



# Oadby and Wigston Borough Council Events, Road Closures and Markets Policy 2015 - 2020

Committee approval	
Author	Adam Ward
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## PART 1: Introduction

Each year there are a number of events that organisers wish to hold within the Borough of Oadby and Wigston. There are a variety of permissions, authorisations or licences that may be needed to ensure that such events can be held legally and safely.

Oadby and Wigston Borough Council (“the Council”) wish to support the organisers of events and this Policy will outline the areas in which a permission may be needed from the Council and act as a guide to those wishing to hold events.

This policy is not a complete and comprehensive guide to all the legislative requirements and will refer to other legislation and Council policies that may need to be consulted by organisers depending on the nature of their event.

## PART 2: Objectives of this Policy

The objectives of this Policy are as follows:

- 1) To protect public safety and prevent crime, disorder and public nuisance.
- 2) To promote clear and transparent procedures for the holding of events.
- 3) To ensure that those holding events comply with all legislative requirements.
- 4) To ensure that events are arranged in a timely manner.

## PART 3: Permissions needed

The permissions needed vary depending on the nature of the event. The most common ones are as follows:

- Road Closure order
- Alcohol licence
- Entertainment licence
- Food registration
- Market licence
- Street trading licence
- Gambling licence
- Special treatment licence
- Animal licence
- Use of Council owned lands and facilities.

## PART 4: Types of Events that may need a licence

The types of event that commonly need a licence are as follows:

- Street Parties
- Fairs
- Markets
- Parades
- Festivals
- Fun days
- Charity events

## PART 5: Organising an event

The Council can not organise an event on behalf of third parties and therefore all event organisers need to make their arrangements in good time.

Firstly, an event organiser should identify the type of event they want to hold and the date of that event. It is recommended that an event organiser gives themselves at least 6 months to start putting an event together.

The organiser should consider whether their proposals will require any of the following permissions explained in this Policy as early as possible. Some permissions will take at least two months to process but it is recommended that applications are made much sooner than that to allow any unforeseen obstacles to be overcome.

## PART 6: Use of public land and open spaces owned by the Council

Event organisers can request to hold events on Council owned land, such as parks, car parks and other open spaces.

Where the Council grants permission for an organiser to hold an event on Council owned land the Council has a duty to ensure that controls are in place to protect members of the public attending those events.

In the first instance the event organiser will be required to submit an application form to the Council's Environmental Development Team at least 2 months before the event. This will allow that team to confirm if the event can be provisionally booked for that date.

At least 28 days before the day of the actual event the organiser must submit:

- 1) A documented risk assessment dealing with any health and safety and other identified risks, if any.
- 2) Details of any catering to be provided (including Food Hygiene certificates of the business and all food handlers who will be in attendance at the event), company insurances, LPG certificates (within the last 12 months) and P.A.T certificates.
- 3) Public Liability insurance covering the event and any third parties.
- 4) A deposit and the hire fee itself.

If the above are not submitted 28 days before the event, the Council will not permit the event to go ahead. Decisions to approve the use of Council owned land for an event will be made by the Environmental Development team on the basis of compliance with the above.

Fees are contained within the Council's scale of charges each year. A guide and application form for booking Council owned land is available from the Council website or by contacting the Environmental Development team. A list of contact details are appended to this policy at the back.

## PART 7: Public Land not owned by the Council

Not all public land will be owned by the Council and the Council can only confirm whether or not land is theirs.

The majority of public roads and streets are adopted by Leicestershire County Council and permission from the County Council may be needed to place any signs, structures or objects on those roads.

Likewise the County Council will only be able to confirm if land is or is not adopted by them as public land.

It is the responsibility of the organiser to confirm who owns the land and whether or not they need permission to use it.

## PART 8: Privately owned Land

The Council do not have the power to grant permission for the use of privately owned land nor can it prevent an event on privately owned land if it is carried out legally.

If an organiser is using privately owned land or property, they will be responsible for ensuring that they have the permission of the land or property owner and that appropriate licensing and planning permissions are in place for the event.

The carrying out of an event without the appropriate permissions being held may result in the owner of the land (whether involved in organising the event or not), the event organiser and any other person involved in providing the activity without the relevant legal permissions being prosecuted. It is therefore always advisable to check the details from the Planning and Licensing Team before such an event is planned, advertised or promoted.

## PART 9: Road Closures

Event organisers are advised to consider as early as possible whether their event will affect or obstruct the public highway and in what form.

The Council may make a road closure order under the Town and Police Clauses Act (1847) in times of public processions, rejoicing or illuminations or where it is likely that the streets will be thronged or liable to be obstructed.

Such an order would require that the road(s) specified in the order are observed by all persons and vehicles and that no obstruction of the road is caused. It is a criminal offence for any person to breach such an order and if prosecuted, can result in a fine up to level 3 on the standard scale.

Organisers should note that the power of the Council to make closure orders under the Town and Police Clauses Act 1847 is generally for small events. Roads can also be closed under the Road Traffic Regulation Act 1984 by Leicestershire County Council as the highways authority.

Large events, events on large roads with heavy traffic flows, events on roads with a speed limit of 30 mph or above or events requiring large scale diversions should be done under this legislation and the County Council should be contacted as early as possible for advice on this.

The Council will not order a road closure where it believes that the size of the event takes it outside of the spirit of the 1847 Act and should be dealt with by the County Council.

The organiser of the event will be required to satisfy the Council that there is a good substantive reason for the closing of the road for the purpose of the event.

Considerations of the reason of the event will involve whether there is a national or regional event of celebration, a recognised festive date or an event of significance to a local residential or community group.

Valid applications for a road closure order will be determined by the Head of Corporate Resources upon the report of the Corporate Resources (Licensing Team).

## PART 10: Road Closure – Application Process

The administrative process for granting a road closure order is time sensitive and the closing of a public road can be an inconvenience to some members of the public.

Organising an event that requires a road to be closed is a responsible position that can have a significant impact on the lives of residents and roads users. It is important that people likely to be affected are given as much advance warning as possible.

The process for applying for a road closure order is as follows:

1. The applicant must make an application for the road closure order 2 calendar months before the event takes place.
2. The applicant must outline the event they wish to hold and the reason a road closure order is necessary.
3. The applicant pays the relevant fee.
4. The applicant must carry out a consultation (explained below).
5. The applicant must complete a risk assessment to the satisfaction of the Council's Environmental Health Team.
6. The applicant must advertise the road closure order (if granted).

The Council does not believe that an organiser who is unable to submit an application 2 months prior to an event or complete a risk assessment and consultation 4 weeks before an event is in a position to hold an event safely. The Council will not approve any road closure after these deadlines.

The application form is available from the Corporate Resources (Licensing Team) and the Council website. The relevant fee will be contained within the Council's scale of charges published each year.

Once an application has been made, the Corporate Resources (Licensing Team) will advise the applicant of any specific issues that the organiser will need to address in respect of the road closure and instruct them to carry out a consultation

A consultation should involve a written letter to all properties and buildings on the road due to be closed, to the emergency services, any bus or other public transport company using the road and any other body as may be directed by the Corporate Resources (Licensing Team).

The Head of Corporate Resources, on the report of the relevant Officer, will consider the application, the consultation responses and the requirements of this Policy before determining whether or not to make the road closure order.

## PART 11: Events where road closures are not necessary

A road closure order is not always necessary and applicants should consider whether or not their activities will affect the use of the road and if not, whether they really need the road to be closed.

Street parties have once again become a popular way for residents to get together and it is not always necessary for the Council to legally close a road.

Organisers of such events should consider whether their street is suitable to host a street party without the need for the road being closed. This may depend on the size of the pavements, driveways, any communal land that can be used and the amount of traffic that generally uses that road.

If it is not necessary to place any obstructions on the road (i.e. tables can be kept within front gardens or on the pavement), traffic volumes of the road are low, and the road is not a major thoroughfare or through road, it is likely that an event can be held without making an application to close the road.

For example, a cul-de-sac in a residential area may not need a road closure order if the general use of that road is from residents who have already agreed to hold the event.

Organisers should carry out a risk assessment to assist in determining whether or not an event can be held without a road closure order being made. If organisers do hold an event, they should be aware that they may be legally responsible for any acts or omissions that cause injury or damage and should consider obtaining public liability insurance to protect them and their guests.

## PART 12: Markets and Car Boot Sales

The Council has not adopted any legislative provisions to control markets within the Borough. This is due to the fact that Leicester City Council holds a Medieval Market Charter giving them the power to control all markets within a 6.6 mile radius of the Leicester Market.

Any person wishing to hold a market in the Council area must therefore apply to Leicester City Council for permission. Car boot sales and similar events also fall within the definition of a market and the same process applies.

For the purpose of this Policy, a market is a “concourse of buyers and sellers of articles of not less than five stalls, stands and vehicles, or pitches” as defined in the Local Government (Miscellaneous Provisions) Act 1982.

An event organiser will need to consider if their event will have more than 5 stalls, stands, vehicles or pitches from which people will be selling or buying articles. If so, they must contact the Leicester City Council to arrange for a market licence.

The Council will not permit an event to go ahead on its own land without seeing evidence that the appropriate market licence has been obtained.

Being authorised to hold a market in the Council area by Leicester City Council will not exempt the organiser from other legislation that is enforced by the Council.

If there are less than 5 stalls, stands, vehicles or pitches, the selling or buying of articles will not meet the definition of a market but may require a street trading consent (see part 15 below).

## PART 13: Entertainment

The Licensing Act 2003 defines certain activities as being “regulated entertainment” when provided to members of the public or to members of a club or in any other case, with a view to consideration or profit.

The following are regulated entertainment:

- 1) Recorded music
- 2) Live music
- 3) Performances of dance
- 4) Performance of plays
- 5) Provision of films
- 6) Indoor sporting events and
- 7) Boxing and wrestling (including mixed martial arts) events

If the organiser intends to provide any of the above entertainment, he may need an authorisation from the Council and should consult the Council’s Statement of Licensing Policy adopted under the Licensing Act 2003 or seek further advice from the Corporate Resources (Licensing Team).

If the event will involve 499 people or less and will only be for a short period, the organiser may apply for a Temporary Event Notice (TEN). If the event will attract more than 499 people or be for a long period of time, a premises licence will be necessary and this process may take 2 months to complete.

There are some exemptions for the need to hold a licence for regulated entertainment if the entertainment takes place between 8:00am and 11:00 pm and is to a small audience. Again, further information can be obtained from consulting the Council’s Statement of Licensing Policy, the Council website or by contacting the Corporate Resources (Licensing Team).

Organisers should be aware that whether or not their entertainment is licensed or exempt, they will still need to ensure that their activities do not cause a nuisance to other people.

The Council’s Environmental Health Team have a range of powers where a nuisance is being caused which could result in prosecution, noise abatement notices, the confiscation of music equipment or the issuing of fixed penalty notices.

## PART 14: Alcohol

Any event involving the sale or supply of alcohol requires a licence. This may be authorised by a TEN, if less than 499 people will be at the event, or by a premises licence as explained above.

Organisers should also note that the provision of alcohol “free of charge” may still require a licence if an ancillary charge is being made elsewhere.

The provision of alcohol can be a high risk activity and any organiser intending to sell or supply alcohol should ensure that they have consulted the Council's Statement of Licensing Policy. There are a range of offences that may be committed which carry high penalties, the maximum of which is 6 months imprisonment and presently a £20,000 fine.

## PART 15: Street Trading Consent

The Council has adopted provisions under the Local Government (Miscellaneous Provisions) Act 1982 to allow it to control "street trading".

Street trading encompasses the selling or exposing or offering for sale of any article from a public place other than from a market or internal building such as a shop.

Common examples are ice cream vans, burger vans, temporary bars and merchandise stalls.

Street trading is defined in the Council's Street Trading Policy and any organiser of an event taking place in public in which articles (including food and drink) will be sold should consult that Policy.

The grant of a consent may take up to 2 months to process.

Organisers should ensure that anyone they invite to be present at the event has the appropriate consent to avoid the commission of an offence. It is possible in some circumstances for a one off consent to be granted.

Organisers should also note that if food and drink is to be sold or supplied, they will need to be registered with the Council as a food business and supply appropriate food hygiene certificates.

## PART 16: Special Treatments

Some events may involve the provision of certain treatments or services that are required to be registered with the Council when carried out as a business activity such as ear piercing or hair braiding.

Organisers should therefore be aware that the following require a registration due to the public safety risks involved:

- Hairdressing and barbering
- Acupuncture
- Cosmetic skin piercing
- Tattooing
- Semi-permanent skin colouring

- Electrolysis

A fee, published each year in the Council's scale of charges must be paid to register and an Environmental Health inspection may be necessary. Further information can be found in the Council's [Policy on Special Treatments](#).

## PART 17: Animal Licences

Some event organisers may wish to use animals as part of their event. This can simply be for the purposes of education, for entertainment or for sale.

The Animal Welfare Act 2006 places burdens on those who have responsibility for animals to safeguard that animal's welfare. The Council is one of the authorities that have the power to regulate animal welfare in certain situations and some activities require a licence.

The Council's [Animal Licensing Policy](#) should be consulted by the organiser of any event where animals are intended to be involved.

The organiser should pay specific attention as to whether animals are going to be sold, used to perform for, or entertain, an audience or if the animal is classed as a dangerous wild animal and requires registration. A veterinary or Environmental Health Team inspection may be necessary as explained in the [Animal Licensing Policy](#).

## PART 18: Food Registrations

Any person or business that stores, sells, distributes or prepares food for consumption by others is required under European law to be registered with the Council.

The Council's Environmental Health Team is responsible for enforcing food safety standards within the Borough for the protection of public health. The requirement to register affects market stalls, mobile street traders, delivery vehicles and other moveable structures as well as food shops, manufacturers and processors.

Anyone starting a new food business must register with the Council at least 28 days before opening. This will allow time for an Environmental Health Officer to discuss food safety requirement with the business owner.

Event organisers usually wish to have some form of refreshment and the onus is on them to register 28 days in advance if they are preparing or providing the food themselves.

Where a third party is going to provide the food or drink, the event organiser should ensure that the third party registers with the Council. The organiser should bear in

mind that they may be liable for any offences committed by an unregistered third party and the Council may require the provider of the food to cease trading which may disappoint those attending the event.

Businesses must register with the local authority where they keep and store the food. Mobile or market traders therefore may not need to register with this Council if they store their food in another authorities area and must register with that authority.

Food prepared in a persons home for a one off event (such as a street party) does not require a registration. The Council's Environmental Health Team can offer assistance in this area.

## PART 19: Gambling Activities

The Gambling Act 2005 regulates a number of gambling activities, defined as either betting, gaming or the provision of a lottery.

The Act is voluminous and many of the activities regulated under it go outside the scope of this policy and what most organisers wish to do.

However, event organisers need to be aware that some activities may require a licence, permit or be carried out within certain strict requirements even if done for a good cause.

The most common activities that will require some thought are the holding of raffles or the provision of the types of games found at funfairs.

If an organiser has any doubts they should consult the Council's Policy under the Gambling Act 2005, contact the Corporate Resources (Licensing Team) or consult the Gambling Commission website ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

## PART 20: Risk Assessments and Health and Safety

The organiser of an event has a legal duty to ensure that there is no injury caused to those who attend their event, those they employ at the event or any third party they contract to, or give permission to, be at the event.

These duties are under a range of health and safety legislation and under common law itself.

An organiser should plan their event as early as possible and as in much detail as possible. A risk assessment should be carried out to:

- a) Identify the activities that are proposed to take place
- b) Identify the permissions that are needed from the council
- c) Identify the risks to members of the public by the carrying out of those activities

- d) Identify the action that needs to be taken to minimise those risks to members of the public.

Advice on completing a risk assessment and the applicable health and safety legislation can be obtained from the Council's Environmental Health Team or by viewing the Health and Safety Executive's website – [www.hse.gov.uk](http://www.hse.gov.uk).

## **Appendix 1 – Useful Contacts**

For obtaining information and an application form for the use of Council owned land, facilities or property please contact:

### **Environmental Development Team**

Address: The Depot, Wigston Road, Oadby, Leicester, LE2 5JE  
Email: [clientservices@oadby-wigston.gov.uk](mailto:clientservices@oadby-wigston.gov.uk)  
Telephone: 0116 288 8961

For obtaining information and applying for and being granted a licence, registration, permit or road closure order as described in this policy, please contact:

### **Corporate Resources (Licensing Team)**

Address: Council Office, Station Road, Wigston, Leicestershire, LE18 2DR  
Email: [licensing@oadby-wigston.gov.uk](mailto:licensing@oadby-wigston.gov.uk)  
Telephone 0116 257 2708

For obtaining information about risk assessments, health and safety, food registrations and other hygiene matters, please contact:

### **Community (Environmental Health Team)**

Address: Council Office, Station Road, Wigston, Leicestershire, LE18 2DR  
Email: [env.health@oadby-wigston.gov.uk](mailto:env.health@oadby-wigston.gov.uk)  
Telephone 0116 257 2742

For obtaining information about the planning permissions of a site or premises please contact:

### **Development Control**

Address: Council Office, Station Road, Wigston, Leicestershire, LE18 2DR  
Email: [planning@oadby-wigston.gov.uk](mailto:planning@oadby-wigston.gov.uk)  
Telephone 0116 257 2636

For information and advice on obtaining a licence to hold a market please contact:

### **Leicester City Council's Markets Team**

Address: City Hall, 115 Charles Street, Leicester, LE1 1FZ.  
Email: [markets@leicester.gov.uk](mailto:markets@leicester.gov.uk)  
Telephone: 0116 223 2377

For Highways information and for road closures please contact:

### **Leicestershire County Council Highways**

Address: Customer Service Centre, Highways and Street Lighting, Leicestershire County Council, County Hall, Glenfield, Leicester, LE3 8ST  
Email: [highwayscustomerservices@leics.gov.uk](mailto:highwayscustomerservices@leics.gov.uk)

Telephone: 0116 305 0001

For fire and public safety information, and to inform of an event, please contact

**Leicestershire Fire and Rescue Service**

Address: 12 Geoff Monk Way, Birstall, Leicester, LE4 3BU

Email: [info@lfrs.org](mailto:info@lfrs.org)

Telephone: 0116 2872241

For obtaining information on the safe policing of events and to assist with road closures please contact:

**Leicestershire Police**

Address: Operations Planning, Leicestershire Police, Force Headquarters, St Johns, Enderby, Leicester., LE19 2BX

Telephone: 0116 222 2222.