal of Applications

If an application is refused the Business Growth Manager shall give written reasons for refusal to the Applicant within 5 working days of the decision being made.

14. Appeals

The decision to issue a permit for town centre trading is the responsibility of the Business Growth Manager. There is no formal appeals process in the event an application is refused or a previously issued permit is cancelled prior, or revoked during a booking. Applicants reserve the right to make a complaint, following the Council's formal complaints procedure.

15. Cancellations

15.1 The Council reserve the right to cancel any permit at short notice. This may be for a variety of reasons. For example, but not exclusively: non-compliance with, the 'Conditions of Permit for use of town squares', non-payment of any fees, because other agencies, such as, the highway authority or a statutory undertaker require access to the trading location, or any other point within this policy.

15.2 If a permit is cancelled or revoked, for any reason, the Council shall not in any circumstances whatsoever be liable to pay any compensation to the individual/s and/or organisations named on the permit and/or person/s employed by them, in respect of the cancellation.

16. Related Policies, Standards and Guidelines

This policy should be read in conjunction with the:

- Statement of Licensing Policy 2019-2024
- Broxtowe Enforcement Policy
- Environmental Health Enforcement Protocol

17. Enforcement

17.1 A permit for town centre trading activity will be cancelled if it is found by a duly authorised Environmental Health officer that there is an immediate risk to the public.

17.2 If it is judged by a duly authorised Environmental Health Officer that there is a breach of license condition, the license may be terminated forthwith.

18. Charges

- 18.1 Applicants may be required to pay a ground rent for occupation of an agreed space on a town square. Dependant of the amount of space and type of use, the rent amount will be determined by the Business Growth Manager in conjunction with the Council's Estates Section.
- 18.2 If a market operator/manager includes stalls that were not included in the original application, there may be retrospective charges made.
- 18.3 Where charges are applicable, permits are to be paid for in full, at least 28 days in advance and are non-refundable.
- 18.4 In circumstances where a valid application is made less than 28 days before proposed town centre trading is due to take place, payment for the permit must be made within the terms detailed on the Council issued invoice.
- 18.5 Charges will be reviewed annually.

19. Review

This document will be reviewed annually as a minimum or wherever there may be a change of influencing circumstances.

20. Appendices

Appendix 1

APPLICATION FOR THE USE OF TOWN SQUARES

As part of an application to use our town squares the Council requires the following: -

- A fully completed version of this application form.
- A signed and witnessed indemnity form.
- A photograph/s of the stall/s setup and other associated equipment.
- Proof of public liability insurance (minimum of £5m, terms apply) being in place to cover the stated booking use.
- Further information may be required including Risk Assessments, Event Management and Traffic Management Plans etc.

Please indicate which square you wish to use	Beeston	
	Kimberley	
	Stapleford	
Applicant name		
Applicant postal address		
	Post Code	
	Tel Number	
	Email	
Name of organisation booking space* <i>(If you are a booking/marketing agent applying for promotional space on behalf of a charity, please include their details below)</i>		
Address of organisation booking space		
	Post Code	
	Tel Number	
	Email	
Name of charity		
Charity contact name		
Registered address of charity		
	Post Code	
	Tel Number	
	Email	
Registered Charity Number		
State the nature of the booking and proposed activities		
Is the use of the square licensable under the Licensing Act 2003?	YES / NO <i>(delete as appropriate)</i> (If in doubt please contact the Licensing Department)	

<p>Give details of any equipment and/or stands to be used in conjunction with this booking, including size. <i>(E.g. 3x3m gazebo with weights and a 1m high lectern)</i></p>	
<p>Do you require access to mains electricity as part of the square usage?</p>	<p>YES / NO <i>(delete as appropriate)</i> (This carries an additional charge and separate agreement)</p>
<p>Date/s for proposed use of the square <i>(This application must be received by the Council at least 28 days before the booking date in the application, to enable any necessary consultations to take place)</i></p>	
<p>Times for the proposed use of the square <i>(This should allow for the set-up and take down of any equipment associated with the booking, including accessing the square for loading and unloading)</i></p>	
<p>Is this event in conjunction with a street collection?</p>	<p>YES / NO <i>(delete as appropriate)</i> (This includes Direct Debit Collection data capture)</p>
<p><u>PLEASE NOTE</u></p> <p>Broxtowe Borough Council has under section 3 of the Local Government (Miscellaneous Provisions) Act 1982 adopted Schedule 4 of that Act with regard to Street Trading within specified areas of Beeston. These areas are now defined as ‘Consent Streets’, where street trading is not allowed without the permission of the Council. This designation came into force on the Monday 7th August 2017.</p> <p>The following areas in Beeston are designated as Consent Streets:-</p> <p style="text-align: center;">Chilwell Road, Chilwell/High Road, High Road, Wollaton Road, Station Street, Foster Avenue, Derby Street, Acacia Road, City Road, Regent Street, Willoughby Street, Union Street, Villa Street, Stoney Street, Marlborough Road and Broadgate.</p> <p>Any attempt by organisations, including promotional/marketing companies and space booking agents, to avoid a full commercial booking through the council and/or instructing their clients to a space in a defined consent street area without written permission from the Council (regardless of land being privately owned), is doing so illegally.</p>	
<p><u>DECLARATION</u></p> <p>I have read and undertake to observe the conditions relating to the use of the area indicated. I also enclose the duly completed form of indemnity.</p> <p>SIGNED: _____ APPLICANT: _____</p> <p>DATE: _____</p>	

SUBMITTING YOUR APPLICATION

Scans of this form, public liability certificates and images can be emailed to us at towncentres@broxtowe.gov.uk

If you are unable to provide digital copies of the information required for an application, please call 0115 9173043/3446 for further assistance. Once all the requested information has been received, a decision will be made on the fee and whether to give permission for squares use by issuing a permit. Further correspondence may also be required before a decision is reached. A decision will be reached in line with the Council’s ‘Town Centre Trading Policy’.

Appendix 2



**INDEMNITY
FOR
USE OF TOWN SQUARES**

I/WE the undersigned for and on behalf of
(applicant).....
 agree to indemnify Broxtowe Borough Council from any liability and associated costs
 arising out of the negligence of the undersigned and/or its agents for the use,
 organisation, supply and erection of materials for the purpose of *(the event)*

(location).....
 taking place on *(date and time of event)*

I/we also agree that we will not hold Broxtowe Borough Council, its employees or
 agents responsible for any loss damage or injury to persons or its property in
 connection with the above mentioned event unless such loss or damage was as a
 result of the negligence of Broxtowe Borough Council, its employees and or agents.

Dated this day of 20.....

Signed..... Witnessed.....

Address..... Address.....

.....

Name in capitals..... Name in capitals.....

Position held Position held.....

21. Document Attributes

Document Information

Information Type	Document Information
Title	Town Centre Trading Policy
Identifier	Town Centre Trading Policy v1.0
File Location	https://intranet.broxtowe.gov.uk/document-central/policies-procedures/
Description	Policy to determine applications for temporary trading activities on designated Council owned land in town centre locations.
Keywords	Town Centre Trading, Town Squares, Squares Use, Town Centres
Format	MS WORD
Author	L.Cairney
Owner	Business Growth Manager
Classification	OFFICIAL
Date Created	11/01/19
Last Review Date	11/01/19
Next Review Date	Jan 2020
Date to Dispose	12 months after later version of policy released

Document Approval

Date	Name & Job Title of Approver(s)	Version
11/01/19	GMT Members, Chief Monitoring Officer	1.0

Document History

Date	Summary of Changes	Version
11/01/19	First Version – Pre Jobs & Economy Committee 31/01/19 (policy not adopted)	1.0

Distribution

Name/Group:

Heads of Service

Coverage

Name/Group:

All Staff

End of Document