



ADUR & WORTHING  
COUNCILS

## **Seasonal Concessions Policy**

### **1. Scope**

The policy is very much a live document and it will be regularly reviewed. It will apply to all concessions, new or old, granted for operation on the promenade and in the surrounding parks, gardens and open spaces owned by Adur and Worthing Councils. The applications will be considered on an individual basis in conjunction with the current guidance available from both licensing and environmental health where applicable. The Councils hold the discretion to amend the policy and fees charged as they see fit.

The definition of a concession covered within the terms of this policy will be: "A temporary consent to trade from Council owned land, where no Council building for exclusive use or significant land occupation takes place". Any request requiring a business lease or a formal tender will not fall within the remit of this policy and will be dealt with by the councils' Property Team.

### **2. Policy Context**

Adur and Worthing Councils establish a sound approach to the delivery of high quality concessions.

All concessions will be considered in line with any of the Council's regeneration policies, including any which specifically outline projects along the seafront and in public parks. More information about the strategies for both Councils can be found on our website at: [www.adur-worthing.gov.uk/regeneration/strategies](http://www.adur-worthing.gov.uk/regeneration/strategies). Concessions will be considered in line with internal and external events.

The overall aim is to identify, develop and maximise additional commercial opportunities, including the enhancement of existing facilities, services and attractions. The provision of new facilities will be encouraged to promote and enhance the character of the seafront and promenade areas. This area of work will encompass input from the Council's Major Projects, Planning Policy, Property, Engineering and Foreshore teams.

The policy aims to assist the Council and its officers in delivering 'meanwhile uses' identified in the respective Strategies and gives guidance on how to fairly manage expressions of interest in an open, transparent and robust style leading to the successful take up of commercial concessions opportunities for Adur and Worthing. The policy assists the Councils in supporting local businesses and enterprises to gain a platform to start, grow and succeed.

### **3. Aims and Objectives**

The Policy sets out to:-

- Operate a fair, open, consistent, professional and robust approach to granting concessions, which is co-ordinated through the appropriate procedures for planning, marketing and management.
- Ensure that the Councils adopt a proactive approach in enabling commercial activity in Adur and Worthing. This policy seeks to ensure that concessions granted are of a high quality and a "good fit" with local needs and aspirations.
- Ensure that accurate records relating to the marketing of concessions along with expressions of interest are recorded properly and appropriately considered. Entrepreneurial proposals will be considered using the same process, if they fit into the objectives of either Council and are within specified themes/zones of activity.
- Encourage and promote activities that fit in with approved local strategies and add to the attraction of the towns.
- Encourage increased commercial activity across both Adur and Worthing to provide a greater economic benefit to the towns, by considering concessions that are not just seasonal but are prepared to return year on year.
- Provide support along with incentives such as rent free trial periods. The Council commits to use the net income derived from concessions to support the continued delivery of front-line services at the Councils.

### **4. Responsibilities**

#### **4.1. Concessions Panel**

The Concessions Panel will take representation from the following Council departments:

- Parks and Foreshore
- Place and Economy
- Property Team
- Technical Services (Engineering Unit)
- Licensing Unit

The panel will meet twice a year to discuss applications; once in February to consider summer applications and again in September to consider winter applications. When required, an evaluation meeting will also be held in November to evaluate the previous summer season. The panel will liaise with the Adur and Worthing Executive Members for Regeneration to award final licences.

#### **4.2. Terms of Reference**

The responsibilities for the panel are:

- To prepare the marketing of the seasonal concessions offers every year
- To administer all applications on behalf of both Adur District Council and Worthing Borough Council
- To consider and agree applications and offer guidance through the year
- To undertake meetings both at the councils' offices and on site to review and support concession operators
- To liaise with all internal officers at the council including where necessary the legal and Insurance departments, advise on the Heads of Terms and conditions of each licence, making sure they are individually suitable whilst protecting the Councils' interests.

#### **4.3. Annual Evaluation of Concessions**

Each concession licence holder will be invited to complete an annual evaluation questionnaire to inform the Concessions Panel at its November meeting of feedback from the preceding summer season. Any data gathered from this questionnaire will be used by the Concessions Panel to help shape future programming and decisions.

### **5. Application Process**

#### **5.1. Process for considering Concession Applications**

Pitches available for licensing will be marketed at the start of each year, with applications invited for submission by mid-February. Recent licence holders and those who have requested to receive marketing updates about concessions will be emailed the relevant details. This will be displayed on the Councils' website once it is available, together with a link to the online application system. Additional marketing via social media and press advertising may be considered to increase awareness of

licence availability when necessary. All applications will be initially assessed by the Place Activation Officer within the Place Team for any missing information prior to consideration and approval by the Concessions Panel.

### **5.1.1 Decision and Approval**

The Concessions Panel will meet in February/March to determine all applications received for summer, and again in September for winter applications. Under delegated authority from the Head of Service, the Head of Place and Economy will make an in principle decision in consultation with the relevant Executive Member. The appropriate Executive Member will be determined by whether the concession application is in Adur or Worthing and whether it is on the foreshore, or is within a park or other Council land. All applications will be assessed using a standard criteria which considers a variety of points including the quality of offer, appearance and style of [trading] unit, sustainability and environmental practices, track record of business, pricing structure and menu choice.

*nb. Use of Generators:* In line with the Councils' commitment to address Climate Action and reach Net Zero by 2045, the use of generators to power a mobile business will only be permitted in exceptional circumstances, where no other means of power are available. Alternative means of power, including solar and battery power, should be considered in the first instance. If diesel or petrol generators are to be used, the noise from these must not exceed 50dB LAeq at the nearest boundary to noise sensitive premises. A drip tray must be in use at all times and a spill kit must be kept alongside the generator in view and available for any emergency use. No refuelling should take place on the beach.

### **5.1.2 Late Applications**

Whilst we aim for all pitches to be licensed by the start of each season, it will be at the Council's discretion to accept and award applications throughout the year for vacant pitches. The summer season is defined as April to September inclusive, with the winter season defined as October to March inclusive.

## **5.2. Completion of Agreement**

If the application is supported by the panel, the successful applicant will be advised by the responsible officer from the Place & Economy Team who will confirm what documentation the applicant is required to provide in order for their licence to be completed.

All concessions require the following documents:

- Valid Public Liability Insurance to the value of a minimum of £5 million
- Risk Assessment specific to the proposal for the agreed site

- Equipment Safety Certificate (where relevant)
- Environmental food safety & Hygiene certificates (if relevant)
- All food/drink providers must be level 4 or higher as classed on the food.gov.uk web page.
- Duty of Care Waste Transfer Note
- BKSA/IKO or equivalent Instructor certification required for all water sport activities

Nb: Bank and other references may be required for larger concessions plus any other necessary relevant certification.

All concession licences are issued as 'Personal Licences', giving the named operator permission to operate at an agreed location under the terms and conditions as set out in the licence. Occasionally, during periods of absence, it may be necessary for the licensee to substitute an alternative operator in order to continue trading. Under the terms of the licence, this is acceptable.

For Water Sport lessons, if you would like the ability to use an additional instructor to execute lessons whilst the named personal licensee is also teaching, they will need a separate licence for which an admin fee and daily rate applies for the total number of days they teach (please see 5.3 Fees below)

To ensure that adequate opening times at the allocated pitch are provided throughout the Period of the licence, the licensee must be open at least two days per week during the off-peak months, and open at least four days per week during the peak months (June, July, August).

### **5.3. Fees**

Full payment for the agreed licence period and any legal costs incurred in preparation of the licence, along with an administration fee of £55.00 is required in advance of the start date by the applicant, unless an instalment plan has been agreed.

If an instalment plan is agreed, prompt payment of each invoice is expected. Failure to complete payment within 30 days of the invoice being issued may result in termination of licence and / or loss of ability to apply for a licence in the subsequent two seasons.

In addition, should the concession operator require the use of electricity or water, and they are available at the agreed site, the Council will recharge for the full cost of consumption by the concession operator during the agreed licence period.

In the unlikely event that any other consents are required such as planning permission the applicant will need to have obtained and paid for prior approval themselves.

Following the ongoing progress of the concessions programme, a review of the fees has been undertaken ahead of Summer 2024:

Type	Price Zone	Summer Season	Peak Month J/J/A	Off Peak Month	Winter Season
Food and/or Refreshments	1	£ 2,385.00	£530.00	£265.00	£ 1,590.00
Food and/or Refreshments	2	£ 1,890.00	£420.00	£210.00	£ 1,260.00
Food and/or Refreshments	3	£ 1,260.00	£280.00	£140.00	£ 840.00
Leisure/Arts/Crafts	W	£ 1,260.00	*	£210.00	£ 1,260.00
Ice Cream Van Worthing Promenade	C1	£ 2,745.00	£610.00	£305.00	
Ice Cream Van other beach location	C2	£ 2,385.00	£530.00	£265.00	
Ice Cream cart/small unit	C3	£ 1,260.00	£280.00	£140.00	

\* There is no peak month price for Leisure/Arts/Crafts. For Water Sports and some Leisure operators the summer season will be slightly extended to allow for unsuitable weather conditions, and includes March and October at no charge. A daily rate of £30.00 for Water Sports applies only to use of a second instructor and must be agreed in advance.

VAT is charged where applicable. Usually, VAT only applies to 'ambulatory' concessions.

The Councils reserve the right to charge an enhanced fee for premium pitches, categorised by being adjacent to high footfall, year-round attractions. Annually, and at the Councils' discretion, fees may be reviewed and be subject to an adjustment or increase.

All net income derived from concessions supports the continued delivery of front-line services at the Councils.

### 5.3.1 Access Keys and Deposits

A deposit of £50.00 is payable upon collection of an access key, where required. This is refundable when the key is returned. Prompt return of an access key is expected within 7 days of the end of a licence period. Late return may result in loss of deposit.

#### **5.4. Contracts**

All Seasonal Concession Licences are issued for a period of up to 12 months, usually to cover the standard summer or winter season only. In some circumstances we may offer a longer term licence of up to 36 months to returning concessions who have successfully traded for at least two previous seasons in the same agreed location.

##### **5.4.1 Variations and Cancellations**

If an operator requests to vary any set term within the licence, including the Period or Pitch, an administration fee of £55.00 will be charged to amend the licence paperwork. If an operator chooses to cancel their licence prior to the end of the term, the Council reserves the right to retain up to 50% of the fee. In exceptional circumstances, this fee may be waived.

**Updated January 2024**  
**Place Activation Officer, Place Team**