

NORTH LANARKSHIRE COUNCIL
REPORT

To: POLICY AND RESOURCES (PROPERTY) SUBCOMMITTEE	Subject: ASSET MANAGEMENT PLAN - LEASING OF COUNCIL SITES TO STREET TRADERS, HOT FOOD VAN OPERATORS AND CIRCUSES, FAIRGROUNDS AND ONE OFF EVENTS
From: HEAD OF PROPERTY SERVICES	
Date: 4 May 2011	Ref: EH/FF

1. INTRODUCTION

- 1.1 The purpose of this report is to review the Council's policy on the leasing of sites for the operation of street traders, hot food vans, circuses, fairgrounds and one off events.

2. BACKGROUND

- 2.1 Committee will recall the report dated 14 October 2008 which was presented at the meeting on 4 November 2008 and set out the Council's policy on the leasing of areas of Council land for the purposes detailed above. A copy of this report is attached for information.
- 2.2 The policy was written at the time to help clarify the Council's basis for leasing such sites and has now been in operation for over 2 years, during which time a number of members have raised concerns on issues relating to its operation. These concerns have prompted this review.
- 2.3 Committee should be aware that the Council is frequently asked to give consent to leased areas of ground to street traders and for the purposes detailed above. These generally fall into 3 main categories; a lease for hot food vans; ice cream vans and a temporary short term lease for fairgrounds; circuses and one off events.

3. REVIEW

3.1 Hot Food Vans

- 3.1.1 From an estate management perspective, hot food vans create a number of difficulties mainly associated with congestion, litter and anti-social behaviour.
- 3.1.2 For the reasons detailed above, it shall be Council policy to actively discourage hot food vans on Council land. This is largely a result of concerns over estate management issues and in keeping with the Council's policy on promoting health and wellbeing.

- 3.1.3 In particular, a number of requests have been received from operators wishing to site hot food vans on Council car parks. In view of the Council's desire to implement a charging regime for car parking across the North Lanarkshire area, the siting of vans in car parks will cause further congestion and for this reason, a robust policy of discouraging hot food vans on Council land, in particular within car parks, should be maintained.
- 3.1.4 It was previously recognised that a number of historic leases relating to hot food vans were still in operation and a number of these tenancies have been regularised since the initial policy was implemented. It is considered that fewer of these situations will arise as time goes on, however the policy as originally detailed will continue to apply whereby tenants will be allowed to continue their leases until expiry but consent to assign will not be granted unless the lease specifically allows this. At expiry of the lease, it will be the Council's intention to renew the lease in accordance with current practice which is that the existing tenant will be permitted an extension of the lease. Again, it should be stressed that the policy is not intended to grant the tenant a lease in perpetuity and any lease extension will have regard to the current Council policies at that time.
- 3.1.5 The proposals for leasing Council land to hot food vans detailed above does not materially alter the situation as outlined in the initial report.

3.2 Ice Cream Vans

- 3.2.1 It is recognised that ice cream vans is distinct from hot food vans and provide a service for the people of North Lanarkshire.
- 3.2.2 Together with the relevant Council Department, a suitable site/location will be identified as being available to lease to an ice cream operator. In turn, an advert will be placed in the local press highlighting this opportunity and on receipt of satisfactory bids following a closing date, a lease of up to 3 years will be granted.
- 3.2.3 At expiry of this lease, the site location will be re-marketed.
- 3.2.4 The proposals for leasing Council land to ice cream vans does not materially alter the situation, as outlined in the original report.

3.3 Fairgrounds, Circuses and One Off Events

- 3.3.1 The issue of fairgrounds, circuses and one off events has proved to be somewhat more problematic than the initial two categories detailed above and it is considered that a revision of the policy for dealing with these matters requires to be implemented.
- 3.3.2 All leases associated with fairgrounds, circuses and one off events will be for a short term period only and will be limited to the operation of a funfair, circus with ancillary hot food vans, etc. When an application is received by Property Services, the relevant Council Departments and Elected Members will be consulted on the suitability of the proposal. If no objections are received, a lease will be granted under delegated authority by the Head of Property Services. If objections are received from either Council Services or Elected Members, the matter will be referred to the Policy & Resources (Property) Subcommittee for a decision on whether it is appropriate to grant the lease. Should the Council consider granting a lease, the appropriate Minute of Lease will be issued for the tenant to sign and return, again under delegated authority.

3.3.3 The requisite rental charge will be agreed by the Head of Property Services based on market evidence and, in addition, a Bond of £1,000 will be paid by the operator to ensure that any reinstatement, damage or clean up costs can be dealt with at no cost to the Council.

3.3.4 In relation to one off events such as the fireworks display at Strathclyde Park or similar, these events will be subject to a formal tender submission by the prospective operator. The permitted uses will be broadly as detailed in paragraph 3.3.2 above, however it should be noted that these will often include ancillary uses such as hot food vans, etc which will be permitted at such events. Again, the leases will be concluded under delegated authority.

4. LICENSING

4.1 In certain instances, confusion has arisen where prospective tenants have been granted a Licence from the Licensing Board to operate at a specific location and appeared unaware that the grant of this Licence does not convey occupational rights. To clarify this situation, all prospective tenants will be advised at the outset that whilst they will require a Licence to trade, in addition they will also require the grant of a lease and that both elements are separate points of this process.

5. CORPORATE CONSIDERATIONS

5.1 This report revises and helps clarify the Council's policy relating to the lease of Council property to street traders, hot food van operators, circuses, fairgrounds and for other one off events.

5.2 Should the application for a lease be made within a timescale that precludes consideration by Committee, should such be required, the decision will be delegated to the Head of Property Services in consultation with the Convener of Policy & Resources (Property) Subcommittee.

6. RECOMMENDATIONS

6.1 It is recommended that Committee approves the implementation of this report and the revisals made to the Council's policy on the granting of leases to street traders, hot food van operators, circuses, fairgrounds and one off events.



IAN NISBET
Head of Property Services

Members seeking further information on the contents of this report are asked to contact Ian Nisbet, Head of Property Services, on 01236 616305.



NORTH LANARKSHIRE COUNCIL

REPORT

To: POLICY AND RESOURCES (PROPERTY) SUBCOMMITTEE		Subject: ASSET MANAGEMENT PLAN - LEASING COUNCIL SITES TO STREET TRADERS AND HOT FOOD VAN OPERATORS
From: HEAD OF PROPERTY SERVICES		
Date: 14 October 2008	Ref: EH/FF	

1. INTRODUCTION

1.1 The purpose of this report is to set out and clarify the Council's policy on the leasing of sites for the operation of hot food vans and other street traders on Council land.

2. BACKGROUND

2.1 The operation of mobile hot food vans and other street traders is governed by the Licensing Committee where in the first instance the operator requires the grant of a street trader's licence. Confusion has arisen in the past over the role of the Council in the grant of a licence where applicants have sought and been granted a trading licence and do not fully appreciate nor understand that this does not convey any occupational rights. The purpose of this report is to clarify matters and set out the Council's policy.

2.2 Committee should be aware that the Council is frequently asked to give consent to lease or grant a licence in respect of areas of land to street traders and these generally fall into 3 main categories:- a temporary lease for fairground/circus use, ice cream vans and hot food vans.

2.3 From an estate management perspective, hot food vans create a number of difficulties mainly associated with congestion, litter and anti-social behaviour.

3. PROPOSALS

3.1 It is proposed that the Council deals with the 3 main categories of street traders as follows:-

3.2 Fairgrounds, Circuses and One Off Events

3.2.1 The grant of a short term lease to fairground or circus operators shall continue as previously. Any lease will be for a short term period only and will be limited to the operation of a fun fair, circus and hot food vans. When an application is received by Property Services, the relevant Council departments and elected members are consulted on the suitability of the proposal. If objections are received, the applicant is advised and no further action is taken. Should the Council consider granting a lease, the appropriate Minute of Licence is issued for the tenant to sign and return. The/

The requisite rental charge will be agreed with the Head of Property Services based on market evidence and a Bond of £1,000 is paid by the operator to ensure that any reinstatement, damage or clean up can be dealt with at no cost to the Council.

- 3.2.2 In relation to "one off" events such as the fireworks display at Strathclyde Park or similar, these events will be subject to a formal tender submission by the prospective operator. The permitted uses will be broadly as detailed in paragraph 3.2.1 above, however it should be noted that these will often include ancillary services such as hot food vans, etc which will still be permitted at such events.

3.3 Ice Cream Vans

- 3.3.1 It is recognised that ice cream vans as distinct from hot food type vans provide a worthwhile service for the people of North Lanarkshire.

- 3.3.2 On the advice of the relevant Council department, a suitable "site" will be identified as being available to lease to an ice cream van operator. In turn, an advert will be placed in the local press highlighting this opportunity and upon receipt of satisfactory bids following a closing date, a lease of up to 3 years is granted.

- 3.3.3 At expiry of this lease the "site" will be remarketed.

3.4 Hot Food Vans

- 3.4.1 For the reasons outlined at paragraph 2.3 above, it shall be Council policy to actively discourage hot food vans on Council land. This is largely as a result of concerns over estate management uses and in keeping with the Council's policy of promoting health and well being.

- 3.4.2 It is recognised that a number of historic leases relating to hot food vans are still in operation and the Council recognises that these provide employment for the operators. On this basis, these leases will be allowed to continue until their expiry, but consent to assign will not be granted unless the lease specifically allows this. At the expiry of the lease, it would be the Council's intention to renew the lease in accordance with current practice which is that the existing tenant will be permitted an extension of the lease. It should be stressed that this policy is not intended to grant the tenant an effective lease in perpetuity and any lease extension will have regard to current Council policies.

4. CORPORATE CONSIDERATIONS

- 4.1 This report will help clarify and set out the Council's policy relating to the lease of land to street traders and this will help avoid confusion in the future.

5. RECOMMENDATIONS

- 5.1 It is recommended that Committee approves the implementation of this report.



IAN NISBET
Head of Property Services