

## EXECUTIVE DECISION RECORD SHEET

<b>Name of decision maker:</b>	<b>Cllr H Chapman</b>
<b>Portfolio:</b>	<b>Environment</b>
<b>Date of Portfolio Holder Decision:</b>	<b>17 April 2009</b>

<b>Title of Decision:</b>	<b>Tendering of concessions for the provision of refreshments at Gadebridge Park, Hemel Hempstead and Canal Fields, Berkhamsted</b>
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**Decision made and reasons:** That approval be given to the tendering of concessions for the provision of refreshments at two locations in Gadebridge park and one location in Canal Fields, Berkhamsted and that the current arrangements be extended by negotiation with the existing operator at Gadebridge Park to cover all the locations until the proposed tendering exercise is completed.

The current concessions for the provision of refreshments in Gadebridge Park commenced in April 2006 and expire in March 2009. Currently no concession is in operation in Canal Fields however unauthorised trading takes place in the car park where ice cream vans operate periodically. Renewing the Gadebridge Park concessions and commencing a similar concession in Canal Fields will secure income for the Council and give it control over the quality, number and type of such operations taking place in the locations concerned. As the current Gadebridge Park agreement expires at the end of March 2009 it is proposed to extend the term of the current concession in Gadebridge Park and to incorporate the Canal Fields location in to it until such time as the proposed tendering exercise is completed and the new arrangement commence.

**Reports considered: ( here reference can be made to specific documents)**

N/A

**Officers/Councillors/Ward Councillors/Stakeholders Consulted:**

Legal Services Manager, Ward Councillors, Berkhamsted Town Council

**Monitoring Officer comments:** No further comments to add

**Chief Financial Officer comments:** A budget of £12,900 has been set for 2009/10.  
The licence fee for Canal Fields would be additional to budget

**Implications:** Securing formal licences for the vending of refreshments at the locations concerned secures income for the Council and provides the opportunity for such activity to be properly regulated by the Council.

**Risk:** Failure to tender the operations could result in loss of income to the Council and un-managed refreshment operations, which could impact on the Council's reputation.

**Value for Money:** To secure value for money, tenders will be sought for the operation of the concessions

**Options Considered and reasons for rejection:**

The Council could consider not letting the concessions. This would lead to a loss of income of over £10,000pa and a lack of regulation of the sale of refreshments at the proposed locations.

## EXECUTIVE DECISION RECORD SHEET

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**Portfolio Holders Signature:**

**Date:**

**Details of any interests declared and any dispensations given by the Standards Committee:**

<b>For Member Support Officer use only</b>	
Date Decision Record Sheet received from portfolio holder: 15/04/09	
Date Decision Published: 17/04/09	Decision No: PH/019/09
Date of Expiry of Call-In Period: 24/04/09	
Date any Call-In received or decision implemented:	

### BACKGROUND

The sale of ice cream in Gadebridge Park through two concessions based in the Queensway and Park and Ride car parks has been in operation for over 15 years. The concessions were last advertised in 2005 with licences issued for the period April 2006 to March 2009. As part of this process the range of products the licensee is permitted to sell was extended from ice cream, ice lollipops and soft drinks, to include hot drinks, snacks and confectionery. Confectionery was defined as hot dogs, hamburgers, jacket potatoes and hot soups. The option to extend the range of products was not taken up by the operator during the licence period.

The licences for the two locations in Gadebridge Park, by the children's play area off Queensway and the Park and Ride car park, are now due for renewal.

Canal Fields in Berkhamsted has not previously been subject to an ice cream licence. Canal Fields is a popular location, close to the High Street, with an extensive children's play area, skate board park, Millennium Garden and walks along the Grand Union Canal and River Bulbourne. A range of sports clubs such as bowls; tennis and football are based at the site. During 2008 unauthorised trading of ice cream has taken place from the car park. In order to control and formalise the current situation, and to generate an income for the Council in return for the use of the site, it is proposed to tender a concession for this location. Berkhamsted Town Council supports a concession for the sale of ice cream however they would not support the sale of food, viewing this as competition with provision along the High Street.

The granting of these types of concessions within parks is used to meet a number of needs. Firstly, there is demand for the provision of such refreshments. Secondly, there is an income to the Council from the letting of the concessions. Thirdly, letting the concessions enables the Council to manage the selling of refreshments, using only those with appropriate street trading consents and maintaining good standards of food and environmental safety. The concessions also provide for the management of litter and other difficulties with an uncontrolled market.

## **EXECUTIVE DECISION RECORD SHEET**

The agreements for Gadebridge Park provide for up to four days a year when the concession is not available. This enables the Council to operate its own events or to authorise charity events taking place in Gadebridge Park to let the provision of food, drink and other refreshments for income. The concessionaires are entitled to bid to provide their service on these occasions at an additional cost paid directly to the event organisation. Similar provision could be included within the proposed licence for Canal Fields to allow for any future community or charitable events taking place at the site.

The tendering of the concessions is undertaken by the Council's Legal Services, through public advertisement and tenderers are selected from those holding Street Trading Licences issued by Environmental Health.

Currently, the concessions in Gadebridge Park are held by one operator and provide an income to the Council of £12,900 per annum. As there is insufficient time to complete the tendering of the concessions including the proposed new pitch at Canal Fields before the current license expires it is proposed to extend the term of the current arrangement by negotiation with the current operator, incorporating the Canal Fields pitch until such time as the tendering exercise can be completed and a new licence secured.

### **Recommendation**

That the Portfolio Holder – Environment

1. Approves the tendering of concessions for the provision of refreshments at two locations in Gadebridge Park (to include ice cream, lollipops, hot drinks, snacks and confectionery) and one location in Canal Fields (ice cream only) for a period of three years and
2. Approves the extension of the term of the current licence and the incorporation of the Canal Fields pitch within it by negotiation with the existing licence holder until such time as a the tendering exercise can be completed.

### **1. Other Options**

The Council could decide not to let these concessions. This would lead to a loss of income of £12,900 p.a. at current values and a lack of regulation of the sale of refreshments at these locations.