

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

Reference Number:	3442
Author:	James Dymond
Department:	Commercial and Operations
Contact:	Eddie Curry (Job Title: Head of Parks, Open Spaces and Investment Funding, Email: eddie.curry@nottinghamcity.gov.uk, Phone: 01158764982)
Subject:	Catering Concession Licences on Parks
Total Value:	£228,511 (estimated income) (Type: Revenue)
Decision Being Taken:	<ol style="list-style-type: none"><li>1. To approve the renewal of catering concessions for ice-cream vans at Bulwell Forest Recreation Ground, Highfields Park, Vernon Park and Victoria Embankment for a further three years.</li><li>2. To approve dispensation from Procurement Regulations 5.1.2 and Financial Regulations 3.29 for the above contract extensions.</li><li>3. To approve the issue of a tender for the operation of the cafe at the Arboretum.</li><li>4. To approve the signing of contracts for the above concessions by the Head of Public Realm.</li></ol>
Reasons for the Decision(s)	<p>Ice-cream van operators have been in place at Bulwell Forest Recreation Ground, Highfields Park, Vernon Park and Victoria Embankment for at least five years following a tender exercise in 2014. The Parks Service is satisfied with the service provided at these sites during this time and the current income received. It is therefore proposed to extend these contracts for a further three years, with a percentage increase applied to the value each year, in line with RPI.</p> <p>The cafe at the Arboretum will become vacant on 31st March 2019 and it is proposed to offer this to the market as an open tender. This will include the day to day operation of the cafe in the Waverley Lodge and will include an option to purchase the existing furniture and kitchen equipment.</p>
Other Options Considered:	An alternative option would be to re-tender the ice-cream licences but this presents a risk of receiving lower prices than currently secured and/or poorer service.
Background Papers:	None.

<b>Published Works:</b>	None.
<b>Affected Wards:</b>	Arboretum, Basford, Bridge, Bulwell Forest, Wollaton East and Lenton Abbey
<b>Colleague / Councillor Interests:</b>	None.
<b>Any Information Exempt from publication:</b>	Yes
<b>Dispensation from Financial Regulations:</b>	Yes
<b>Exempt Information:</b>	
<b>Description of what is exempt:</b>	Financial information on estimated income.
	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
<b>3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>	The public interest in maintaining the exemption outweighs the public interest in disclosing the information because disclosing the annual income from catering licences could compromise future procurement exercises.
<b>Documents exempt from publication:</b>	Parks catering DD Feb 2019 exempt info.docx
<b>Consultations:</b>	Those not consulted are not directly affected by the decision.
<b>Crime and Disorder Implications:</b>	Securing ice-cream concessions and cafes on parks provides an additional attraction to visitors thereby increasing footfall of genuine users to the sites.

**Equality:** EIA not required. Reasons: There is no proposal for new or changing policies / services / functions or financial decisions that would have a major impact on services.

**Decision Type:** Portfolio Holder

**Subject to Call In:** Yes

**Call In Expiry date:** 15/03/2019

**Advice Sought:** Legal, Finance, Procurement

**Legal Advice:** Dispensation is required under financial regulation 3.29 from the Contract Procedure Rule 5.1.2 to extend the existing licences for ice cream van operators for a further 3 years.  
The proposal in relation to the Arboretum cafe raises no significant concerns as the council intends to go out to tender to procure the new contract. Advice provided by Sarah O'Bradaigh (senior solicitor) on 14/02/2019.

**Finance Advice:** This decision seeks approval to extend the catering concessions at Bulwell Forest Recreation Ground, Highfields Park, Vernon Park and Victoria Embankment for a further 3 years, along with a tender process for cafe operations at the Arboretum. The expected income is included in the medium term financial plan (MTFP), and therefore failure to secure this income would lead to an overspend position.  
  
Dispensation from contract procedure rule 5.1.2 in accordance with financial regulations 3.29 is supported in order to ensure income continues as currently expected in the MTFP.  
  
Advice provided by Maria Balchin (Finance Analyst) on 04/02/2019.

**Procurement Advice:** The proposal is a request for a dispensation from contract procedure rule 5.1.2 to extend the existing catering concession's agreements at Bulwell Forest Recreation Ground, Highfields Park, Vernon Park and Victoria Embankment for a further 3 years. Due to the overall value and the proposed length of extensions, there are no significant procurement concerns with this decision.  
  
The report author has already engaged with procurement to ensure compliance with the Council's financial regulations and contract procedure rules in relation to the tender for the café at the Arboretum. A tender will be conducted in order to secure best value for the Council and the citizens it represents. On this basis there are no procurement concerns with the approach. Advice provided by Lauren Wheatcroft (Procurement Officer) on 08/02/2019.

**Signatures**  
David Trimble (Portfolio Holder for Leisure and Localities)  
SIGNED and Dated: 08/03/2019  
Andy Vaughan (Corporate Director Commercial and Operations)  
SIGNED and Dated: 28/02/2019

<b>Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations</b>
<b>SIGNED and Dated: 26/02/2019</b>
<b>Chief Finance Officer's Comments:</b>