

WAVERLEY BOROUGH COUNCIL

EXECUTIVE- 5 FEBRUARY 2013

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**Title:**

**LICENCE FOR THE USE OF A WAVERLEY OPERATED CAR PARK**

**[Portfolio Holder: Councillor Carole King]**

**[Wards Affected: All]**

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**Summary and purpose:**

The use of a Council-operated car park, (or the largely pedestrian area in Godalming known as Crown Court), for reasons other than pay and display or free parking requires a car park licence. This report seeks to revise the procedures for the consideration of licence applications and sets out a proposed scale of licence fees.

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**How this report relates to the Council's Corporate Priorities:**

The use of a car park (or the Crown Court pedestrian area in Godalming) for an event has an impact on the town concerned and those living in the vicinity, and the licensing of events would contribute to the corporate priorities of 'Leisure and Lives' and 'Understanding our Resident's Needs'.

**Equality and Diversity Implications:**

The report recommendations seek to ensure the Council applies its policy in a consistent manner.

**Financial implications:**

The recommendations in this report will ensure that the cost of processing licence applications is value for money.

**Legal Implications:**

Adoption of a policy that is applied when considering all applications will ensure that the Council acts consistently in respect of any application received, and is transparent in making applicants aware of the criteria against which applications will be considered.

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**Background**

1. Each year the Council receives various requests to use car park land for reasons other than parking. These events can range from the holding of a town carnival, a car show, a charity bike ride, or music concerts, to events that require a smaller area of land such as a table top sale, corporate promotion or public health and safety awareness event.

2. An 'event' can be described as being something out of the ordinary that requires both planning and organising to make it happen and to which the public have access.
3. Regardless of the size of an event, a car park licence is required before an event can be held on land operated as a car park. This also applies to the pedestrian area in Godalming known as Crown Court. In addition, a licence is required before any advertising material can be placed within the boundaries of a car park.
4. A framework to assist the processing of applications and for the calculation of a licence fee was introduced in April 2011. This framework is shown at Annexe 1. The processing of applications involves an assessment of risk, and the checking of permissions and public liability insurance.
5. Under the current framework, applications from organisations that fall into certain categories are not subject to a licence fee.

#### Crown Court Pedestrian Area, Godalming

6. In 2003, Crown Court, being the area between the car park and the High Street, Godalming, was designated as a 'consent street' for street trading purposes. This means that any person engaging in street trading in Crown Court without the Council's written consent is, under paragraph 10 of Schedule 4 to the Local Government (Miscellaneous Provisions) 1982, committing a criminal offence.
7. The Waverley (Off-Street Parking Places) Order 2012, paragraph 8, makes clear that a 'parking place' shall not be used to erect any tent, booth, stand (etc) without the written consent of the Council. Furthermore, no person is permitted to sell or offer for sale "anything whatsoever" in a parking place without the Council's written consent.
8. The street trading controls prohibit trading in Crown Court unless the Council issues consent, for which a trader must make an application and pay a fee.
9. The permitted development legislation on temporary uses is in Part 4 of the General Permitted Development Order 1995. This allows a market to be held on land which is not a building or within the curtilage of a building for 14 days a year without any planning consent being required.
10. The Crown Court area between the High Street and the car park would not be considered to be within the curtilage of a building.

#### Pay and display and free car parks

11. The list of car parks is shown at Annexe 2.
12. It is usual that where there is a need to better manage a car park, a charge is applied. In its simplest form, this helps to promote or discourage long or short stay parking at any one particular car park.

13. Charges apply Monday to Saturday from 8am to 7pm. Car parks are free of charge on a Sunday and in the evening.
14. The holding of an event at a car park and outside of the charging period does not usually inconvenience customers and generally does not give rise to complaints about lack of parking space. However, there are some locations where businesses and retailers rely on parking space being available outside of the charging period.
15. Noise and disruption can be an issue for the residents who live in the vicinity, particularly if an event involves electronic amplification of sound or the event attracts a large number of people.
16. In some cases, land is leased to the Council and agreements in place require the Council to operate a car park under certain conditions.
17. Situations have arisen where some organisations consider they have a historic right to use a particular car park location.

#### Policy for the consideration of applications to use car park land

18. It is proposed that the current framework is replaced with the following policy:
  - a) A licence fee will be payable for each successful application unless it is entirely for the promotion of public health and safety.
  - b) Applications for permissions concerning construction and renovation of buildings in Crown Court will be dealt with separately through the Council's Estates Team and an appropriate fee applied that will be specified separately from this policy.
  - c) With the exception of the historic town events identified in the scale of charges shown below, and in order to meet the Council's obligation to ensure maximum parking space is available at some locations, any future applications will be declined for the use of the following car parks:

South Street Farnham,  
Upper and Lower Hart, Farnham,  
South Street, Godalming and  
High Street, Haslemere.

(The Council reserves the right to review any historic event arrangement at any time or to offer an alternative site).
  - d) Due to requirements of temporary use legislation, the use of the Crown Court pedestrian area in Godalming would be restricted to a maximum of 14 events per annum. This excludes the events requiring a minimum licence. Given the community focus of their events, and taking into account that they hold a trading licence, Godalming Town Council events are to be given priority over other applicants.

- e) The revised policy and scale of charges is to be applied to all existing arrangements including the Farmers Market held at Central car park.
- f) The size of advertising material must not exceed that permitted by planning legislation. The advertisement is controlled through the Town and Country Planning (Control of Advertisements) Regulations 2007.
- g) An assessment of applications will be undertaken and all organisers will need to demonstrate that:-
  - i. The event has been planned to eliminate or substantially reduce safety risks
  - ii. All aspects of public safety have been considered
  - iii. There are contingency plans in place
  - iv. All necessary approvals have been obtained (e.g. closure of public highway)
  - v. Proper advance notice of the event has been given to all necessary or relevant authorities including emergency services. This will require a minimum of three months' notice for all except very small local events (for example no greater than 4 x 3 m in area)
  - vi. There is adequate public liability insurance in place
- h) A scale of licence fee charges should be introduced as set out in Annexe 3.

## **Conclusion**

19. The availability of parking space throughout the week is vitally important to many organisations, businesses and residents who rely on this parking space. In restricting and managing the use of car park land, the Council will ensure that the primary purpose of a car park, being first and foremost to provide parking space, is maintained. The processing of applications to use car park land requires a certain level of administration. It is appropriate that a charge is made for this work.

## **Recommendations**

It is recommended that, with effect from 1 April 2013, the revised policy for giving consideration to car park use requests and scale of licence fees should be adopted to replace the current framework.

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## **Background Papers**

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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