



Protocol for the use of land in the ownership Eden District Council by a third party

Please Contact:
Estates Officer
Eden District Council
Mansion House
Penrith
CA11 7YG
Telephone. 01768 817817
Email: estates@eden.gov.uk

www.eden.gov.uk

1.0 Types of Request

Requests to the Council are received regularly from members of the public, private organisations, charitable bodies and others to use Council owned land for a variety of activities and events. These requests include:

- a) Licence for use of land for bonfires and firework displays.
- b) Licence for use of land for supervised sporting events, sports coaching.
- c) Licence for use of land for entertainment, fun days.
- d) Licence for the temporary siting of builder's and contractor's compounds for cabins and materials.
- e) Licence for the undertaking of exploratory work such as land or building assessments, trial pits, boreholes or ground contamination testing.

The above list is not exhaustive.

A formal request by a third party may be made in writing to:

Post: Estates Officer
Eden District Council
Mansion House
Penrith
Cumbria
CA11 7YJ

Email: estates@eden.gov.uk

In all cases the applicant must submit a map to a suitable scale in order to clearly show the boundary of the area of land they wish to use.

2.0 Requests that are considered high risk

Requests for a licence to use land for bonfires, fire shows, firework displays, fairground equipment or inflatable equipment will be considered on an individual basis taking into account the risks involved, meeting the required standards, training and control measures. Standard schemes to be met include the Testing and Tagging for Inflatable Play Equipment 'PIPA', and the Amusement Device Inspections Procedures Scheme 'ADIPS'. Please note that approval is not guaranteed for these requests.

3.0 Requests that will be considered

3.1 Requests for a licence that fall within the categories noted in 1.0 a) - e) above will be considered when supported by the following information:

3.1.1 The Licensee shall provide the Council with a copy of their Public Liability Insurance which must be to a minimum of £5 million.

3.1.2 The Licensee shall complete an 'Event Application Form'

3.1.3 A Risk Assessment shall be provided giving the following information:

- Details of the event/ activity including the expected number of participants
- Contact details of the Licensee (both daytime and emergency out of hours)

Use of Council Land by Third Parties - July 2019

- First aid provision
- Actions required to ensure the Health and Safety of those in attendance and the general public
- A method statement which should include some or all of the following:
 - Date of commencement, date of completion and start and finish times
 - Plan showing vehicular/pedestrian access and egress, location of facilities (eg first aid tent, toilets etc.)
 - Marshalling of parking/general parking issues and traffic management
 - Fencing/containment/security
 - Additional security for high risk events
 - Hazardous materials on site/COSHH assessment
 - Access requirements for deliveries
 - Operator licence (eg fun fair, plant operator)
 - Control of noise
 - Other anticipated risks
 - Connection to/or temporary use of Gas, Electricity, Water, Telecom, Sewer services.
 - Welfare facilities, eg portable toilets etc.
 - Reinstatement and litter picking to return the land to its original condition prior to the event or activity
 - Line of communication between Licensee and Eden District Council
 - The following of governing bodies and associations national guidelines

3.2 In producing the information set out above the Licensee should be mindful of the following:

- 3.2.1 Submission of insurance and risk assessment information does not constitute agreement from Eden District Council. The Council will, after assessing the information, provide a written response giving approval or refusing the application. Where approval is given the third party shall enter into a licence and pay the requested fee before they are allowed in occupation of the land.
- 3.2.2 Applications must be submitted, at the earliest opportunity and a minimum of six weeks prior to the use of the land, to allow review by the Council and external bodies. Submission reviews will be concluded and approved a minimum of two weeks prior to date of the event. Late submissions or submissions where information requested is not provided are likely to be rejected.
- 3.2.3 Each event or activity will be individually licensed.
- 3.2.4 Returning the land to its original condition shall be done to the satisfaction of Eden District Council. To this end the land will be jointly inspected by the Licensee and Eden District Council before and after its occupation.

Use of Council Land by Third Parties - July 2019

- 3.2.5 The Licence states that the Council will not be responsible for the death or injury of anyone taking part in the event, nor other injury, loss or damage to property of whatsoever nature, however caused.
- 3.2.6 The Licensee and all other parties taking part in the activity/event are bound not to damage, cause any loss or injury to anything upon the property or land which is the subject of the Licence.
- 3.2.7 Requests to erect marquees, water storage and the like, will be considered and where permitted will be itemised in the Licence and included in the indemnity clause, so as not to constitute a risk to the Council.
- 3.2.8 The Council will not permit to the giving of live animals as prizes at any event held on Council land.
- 3.2.9 The Council will not permit the release of both sky lanterns or balloons from Council land and property.
- 3.3 Requests for grazing licences or traditional leases for industrial units, parking bays and play areas are considered outside of this protocol. The Lease or licence will be drafted incorporating the following information that shall be supplied by the applicant:
- 3.3.1 a copy of their Public Liability Insurance in accordance the activity in which the applicant is engaged
- 3.3.2 A Risk Assessment giving the following information:
- Details of the activity, number of employees etc.
 - Contact details
 - First aid provision
 - Health and Safety information
 - Period of occupation and date of commencement
 - Vehicle access, parking requirements, delivery frequency
 - Security implications
 - Hazardous materials on site/COSHH assessment
 - Operational certification as appropriate
 - Control of noise
 - Other anticipated risks
 - Connection to/or temporary use of Gas, Electricity, Water, Telecom, Sewer services.

It should be noted that as Landlord, the Council has the right to enter upon the land and ensure that the tenant's obligations have been carried out and to take enforcement action if this is not the case.

- 3.4 Where requests are received for purposes other than those outlined above, these will be considered individually on their merits and where considered appropriate will follow the procedures set out in 3.1 and 3.2 above.

Use of Council Land by Third Parties - July 2019

- 4.0 Only upon completion of the appropriate licence or lease, signed by Eden District Council's Deputy Chief Executive (or delegated signatory) and the Applicant, will the Applicant be entitled to enter on to the land in accordance with the Agreement.