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| **REPORT TO** | **ON** |
| **CABINET** | 20 March 2019 |
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| **TITLE** | **PORTFOLIO** | **REPORT OF** |
| **Ice cream vendor tender update** | Corporate Support and Assets  Neighbourhoods and Development | Assistant Director Property & Housing |

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| Is this report a **KEY DECISION** (i.e. more than £100,000 or impacting on more than 2 Borough wards?)  Is this report on the **Statutory Cabinet Forward Plan**?  Is the request outside the policy and budgetary framework and therefore subject to confirmation at full Council?  *This should only be in exceptional circumstances.*  Is this report confidential?  *If* ***Yes****, insert details of the relevant exclusion paragraph(s). These are listed in the Constitution Part 4, page 25 (Access to Information Procedure Rules)* | **Yes**  **No**  **No**  **No** |

1. **PURPOSE OF THE REPORT** 
   1. To update Cabinet on the progress in re-tendering the ice cream vendor opportunity for 5 parks across the Borough and also the kiosk located at Worden Park. The 5 parks in question are located at:

* Priory Park, Holme Road, Penwortham
* Hurst Grange Park, Hill Road, Penwortham
* Longton Brickcroft Nature Reserve, Liverpool Road, Longton
* Pear Tree Park, Middleforth Green, Penwortham
* Worden Park, Leyland

1. **PORTFOLIO RECOMMENDATIONS**
   1. That Cabinet provide the Chief Executive/ Deputy Chief Executive with delegated authority in consultation with the portfolio holder for Corporate Support and Assets to tender and award the concession for the sale of ice cream from the 5 parks and the kiosk in Worden Park.
2. **REASONS FOR THE DECISION**
   1. The Council is undertaking a procurement exercise to appoint an ice cream vendor to the 5 parks which includes the kiosk at Worden Park. The tender is due to go out to market the week commencing 18th March 2019 and shall provide an opportunity for bidders to provide ice cream to local parks from 1st May 2019 to 30th April 2022. The tender shall be advertised through both the Chest and local advertisement for a period of 3 weeks.
   2. The contract with the current vendor is due to end on 31st March 2019 and discussions are taking place with the vendor to ascertain if they are willing to continue to sell ice cream for the interim until the new provider is appointed under a short term licence agreement.
   3. Due to the tender affecting more than 2 Wards the matter is considered a key decision and is required to be agreed by Cabinet. The Chair of Scrutiny committee has agreed to the report being included on this agenda as an urgent item. If this had not been agreed the next available Cabinet meeting is due to take place on 19th June 2019 and in the absence of a delegated authority to appoint the vendor there is a risk that the parks would be without a place to purchase ice cream until July 2019.
   4. It is worth noting that presently there is no provision of mobile ice cream vans at any of the parks other than Worden Park. The tendering exercise shall encompass the opportunity for vendors to provide ice creams at all of the parks mentioned in this report as well as additional provision of vans for major events in the parks.
3. **CORPORATE PRIORITIES**

4.1The report relates to the following corporate priorities:

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| Excellence and Financial Sustainability | √ |
| Health and Wellbeing | √ |
| Place | √ |

Projects relating to People in the Corporate Plan:

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| People |  |

1. **PROPOSALS (e.g. RATIONALE, DETAIL, FINANCIAL, PROCUREMENT)**

The proposal provides Cabinet with plans to procure an ice cream concession agreement for the 5 public parks.

1. **CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION**
   1. No consultations have been carried out with regard to the contents of this report as this is renewal of an existing arrangement.
2. **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**
   1. The Council could decide not to provide any opportunities to purchase ice cream within the parks until the new supplier has been appointed. This would present a temporary reduction in service and a loss of revenue to the Council.
3. **Financial implications**
   1. The procurement of an ice cream vendor for the parks will contribute to the appeal and provide an ongoing annual income stream towards the cost of maintaining our Council parks and open spaces.
4. **LEGAL IMPLICATIONS**
   1. Legal services will draft and agree the appropriate concession contracts and, if required, a temporary licence to enable the existing vendor (or any other suitable person) to provide ice cream from Worden Park pending the appointment of a new provider.
5. **Human Resources and Organisational Development implications**

* 1. Not applicable*.*

1. **ICT/technology implications**
   1. Not applicable.
2. **Property and Asset Management implications**
   1. The kiosk at Worden Park is currently used to sell ice creams and provides a robust income. For the other parks mobile ice cream vans would be used to sell ice creams.
3. **RISK MANAGEMENT**
   1. A robust procurement process shall be undertaken to manage and mitigate any risks associated with selling ice creams within the parks.
4. **EQUALITY AND DIVERSITY IMPACT**
   1. Not applicable
5. **RELEVANT DIRECTORS RECOMMENDATIONS** 
   1. That Cabinet provide the Chief Executive/ Deputy Chief Executive with delegated authority in consultation with the portfolio holder for Corporate Support and Assets to review and award the concession for the sale of ice cream from the 5 parks and the kiosk in Worden Park.
6. **COMMENTS OF THE STATUTORY FINANCE OFFICER**
   1. Concession income forms part of the overall Parks and Open Spaces budget and reduces the net cost of this service area. The report also seeks to enhance the provision to support major park events.
7. **COMMENTS OF THE MONITORING OFFICER**
   1. The purpose of this report is to seek delegated authority to award a concession contract once the returns have been received and fully assessed. It is not ideal to wait until the next scheduled Cabinet meeting to sort this issue out.

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| Report Author: | Telephone: | Date: |
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