

Highways Permissions for Advertising or Selling Services or other Trade Stands

Guidelines

This framework aims to enhance the way in which external organisations use the highway in town centres, enabling the regulation of currently uncontrolled activities and to offset the costs of such activity. It also recognises that certain activities can contribute to the vibrancy of town centres.

The Council is empowered, under Part VIIA of the Highways Act 1980 (“the Act”), to permit persons to place objects or structures on the highway for the provision of amenities and services including (Section 115E of Part VIIA of the Act) for the purpose of producing income, advertising and the provision of advice or information. This is conditional on the authority obtaining the consent of frontagers adjacent to the section of highway on which the object/structure will be placed, or service provided. Block approval will be sought from frontagers where possible and appropriate.

Section 115F of the Act gives the authority the power to impose conditions on applicants intending to place objects or advertise etc. on the highway and authorises the authority to recover reasonable costs associated with the granting of permission and charges as a condition of the permission.

Section 115G of the Act requires the authority to place notices at prominent positions on the highway and to serve notice on the owner and occupier of any premises appearing to the authority to be likely to be materially affected of their intention to consider giving permission for an object to be placed on the highway. There follows a 28 day period during which objections may be made to the proposals.

Section 115J of the Act states that consents should not be unreasonably withheld and Section 115K of the Act sets out what action can be taken where terms of permission where granted are not complied with.

With respect to the above, it is proposed that when applications to place objects on the highway are received, unless a block approval has been obtained a letter will be sent to all frontagers adjacent to the site at allowing sufficient time for objections to be considered at the end of the statutory 21 day objection period. This letter will act as the notice required to be served under the Act.

The proposed charging scheme will recover the cost of staff time taken up during the consideration of the application, including visits to site to deliver notices and to consult with frontagers, consider the suitability of the application, as well as administration costs.

These guidelines only seek to manage the physical space and to authorise occupation of the site under the Highways Act 1980. This is distinct to any other licensing or planning requirements needed to stage an event. The Framework appendix 3 will take into consideration and complement existing licensable activities in the town, including temporary events notices, consent for street trading and street markets, street café, goods display and A-frame licenses.



STOCKTON BOROUGH

HIRING OF ACTIVITY SPACE IN STOCKTON TOWN CENTRE

APPLICATION PACK

APPLICANT INFORMATION

APPLICATION FORM

INDEMNITY FORM

HIRING OF ACTIVITY SITES –TERMS &
CONDITIONS

PRICING INFORMATION



APPLICANT INFORMATION

Stockton Borough Council (SBC) recognises the importance of developing the Borough's main town centre as a safe and attractive place to shop and visit. The Council has invested significantly in providing a quality environment and is committed to maintaining this. To improve the safety and appearance of the area the Council is adopting a licensing system that will enable better coordination and management of the activities of organisations, individuals and events using the highway within the town centre. These activities can bring life and vitality into the towns' streets, enhance atmosphere and identity and they should enrich the pedestrian experience.

Hiring of space in the Town Centre enables organisations to carry out legitimate activities in a regulated environment. Unregulated use of town centre space can cause congestion, compromise pedestrian safety and obstructions where emergency vehicles need access. It can also adversely affect local businesses by creating noise, disturbance, fumes or litter. Activities taking place in on any part of the highway in Stockton Town Centre (High Street) may require a permit, to be issued by Stockton Borough Council. This process and application pack however deals specifically with the pedestrianised areas of Stockton Town Centre (High Street) prior to the activity commencing.

PLEASE SEND COMPLETED FORMS TO: egds@stockton.gov.uk

APPENDIX 4

All activities listed in the table below will require a permit under the Highways Act.

Table A: Activities requiring a permit

Chargeable Activity	Legal framework
Canvassers, with a structure	Highways Act 1980
Market Stalls	
Trailers	
Promotional structures/displays	
Fairground Rides	
Fundraisers with a structure	
Market researchers with a structure	
Non Chargeable Activity	
Planned Street Performances	Highway Consent & Guidance

Table B outlines the cost for organisations that wish to place structures on the highway.

Table B: Cost of Permit for Trailers/Promotional Displays/Markets/ Tables/Other Structures on the Highway

	Cost for 1 st Day	Consecutive Days
National Commercial Organisation	£240	£20
Local Independent Commercial Organisation	£120	£20
Non Commercial Organisation, e.g. Armed Services	£45	£20
Charitable organisation		
Public Information Service		
Community Group		
Please note charging is discretionary		
Blood Transfusion Service	Nil	Nil
OTHER please specify	POA	

Applicants wishing to apply for a permit must read and adhere to the terms and conditions in this pack.

Applicants will be required to provide:-

- 1) A completed application form
- 2) Written details/drawings/photos of proposed activities (if applicable)
- 3) Payment of the application fee
- 4) Copies of adequate public liability insurance cover relating to the risk of the activity proposed
- 5) A signed indemnity form

Please note that the decision to approve a permit remains with Stockton Borough Council. If any of the terms and conditions are breached once the permit has been approved the Council retains the right to revoke this permit.

Consultation

Before a permit is granted the Council will consult with other council services and stakeholders as appropriate and necessary this may include the following:-

Community Safety

Environmental Health

Highways

Events

Insurance Services

Town Centre Management

Police



**HIRING OF ACTIVITY SPACE IN THE TOWN CENTRE
APPLICATION FORM**

NAME		
ADDRESS		
TELEPHONE No.		
EMAIL		
APPLICATION FOR:	Canvasser with a structure Market Stall Trailer Promotional display/structure Fairground ride Direct debit fundraiser with structure Market researcher with structure Planned street performance Other (please specify)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
SITE REQUESTED		

APPENDIX 4

DATES REQUESTED									
ENCLOSED	<table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">Permit Fee (if required)</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>Written details / drawings</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>Indemnity Form</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>Copy of insurance</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> </table>	Permit Fee (if required)	<input type="checkbox"/>	Written details / drawings	<input type="checkbox"/>	Indemnity Form	<input type="checkbox"/>	Copy of insurance	<input type="checkbox"/>
Permit Fee (if required)	<input type="checkbox"/>								
Written details / drawings	<input type="checkbox"/>								
Indemnity Form	<input type="checkbox"/>								
Copy of insurance	<input type="checkbox"/>								
<p><u>Confirmation</u></p> <p>I confirm that I will conform to the terms & conditions related to activities on the highway in Stockton Town Centre</p> <p>Signature. </p> <p>Date </p>									
For Internal Use	APPROVED <input type="checkbox"/> NOT APPROVED <input type="checkbox"/>								



INDEMNITY FORM

<p>NAME</p> <p>ADDRESS</p>	
<p>PROPOSED ACTIVITY</p>	
<p>NAME AND ADDRESS OF PERSONS RESPONSIBLE FOR INDEMNIFYING THE BOROUGH COUNCIL</p>	

I, the undersigned, hereby indemnify Stockton Borough Council against all claims, costs, accidents or damages arising out of or in connection with carrying out the above activity on the highway.

NOTE: The Borough Council requires applicants to take out third party liability insurance, sufficient to cover all eventualities which may arise from the placing of the above items and or undertaking the above activities on the highway.

Signed.....

Date.....



HIRING OF ACTIVITY SITES TERMS & CONDITIONS

1. Booking Sites

- i. A designated site in Stockton town centre has been made available for different activities (appendix 1). Applicants must specify which site they wish to use and for which activities.
- ii. Bookings are administered on a first come first served basis, but some applications may occasionally be given preference where, for example, a themed event is being held in the town centre.
- iii. Applications must be submitted at least **six weeks prior** to the required date(s). Unless exceptional circumstances apply.
- iv. The sites may be booked Monday – Sunday, however, some restrictions may apply depending on bank holiday trading e.g. on 25th December as well as on scheduled Market days..
- v. Additional booking limitations may be placed upon the sites dependent upon demand and other types of activities e.g. events, road and maintenance work etc.
- vi. The sites are generally available from 9.00am until 4.00pm daily.
- vii. Permit holders must be in a position to remove objects from the highway, or cease activities in the event of an emergency.
- viii. Permit holders may be instructed to remove objects, or cease activities at short notice in order to accommodate essential works or repairs to the highway, or apparatus contained within it.

2. Vehicle Use

- i. Vehicles, trailers or any other items that are heavier than 7.5 tonnes are prohibited.
- ii. Loading and unloading is permitted up until 09.00am and after 4pm.
- iii. No vehicle movement is permitted within the pedestrianised area of the town centre between **9.00am and 4.00pm inless prior permission is granted by a delegated officer.**
- iv. Vehicle movement before 9.00am and after 4.00pm must be taken with proper provision for public safety. Vehicles must travel under 5mph at all times.
- v. Any object, e.g. vehicle, trailer or table (or individual) must be sited so as not to cause any obstruction to the entranceway of any building or shop front or cause obstruction to pedestrians using the area.
- vi. Vehicle access to the sites is only available via the access point advised by SBC upon approval of application. Access by any other means is prohibited.
- vii. All display vehicles must use drip trays to avoid oil marks on the paving. The user will pay for the removal of oil marks or fuel spillage, or any other damage or loss caused by the activity licensed.

3. General Health & Safety

- i. All on-site cables or other potential trip hazards must not be present in an area to which the public have access.
- ii. Where appropriate, fire extinguishers must be available.
- iii. Use of Council supplied electric points or battery power electrical supplies are permitted. Access to the electric points will be provided by SBC on the day. Electric equipment must satisfy relevant legislation and where permitted you should not exceed the maximum power load – details of which are available on request

- iv. All promotional displays must be safe, tidy, attractive and appropriate, to the satisfaction of SBC.

4. Code of Conduct

- i. The user will be responsible for the satisfactory behaviour of any employees or other people involved directly with the booking. Aggressive behaviour and/or behavior that is considered by the Council to be offensive, will not be tolerated.
 - ii. Bookings must not cause any nuisance, obstruction, annoyance or danger to any other users of the Town Centre.
 - iii. The user will ensure that sound levels generated by his / her activity do not cause any nuisance to other persons and/or businesses in the vicinity.
 - iv. The use of loud hailers, and/or amplifiers is prohibited unless specifically approved by SBC in advance.
- v. No illegal or unauthorised advertising of an event and or activity
- vi. Users will be required to wear an identity badge bearing a photograph and company/organisation name and address at all times;
 - vii. Accident claims groups/companies/solicitors are not permitted to solicit or facilitate injury claims against SBC from sites in the Town Centre area. Appropriate checks will be undertaken to ensure compliance.
 - viii. The user will abide by all other reasonable rules and regulations made for the orderly management of Stockton Borough Council for the maintenance of its Town Centre's.

5. Liability

- i. No liability whatsoever shall attach to SBC. The booking organisation will be fully liable for any insurance claims, damage or loss caused arising from the use of the promotional activities site. An **Indemnity Agreement** must be completed prior to use and users of the service must provide evidence of valid public liability insurance to the value of at least **Five Million** pounds.
- ii. The party making the application for the activity or event will be responsible for the reasonable cost of repair to the highway or street furniture if damage is caused by the activity or event.
- iii. Litter generated e.g. use of samples, must be removed from the site on a regular basis. If additional cleansing costs are incurred by SBC as a result of the activity, then the applicant will be responsible for paying the full cost associated with

undertaking the additional cleansing. Failure to remove litter or pay the charge in the required timescale will result in permanent exclusion from using the town centre.

6. Permission/Relocation rights

- i. SBC reserves the right to refuse applications from any organisation/company or individual and to terminate consent at any time, where it is felt that their presence in the Town Centre would not be in the interest of either SBC or users of the Town Centre.
- ii. Consent will be terminated immediately on the occurrence of any breach in the terms and conditions of use, or where the activity or event differs from that stated in the application submitted. SBC will have sole discretion in determining what amounts to a breach in the terms and conditions.
- iii. SBC reserve the right to remove or relocate applicants at immediate notice if required.
- iv. The sub-letting of sites is strictly forbidden.
- v. Appropriate enforcement action will be taken against any organisation or individual using the Town Centre without appropriate authorisation.

7. Payment

- i. The charging structure may be reviewed annually by Stockton Borough Council and charges may be automatically increased in line with inflation.
- ii. Stockton Borough Council reserves the right to exercise discretion over the charging regime, to take account of additional requirements being placed upon the Stockton Borough Council services.
- iii. Payment is required with the application form.
- iv. Due to the costs of administration, no refunds will be given once an application has been accepted.