

<b>Board/Committee:</b>	Policy and Organisation Board
<b>Date of meeting:</b>	30 November 2022
<b>Title:</b>	Concessions policy & Ice Cream Concessions on Stokes Bay and Lee-on-the-Solent
<b>Author:</b>	Head of Housing
<b>Status:</b>	For decision

## **Purpose**

This report sets out the Concessions Policy for the Council together with proposals for the Council to award new concessions.

In addition, the proposal of an open tender exercise to re-let the Stokes Bay and Lee-on-the-Solent Ice Cream Concessions, offering a 4-year agreement, commencing 1 April 2023, for both concessions.

## **Recommendation**

1. That the Board approves the attached Concessions Policy for adoption and gives delegated authority to the Head of Housing in consultation with the Chairman of the P&O Board and the Borough Solicitor and Monitoring Officer to:
  - i) Adopt the new Concessions policy; and
  - ii) Delegate choosing of the pitch locations to the Head of Housing in consultation with the Chairman of the P&O Board; and
  - iii) Advertise proposals and award concessions to the successful bidders, to be operated in the Borough.
  
2. That the Board approves the advertisement to the market of the opportunities for the Stokes Bay and Lee-on-the-Solent Ice Cream concessions in line with appropriate guidelines and gives delegated authority to:
  - a. the Head of Housing in consultation with the Chairman of the P&O Board to determine the winning concessionaires; and
  - b. the Head of Housing and the Borough Solicitor and Monitoring Officer to finalise the terms of the concession agreements with the winning concessionaires.

### **1.0 Background**

**1.1** The Council currently only operates two concessions, both of which involve the selling of ice-creams, at Stokes Bay and Lee-on-the-Solent. The existing agreements come to an end on 31 March 2023.

**1.2** The Council has received numerous ideas and enquiries over the last few years regarding the operation of additional concessions at various

locations in the Borough.

- 1.3 In response to the enquiries submitted to the Council, it has developed a Concessions Policy, which is appended to this report, against which future opportunities and bids for concessions will be considered.
- 1.4 At Economic Development Board in March 2022 the draft version of this policy was approved with a plan to move forward to public consultation and to propose three pilot concessions.
- 1.5 No interest was expressed in the three pilot concession opportunities. This may have been due to the limited time available for the pilots given the time frames being very close to the Summer 2022 season.
- 1.6 In March 2022 the council also held a public consultation regarding the draft concession policy with 155 responders. 99% of responses were in support of adopting the new policy and offered ideas and input on future concessions in the local area.
- 1.7 The main concerns which were raised in response to the public consultation were a) trading too close to existing business; b) litter and rubbish disposal; c) pollution from engines, and d) unhealthy food and beverage offerings. As such, all four of these items will be fully considered in the grant of every new concession as part of the bidding process.

## **2.0 Concessions Policy**

- 2.1 The Concessions Policy is attached to this report. This has been developed by a number of Council Officers giving consideration to factors such as economic development, revenue generation, property management and tourism. It also forms part of work being conducted to review the Council's asset base and ensure that this is being used to its maximum potential.
- 2.2 The Policy contains a number of criteria and considerations to be taken into account when determining the acceptability of any new concession applications. It must be emphasised that the Policy is only concerned with concessions, which are defined as, "A fixed term consent to trade from Council owned land, where no Council building exists for exclusive use, or significant land occupation takes place". The policy is not concerned with other business opportunities in the Borough that the Council is able to deal with by way of offering a lease or licence of property, or a different licence under a statutory regime.
- 2.3 The Policy also lists various Council owned sites around the Borough as potential broader locations for future concessions. The list of broad locations forms part of the Concessions policy at Appendix One. It must be stressed that the list is a guide only and does not determine that every possible location within those broader areas would be suitable for a

concession. The council will mark out the appropriate pitch locations in consultation with the Chairman of the P&O Board and local ward members following the adoption of the policy to ensure suitability.

### **3.0 Potential New Concession Locations**

**3.1** Arising from the public consultation, the top 10 location areas will be the initial focus for new concessions in Spring Summer 2023. These areas include:

1) Stokes Bay; 2) Lee-on-the-Solent Seafront; 3) Alver Valley East; 4) Alver Valley West; 5) Walpole Park 6) Falklands Gardens wider area around the ferry crossing; 7) Hardway; 8) Gosport Park; 9) Privett Park; and 10) Lee Recreation Ground & Leesland Park.

**3.2** Specific pitch locations in all of the areas identified will be sensitively considered with and in communication with local operating businesses to ensure no direct business competition is created. They will also be considered in consultation with the Chairman of the P&O Board and local ward members to ensure suitability.

### **4.0 Ice-Cream Concessions**

**4.1** The current concession holder at the Stokes Bay concession allows the sale of ice cream and soft drinks from one vehicle/location in each of the prescribed trading areas.

- No 2 Battery Car Park, but not within seventy metres of the Bayside Café building; and
- Alverbank East car park; and
- Pebble Beach Car Park, but not with eighty metres of the Pebbles Wine Bar building; and
- Gilkicker Car Park.

**4.2** The current concession holder at the Lee-on-the-Solent concession allows the sale of ice cream and soft drinks from one vehicle/location in the Beach Road Car Park and from a location upon the promenade, immediately adjacent to the splash park.

**4.3** The current agreement for both concessions is higher than £100,000 over 4 years, hence the need for board approval for new concessions which are to be operated.

**4.4** The concession opportunities for the Stokes Bay and Lee-on-the-Solent Ice Cream concessions will be advertised on the Southeast Business Portal with notification of the opportunity also sent to the existing concessionaires and any traders that had previously expressed an interest in the concessions. Documents are to be available for download and submission between mid-December 2022 and February 2023. After this process and bids being received, the Board is asked to provide delegated authorities to enable the Housing Services Manager, in consultation with

the Chairman of the P&O Board to award the concessions to the winning concessionaires and to finalise the concession agreements with the assistance of the Borough Solicitor and Monitoring Officer.

## **5.0 Risk Assessment**

### **5.1 Concessions Policy**

The Concessions Policy assists in ensuring that future decisions on concessions are made in a rational and consistent manner, in keeping with an overarching policy which has been approved by the Council. If the Council were not to adopt such a policy its decision making would be arbitrary and at greater risk of challenge.

### **5.2 Ice Cream Concessions**

The selling of ice-creams at the seafront has been controlled for many years owing to the competitive nature of the business for the most lucrative sales areas. In the past several confrontational issues occurred, which reflected poorly on the Council as landowner generally. The response has been to control access to the Council's seafront car parks, which has resolved these issues. Should concessions be rejected then there is every reason to suppose that the same issues would resurface.

**5.3** If the ice-cream concessions are not awarded it could result in a loss of income to the Council and a reduction in service to the public

## **6.0 Conclusion**

### **6.1 Concessions Policy**

The Board is asked to endorse the Concessions Policy attached and to agree that Officers can execute opportunities to operate new concessions in the Borough starting as early as spring/summer of 2023 and in consultation with the Chairman of the P&O Board.

### **6.2 Ice Cream Concessions**

The board is asked to award delegations to advertise and award two concessions for the trading of ice cream and soft drinks at Lee-on-the-Solent and Stokes Bay which will protect a valuable source of income to the Council and ensure that the mobile provision of ice cream and soft drinks continues in Lee-on-the-Solent and Stokes Bay in a controlled manner.

<b>Financial Services comments:</b>	No comments further comments required
<b>Legal Services comments:</b>	Contained within the report
<b>Equality and Diversity:</b>	It is not thought that any groups or individuals will be disadvantaged because of this proposal
<b>Climate Change implications:</b>	Refer to the Integrated Impact Assessment
<b>Crime and Disorder:</b>	None

<b>Service Improvement Plan implications:</b>	None
<b>Corporate Plan:</b>	This proposal contributes to making the most of the waterfront under the Enhance the Environment core value and provides another service that supports tourism and enjoyment of the waterfront areas under the Develop the Economy core value
<b>Risk Assessment:</b>	See section 5.
<b>Background Papers:</b>	None
<b>Appendices:</b>	Concessions Policy (attached)
<b>Report Author/Lead Officer:</b>	Jenna Kitchingham, Consultant, Property Services, Portsmouth City Council