

GENERAL PURPOSES COMMITTEE

5 SEPTEMBER 2019

FOOD AND BEVERAGE CONCESSIONS: AMENDMENT TO PROHIBITED STREET DESIGNATION AT THE WHARF

1.0 Purpose of Report

- 1.1 To pass a resolution to commence the formal process to amend the prohibited street designation to exclude the Town Wharf Car Park from the existing designation to support Phase Two of the Concessions Project.

2.0 Background Information

- 2.1 The Concessions Project identifies opportunities to generate a commercial income from food and beverage licenses on Council land. Phase One of the project was successful in procuring two ice cream operators at Sconce & Devon Park and Vicar Water Country Park who were in operation from April 2019 and have generated new income to the Council of approx. £6,500 p/a.
- 2.2 Phase Two of the project will conduct a district wide review of potential locations that will be suitable for food and beverage concessions to maximise income generation for this project. These sites will be selected to ensure that they are appropriate and provide additional benefit to the public without any detriment to local suppliers.
- 2.3 The District Council's Commercial Strategy sets out the principles for the Council to adopt an innovative and entrepreneurial approach that achieves positive annual financial contributions for the Council. This project supports the Council's commercial ambitions and the Council's values of embodying a commercial and business-like approach to operational activity.

3.0 Proposals

Prohibited Streets

- 3.1 One of the sites already identified for Phase Two is the Town Wharf car park in Newark. The Wharf is currently designated as a prohibited street for the purposes of street trading and the parameter of the Town Wharf car park, is shown in **Appendix A**. Street Trading is defined as the selling or exposing or offering for sale of any article (including a living thing) in any street under schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.2 A Committee decision in 1984 approved to designate a number of streets in Newark Town Centre as prohibited streets for street trading, in accordance with paragraph 2 of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. This was then gradually extended in 1995 to include all of Newark Town Centre and the full list of streets currently designated as prohibited streets for the purposes of street trading are included as **Appendix B**. The reasons for the Committee decision related to unauthorised traders trading on the public highway with no form of regulation in place.

- 3.3 It is acknowledged that the 1984 and 1995 Committee decisions were made at a point in time and recognising the Council's present commercial ambitions, it is now proposed that the Town Wharf car park be excluded from the prohibited street designation of The Wharf to facilitate commercial opportunities.
- 3.4 Streets including The Wharf (Appendix B) would remain with the existing prohibited street designation. This would seek to maintain a form of regulation from unauthorised traders as per previous Committee decisions.

4.0 Concession at the Town Wharf Car Park

- 4.1 The Town Wharf car park is a Council owned site and it is proposed to grant permission for a concession to operate from this site to generate new revenue for the Council. Following the same process as Phase One for the Project, Phase Two concession opportunities would be advertised as an invitation for expressions of interest in early 2020. Expressions of interest would be made via an application form which can be downloaded from the Council website.
- 4.2 It is considered that the most appropriate charging mechanism is to publish a minimum fee for each site and invite applicants to include their quoted fee in the application form. Assuming the applicant has provided evidence of the necessary insurances and food hygiene certificates, the fee element of the application would be weighted to 70% and the license would be awarded to the business offering the highest annual fee.
- 4.3 The Commercialisation & Major Projects Business Unit would manage the concession process and would be responsible for advertising the concession opportunities, indicating the type of concession on site, letting the contract, issuing permits and continually checking valid MOT, insurance certificates are up to date if they expire mid-year.
- 4.4 The Council will also have the discretion as to whether to extend the contract beyond the initial license period up to a maximum of 2 years and the Council would also have the right to terminate the concession subject to ongoing contracts.
- 4.5 The successful operator would be required to display a permit at all times whilst on site. This would ensure that any unlicensed operators could be easily identified and moved on by the Licensing Enforcement team. The license would determine that the operator would have exclusive rights of that site except where there is an event or at the Council's discretion.

5.0 Amendment to a Designated Street

- 5.1 To amend an existing prohibited street designation, this requires resolution to be passed by the General Purposes Committee. Following a resolution to begin the process by the Committee, the Council will be required to undertake a 28 day public consultation (including mandatory consultation with the Police and local Highways and a public notice in the newspaper). The comments from the consultation are then required to be presented back to General Purposes Committee to pass a resolution to amend the existing prohibited street designation.

6.0 Proposed Timetable

- 6.1 It is proposed to undertake the statutory consultation and advertising as required by law to allow for the receipt of any comments on the amendment to the designation of the street. It is also proposed to seek the views of Newark Town Council.
- 6.2 The full process and indicative timescales are included below:-

<u>Activity</u>	<u>Timescales</u>
Report which recommends to General Purposes Committee to amend the existing prohibited street designation at The Wharf for the purposes of the Council's commercial aspirations	5 Sept 2019
Public Notice in a local newspaper (28 day consultation) Consultation with Police, Highways and Newark Town Council	12 Sept 2019 - 10 Oct 2019
Collate comments and responses from the consultation	11 Oct 2019 - 25 Oct 2019
Feedback on comments and responses on the consultation to the General Purposes Committee with a recommendation to pass the resolution to exclude the Town Wharf Car Park from the prohibited street designation at The Wharf.	14 Nov 2019
A Public Notice stating the resolution has been passed and that the Town Wharf Car Park has been excluded from the prohibited designation (adverts to be placed across two consecutive weeks)	Week 1: 21 Nov 2019 Week 2: 28 Nov 2019
The Town Wharf Car Park is now excluded from the prohibited street designation (28 days after the final public notice has been placed)	26 Dec 2019
Advertise the concession opportunity including press release, application form to be uploaded to Council Website	Jan 2020 – Feb 2020
Concession to start on site	Apr 2020

7.0 Benchmarking

- 7.1 Neighbouring local authorities such as Ashfield District Council, Rushcliffe Borough Council and Mansfield District Council have recently changed the designation of their prohibited streets recognising that the street designation restricted their commercial ambitions.

8.0 Equalities Implications

- 8.1 An EQIA checklist been completed which has determined that there are no equalities implications.

9.0 Financial Implications – FIN19-20/6300

- 9.1 There is a one off cost associated with placing a public notice in the newspaper, approximately £450 for three public notices, to be funded from the Commercialisation & Major Projects Team, to be refunded from the concession income. Utilising the knowledge and experience from Phase One, it is expected the income generation from the Wharf Car Park to be approx. £4k-£6k per annum.

10.0 Community Plan – Alignment to Objectives

10.1 This proposal supports the Council objective ‘Generate more income, improve value for money and increase residents’ satisfaction with the Council’. This proposal will also provide a new source of income for the Council and will contribute to funding the Council’s aspirations as detailed within the Community Plan 2019-2023.

11.0 Comment of Director

11.1 This proposal supports the Commercial Concessions Project which aims to generate new revenue through offering concessions on Council owned sites and demonstrates the Council’s commercial vision as set out in the Council’s Commercial strategy which was approved by Council in 2017.

12.0 RECOMMENDATIONS that:

- (a) Members pass a resolution to begin the formal process to amend the prohibited street designation of The Wharf to exclude The Wharf Car Park;**
- (b) the consultation timetable set out in paragraph 6.2 is endorsed; and**
- (c) a further report with consultation comments is brought to the Committee in November, to pass a resolution to amend the existing prohibited street designation.**

Reason for Recommendations

To support the progression of Phase Two of the Concessions Project.

Background Papers

- General Purposes Committee 19 March 1984 – Street Trading in Newark Town
- Recreation & Tourism Committee 3 July 1995 – Street Trading
- Policy Committee 17 July 1995 – Street Trading

For further information please contact Natalie Cook, Projects Officer, Commercialisation & Major Projects Business Unit on ext 5275.

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Appendix A – The Wharf and The Town Wharf Car Park



Appendix B – Map of Streets Designated as Prohibited Streets for the purposes of street trading under paragraph 2 of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:-

