

PADSTOW TOWN COUNCIL



USE OF COUNCIL LAND POLICY

1. PURPOSE OF THIS POLICY

- 1.1 The aim of this Policy is to help the public and staff to understand how the Council processes requests for use of Council land for any activity. This Policy formalises the procedure which has been followed and undertaken.
- 1.2 In this instance "activity" refers to any request to undertake any task on Council land.

2. SCOPE

- 2.1 The scope of this Policy is to cover any request on Padstow Town Council land (with the exception of agreed exclusions as outlined in paragraph 3 to this Policy).

Council land includes (this list is not an exhaustive list of Council owned land):-

- Council Car Parks (Railway/Lawns)
- Stile Field
- Plantation
- Empty Purse
- Bandstand
- Trevone Green

3. EXCLUSIONS

- 3.1 Request for any activity on the following be excluded:-
 - a) Padstow Cemetery and Churchyard (use exclusive to burial matters);
 - b) Council land that is already rented or leased;
 - c) Council land that is already booked on the dates requested i.e. Council Bandstand;
 - d) Where the Town Clerk (or officer dealing with the request in her absence) in consultation with the Chairman (or in his/her absence Vice-Chairman) considers the request to be an issue of health and safety and therefore would not recommend the site be offered;
 - e) Where a previous Council decision has agreed a site/land not be available for rental/another use.
 - f) If the applicant is seeking permission for rentable purposes this is dealt with on an individual basis and does not form part of this Policy.
 - g) Filming requests are dealt with via the Council's Filming Procedure [Agreed by Council August 2012] and do not form part of this Policy.

4. TIMESCALE

- 4.1 All requests should be made in a timely matter in order that the same can be considered by a meeting of Council and to allow for time beforehand to seek advice from Council's insurers and health and safety representative. A minimum time of 6 weeks however, longer preferred.

5. PROCESS

- 5.1 Any request that comes forward will be duly informed and advised of this Policy. Should the applicant consider their request is not excluded they are then asked to submit their request in writing, using the attached request form.

NB: The applicant needs to be clear on what they are asking for and when as should they change their mind on dates after due consideration, they will have to put in a new request.

- 5.2 The request information will be reviewed by Council Officers and points of clarification or more information may be requested. If the request is valid it will be placed on the next available Council agenda for consideration by Full Council. Should the request be after the date of agenda despatch it will be placed on the next available Council agenda. The applicant will be duly informed.
- 5.3 Any verbal request will **not be** considered and will be directed to put in writing.
- 5.4 If the next available Council meeting is after the date of proposed activity, then no permission would have been sought and the activity cannot go ahead.
- 5.5 All requests are to supply a risk assessment and Public Liability Insurance which are to the satisfaction of Council's Insurers and Health and Safety Representative.
- 5.6 Following the Council meeting the applicant will be informed of the Council decision which is on the basis that satisfactory risk assessments and Public Liability Insurance will be provided.
- 5.7 Should the applicant not provide satisfactory risk assessments or Public Liability Insurance (as outlined in 5.5 above) then their permission will be withdrawn and they will not be able to proceed with their planned activity.
- 5.8 It be noted that unpermitted activity on Council land especially if the person has been informed and asked to move, may have an effect on any future requests. Furthermore, that it not be assumed that if permission has been given previously it will be given again. Therefore, before advertising an event or activity permission should be granted beforehand. The Town Council will not be held responsible in this regard.
- 5.9 When undertaking the activity once permission is given and agreed that the risk assessment and Public Liability Insurance is satisfactory the applicant must undertake the activity as agreed and as per the risk assessments failure to do so may result in the applicant being requested to desist from the activity.

6. CHARGING

- 6.1 Dependent on what the request is for and if the applicant intends to charge for the activity the Council may charge for use of their land.

7. PERMISSION FROM OTHER BODIES

- 7.1 If a request requires permission from other bodies for any aspect of the activity (e.g permission from Cornwall Council for a Road Closure, street collections), it is the responsibility of the applicant to check and deal with as appropriate. The Town Council will not be held responsible in this regard.

8. COUNCIL TENANTS

- 8.1 Whilst tenants may have certain rights of access etc as per their lease arrangements certain activities may still require notification and approval. Risk assessments and Public Liability Insurance will also need to be produced. Any queries in this regard to contact the Town Clerk (or officer dealing with the request in her absence) in a timely manner in order to investigate and process.

January 2019