

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	5018
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Department:	Communities, Environment and Resident Services
Contact:	Donna Cresswell-Duly (Job Title: Business Development Manager, Email: donna.cresswell-duly@nottinghamcity.gov.uk, Phone: 07949060781)
Subject:	Woodthorpe Park Plant Nursery Catering Concession Contract Award
Total Value:	Up to £730,000 (Type: Revenue)
Decision Being Taken:	To delegate authority to the Corporate Director of Communities, Environment and Resident Services to award the Woodthorpe Park Plant Nursery Catering Concession contract to Homemade Cafe Pavilion Ltd for a period of 5 years in accordance with Council Contract Procedure rules.
Reasons for the Decision(s)	Approvals are being sought to award a contract for the delivery of a catering concession. The Woodthorpe Park Plan Nursery Retail Service has been in operation since 2015. Throughout this period a number of different operators have delivered pop-up catering concessions to enhance service delivery and attract visitors to a range of activities and educational events. This includes educational content, free activities such as the great tree giveaway and community market place events, working with community groups and local businesses. The previous contracts with concession operators have expired and there is a need to award a new contract. It is proposed that the appointment of a single catering concession to provide a consistent service would enhance the park visitor experience and generate an increased income from the concession lease fees, associated plant sales and ticketed events. In accordance with Council Contract Procedure Rules, the service entered a procurement process with 4 catering operators to invite quotations to provide the catering concession. A weighted evaluation matrix was adopted. See Appendix 1 for details. The Concession contract fees during this period include annual minimum guaranteed payments and fees based upon a percentage of turnover. All costs associated with the provision of the mobile cafe vehicle and seating will be met by the Concession Operator.
Briefing notes documents:	Appendix 1 Evaluation Matrix.xlsx

**Other Options Considered:**

1. Catering on site with no concession lease - not supported because this would mean that the best income from the site many not be achieved and Council Contract Procedure Rules not followed. Catering concessions are valued by residents and add value to their visitor experience.2. No catering offer on site - not supported because there is evidence that shows there is a need by visitors to access a catering offer. There is an expectation from visitors to gardens and parks that there is a catering offer which improves the overall visitor experience and increases footfall and length of stay. This in turn delivers revenue from both concession rental fees and sale of stocks and increases satisfaction.3. Direct delivery - not supported because there is an existing direct delivery catering service in the Woodthorpe Park. The 2 catering offers are unique and appeal to very different audiences with data showing only 10% of Park users are Nursery visitors. The direct delivery service do not have a self-contained catering vehicle to deliver the service needs. This means the Council is able to achieve a level of income at no risk.

**Background Papers:**

**Published Works:**

**Affected Wards:**

Mapperley

**Colleague / Councillor Interests:**

None

**Any Information Exempt from publication:**

Yes

**Exempt Information:**

**Description of what is exempt:**

The exempt appendices 2 and 3 contains commercially sensitive information in relation to the contract award.

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 it contains suppliers commercially sensitive information.**

**Documents exempt from publication:**

**Appendix 2 DLT Briefing Note FINAL.doc, Appendix 3 Financial Forecast.xlsx**

**Consultations:**

**Those not consulted are not directly affected by the decision.**

**Crime and Disorder Implications:**

**The delivery of a catering concession service located within one the city's premier parks contributes towards delivery of well used and maintained places for residents to visit and in doing so the service makes a material contribution to help reduce crime and disorder within the city's neighbourhoods.**

**Equality:**

**EIA not required. Reasons: An EIA is not required because there is no change to service policy or operation and this is a continuation of existing services.**

**Social Value Considerations:**

**N/A**

**Relates to Council Property Assets:**

**Yes**

**Decision Type:**

**Portfolio Holder**

**Subject to Call In:**

**Yes**

**Call In Expiry date:**

**14/09/2023**

**Advice Sought:**

**Legal, Finance, Procurement, Property, Building Services**

**Legal Advice:**

**See the attached comments. NB - separate Legal Advice form colleagues in our Conveyancing Team must be obtained on the protection of the Council's proprietary interests in relation to its land to be utilized by a concessionaire prior to the formal award of a concession contract. Advice provided by Richard Bines (Solicitor) on 23/08/2023.**

**Advice documents: Final Legal Comments.docx**

**Finance Advice:**

The purpose of this decision is to award the concessions contract at the Woodthorpe Park Plant and Nursey. The cause of this decision is to go through the procurement process for a new vendor on the site as the previous contract ended. Catering concession stalls have been active since 2015.

The value of the decision is £730,000 across 5 years. At the end of this 5-year contract, a new procurement process would begin to award a new concession contract.

The risks involved in this decision are involved with the financial forecast model over the next 5 years. The financial structure is broken down into guaranteed payments and payments based on a range of percentages of projected turnover in each year. If the turnover falls short of the projected turnover, the amount of payment made to NCC in each year would be reduced.

The revenue budget implication for this decision is to agree an income target against the project in the revenue cost centre, which would need to be amended annually to reflect the latest year's projections.

Best value has been considered as multiple vendors had been approached for the contract who have previously ran concession contracts within the council organisation, but for varying reasons, were unable to submit a bid.

The service area would need to ensure that the income expected to be paid out by the vendor was being fulfilled and any shortfall in payments would need to be met by the service area to mitigate any shortfalls.

Advice provided by  
Sohaib Chaudhry - Senior Commercial Business Partner  
23/08/2023

**Procurement Advice:**

The request to award a concession agreement for the provision of on-site catering for a period of five years does not pose any procurement risk to the council. The request and process followed to get to this point complies with the Contract Procedure Rules (Concession Contracts 18.1) and the Concession Contract Regulations. Advice provided by Holly Fisher (Lead Procurement Officer (Products)) on 23/08/2023.

**Property Advice:**

Property advise that a contracted out lease, which sits behind the concession contract specification, be put in place to ensure no security of tenure. A Tenancy at Will may be required to cover the start up period while contracts are prepared. It is also recommended insurance is updated once approvals are in place. We understand Planning have been consulted re the siting of the mobile cafeteria on site at Woodthorpe Grange, along with approval from Procurement for the vendor. The cafeteria should support the existing Nursery, open to the public, located on the site. Advice provided by Christine Read (Property Business Partner) on 24/08/2023.

**Building Services Advice:**

The project is supported and aligns with property comments Advice provided by Trevor Bone (Property Maintenance Manager) on 23/08/2023.

**Signatures**

<b>Corall Jenkins (PH Energy, Environment and Waste Services, Parks)</b>
<b>SIGNED and Dated: 07/09/2023</b>
<b>Colin Parr (Corporate Director, CERS)</b>
<b>SIGNED and Dated: 06/09/2023</b>