

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	4946
Author:	Stephen Chartres
Department:	Communities, Environment and Resident Services
Contact:	Patrick Loy (Job Title: Head of Events, Email: patrick.loy@nottinghamcity.gov.uk, Phone: 64968)
Subject:	Concession process for annual music festival at Wollaton Park
Total Value:	Estimated to be between £500K-£700k over 5 years (Type: Revenue)
Decision Being Taken:	<ol style="list-style-type: none">1. Approval for the Director of Sport, Culture & Tourism and team to undertake a tender process to secure a provider to deliver an annual 2 day music festival at Wollaton Park for the period 2024-2028;2. Give delegated authority to the Director of Sport, Culture & Tourism to appoint a preferred supplier, following an evaluation of any tenders received;3. Give delegated authority to the Director of Sport, Culture & Tourism to enter into a contract for a period of 5 years.
Reasons for the Decision(s)	<p>Nottingham City Council and local promoter DHP Family have staged the annual Splendour music festival jointly since 2008. Splendour has been targeted predominantly at Nottingham residents, with a diverse line-up suitable for an all-ages audience.</p> <p>The concept of the event was originally conceived and developed between the Council and DHP under annually agreed terms. Due to the turnover value of the event this has been identified as a concession and under the Council's procurement policy and best value now requires a formal tendering process to be undertaken.</p>

Other Options Considered:

- 1. Continue with the current arrangement with DHP delivering the event - This is non compliant with current procurement regulations in relation to concessions and doesn't give the opportunity to test whether the arrangement provides best value to the Council and residents;**
- 2. Cease hosting Splendour from 2024 - Splendour is a very popular event in the annual programme for Nottingham and brings profile, economic and social benefit for the city, which would be lost or put at risk if the event was discontinued;**
- 3. Deliver the event in-house - This would result in potential costs and risks to the Council. The event would still require supplier contracts, the securing of artists, and a significant investment and resource requirement which there is no budget or capacity with the current team to undertake. This option is therefore not considered to represent best value. The approach to secure an external provider reflects changes in the Council's risk appetite and approach in staging large events to reduce the financial risks and begin to move towards a cost neutral, commercial income events model.**

Background Papers:

Published Works:

Affected Wards:

Lenton and Wollaton East, Wollaton West

Colleague / Councillor Interests:

Any Information Exempt from publication:

Yes

Exempt Information:

Description of what is exempt:

The financial comments and background report are exempt as these provide commercially sensitive information which will affect or influence the tendering process.

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972.

3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the exempt information contains commercial and financial information which if made available to the public may jeopardise the procurement and tendering process and/or enable potential suppliers access to commercially sensitive information relating to the procurement.

Documents exempt from publication:

Dir Splendour Festival Report 230123 Not for Publication.docx, Financial advice Music Festival at Wollation Park May 2023.docx

Consultations:

Date: 30/03/2023
Ward Councillors: Steve Battlemuch, Zafran Khan
Advised on procurement and that further updates to be provided as the procurement and tender process progresses.

Date: 20/04/2023
Other City Council Bodies: Safety Advisory Group for Events (SAGE)
Group members advised of process and approach being taken for this event.

Date: 31/03/2023
Other: Culture & Museums Service
Advise Chief Operating Officer of the process.

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

Safety Advisory Group for Events will be consulted on the tender brief. Included in the specification is a requirement for ensuring safety and security of the site and the public.

Equality:

EIA not required. Reasons: EIA is not required at this stage to approve the tender process, however Equalities considerations will be built into tender specification and evaluated as part of the tender selection process.

Social Value Considerations:

Built into the contract specification and an expectation within the tender response will be for the supplier to demonstrate how the festival can deliver social value for the residents of Nottingham. Specifically this will include ensuring the festival is:
a) high profile and populist including programming of local artists and;
b) becomes a destination event driving visitors to Nottingham contributing to the visitor economy and in particular increasing local employment and use of local suppliers.

Decision Type:

Portfolio Holder

Subject to Call In:	Yes
Call In Expiry date:	24/05/2023
Advice Sought:	Legal, Finance, Procurement
Legal Advice:	<p>This report seeks a decision on pursuing a process in accordance with the Concession Contract Regulations 2016 for a music and entertainment festival at Wollaton Park.</p> <p>On the information available, the way the proposed event will operate and the anticipated turnover means that it is caught by the 2016 Regulations and any process will, therefore, need to comply with those Regulations and the Council's own constitution.</p> <p>It is understood that the market will be encouraged to offer innovative bids, including any proposed financial modelling. Legal Services are happy to support the process.</p> <p>Anthony Heath, Senior Solicitor, 19th April 2023. Advice provided by Anthony Heath (Senior Solicitor) on 19/04/2023.</p>
Finance Advice:	<p>This advice is exempt from publication and is contained within an exempt appendix.</p> <p>Advice provided by Maria Balchin (Finance Analyst) on 05/05/2023.</p>
Procurement Advice:	<p>Procurement colleagues will assist with the tendering process in compliance with our Contract Procedure Rules and the Concession Contract Regulations 2016. Advice provided by Paul Ritchie (Procurement Manager) on 04/04/2023.</p>
Signatures	<p>Pavlos Kotsonis (Portfolio Holder for Leisure, Culture and Planning)</p> <p>SIGNED and Dated: 16/05/2023</p> <p>Dr Ita O'Donovan (Interim Corporate Director, CERS)</p> <p>SIGNED and Dated: 12/05/2023</p>