

## Report to Cabinet

Thursday, 20 July 2023

By the Cabinet Member for Leisure, Culture and Green Spaces

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

### Concessions Policy

#### Executive Summary

The report presents a Concessions Policy to enable a fair and consistent approach to the consideration of applications from traders and others who wish to operate a concession from Horsham District Council owned land.

#### Recommendation

That Cabinet approves the Concessions Policy set out in the appendix.

#### Reasons for Recommendations

Horsham District Council does not currently have a policy that ensures a fair and consistent approach to applications to operate concessions from its sites. The recommendation will provide this, and ensure that any approved applications are properly considered with involvement from the relevant Cabinet Member and Ward Members.

#### Background Papers

None

#### Wards affected: All

**Contact:** Paul Anderson, Director of Communities.

## **Background Information**

### **1 Introduction and Background**

- 1.1 Horsham District Council is occasionally approached, typically by food and beverage businesses, for permission to operate from parks, open spaces or car parks. The Council doesn't have a policy in place against which to consider such applications and this report has been developed to present a proposed policy. This will ensure a consistent, fair approach is taken across the organisation.

### **2 Relevant Council policy**

- 2.1 The policy is in line with two of the priorities in the 2019 – 2023 Corporate Plan. Enabling access to our spaces would support the 'A thriving economy' priority and doing so in a consistent and considered manner would contribute towards ensuring 'A cared for environment'.

### **3 Details**

- 3.1 Earlier in 2023 a local trader approached the authority around operating a catering concession on HDC owned land. A satisfactory arrangement was agreed with the trader, although it was recognised that to improve the process in the future, and to ensure consistency and fairness, it would be appropriate to develop a policy against which applications for the use of HDC owned land could be considered.
- 3.2 The proposed policy, attached as an appendix enables flexibility for traders to submit proposals for trading on HDC land. Any decision to approve an application will be taken in consultation with the responsible Cabinet Member and relevant ward Members. There are no guarantees or commitments that concessions will be permitted on any sites, so any proposal needs to be satisfactory in terms of the nature of the operation, times of use and impact on the local area.

### **4 Next Steps**

- 4.1 Subject to approval, the policy will be published and shared with businesses via the Economic Development team. Expressions of interest for concessions to operate in our sites during 2024 will be advertised in early 2024.

### **5 Views of the Policy Development Advisory Group and Outcome of Consultations**

- 5.1 The Policy was considered at the Leisure, Culture and Green Spaces Policy Development Advisory Group (PDAG) on 11 July, to which members of the Finance and Resources PDAG were also invited to attend. Members supported the proposed policy.
- 5.2 The Director of Resources and Monitoring Officer have had sight of this report and their comments have been incorporated.

## **6 Other Courses of Action Considered but Rejected**

- 6.1 The alternative course of action would be to continue to operate without a concessions policy. The policy has been developed in response to an identified gap, and therefore adopting it is considered to be the best course of action.

## **7 Resource Consequences**

- 7.1 Allowing concessions to use Horsham District Council owned land or property will deliver a small financial contribution. It is not considered that it will be a significant source of income.
- 7.2 There are no other resource implications.

## **8 Legal Considerations and Implications**

- 8.1 Section 1(1) of the Localism Act 2011 provides that Local Authorities have power to do anything that individuals generally may do. Therefore, the Council may grant concession licences to traders.
- 8.2 Cabinet is responsible for the adoption of policies within the Council's policy framework.

## **9 Risk Assessment**

- 9.1 The development of the policy will reduce the organisational risk that currently exists whereby there is no policy oversight for the leasing of sites for use by concessions.

## **10 Procurement implications**

- 10.1 There are no procurement implications.

## **11. Equalities and Human Rights implications / Public Sector Equality Duty**

- 11.1 There are no equality or human rights implications.

## **12 Environmental Implications**

- 12.1 It is not considered that there will be any direct environmental implications. Any food and drink providers will be expected to provide sufficient recycling facilities.

## **13 Other Considerations**

- 13.1 It is not considered that there are any GDPR, Data Protection or Crime and Disorder implications arising from the proposed Policy.

### **APPENDICES TO REPORT**

Proposed HDC Concessions Policy