

Authority to award new ice cream / refreshment concession licences

Date: 18th March 2024

Report of: Head of Commercial and Estates

Report to: Chief Officer Climate Energy and Greenspaces

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

- The Council has concession sites on green spaces across the city. Licences to trade on the sites are awarded to suppliers for ice cream, hot drinks and fast-food through competitive procurement arrangements. This report requests authority to award licences in connection with scheme 82546 (ice cream / refreshment concession licences) to the traders specified in this report. The financial information is provided in confidential appendix A.
- The opportunity has been tendered by using the YORtender portal.
- Tender submissions were evaluated using a price quality separated basis.

Recommendations

- a) The Chief Officer Climate, Energy and Green Spaces is recommended to approve the award of licences in connection with scheme 82546 (ice cream / refreshment concessions) to Lakebeech T/A Royds Ices, Ian Super Whippy Ltd T/A Mr Whippy Leeds, Chai and Coco and Nimrah Trading Co Ltd T/A Park Ices.

The licence award will commence on 1st April 2024 and end on 31st March 2025 with options to extend 3 x 12 months.

The total annual value of the new licence awards is £235,910. Should all extensions be taken for each of the licences awarded, the total value would be £986,959 over the four year period. The detailed breakdown in the attached confidential appendix A.

What is this report about?

- 1 The report outlines the evaluation process used to assess the bids for concession licences and requests approval to award concession licences to the suppliers that were successful in the process.
- 2 The Council published the tender opportunity for concession licences on the YORtender portal on 2nd February 2024. The tender was also advertised on Contracts Finder and Find a Tender. The tender closed on 23rd February 2024.
- 3 Tenders were evaluated using the quality/price separated approach where suppliers were required to meet the minimum threshold in their quality submission. Submissions reaching the minimum thresholds were then evaluated on price only with a licence being awarded to one supplier for each site that has submitted the highest price. Tenderers were able to bid for one or more site.
- 4 Details of the evaluation and scoring are set out within confidential Appendix A.

What impact will this proposal have?

- 5 Approving the award of the licences will result in income being received into the Council which forms part of the net managed budget of the Climate, Energy and Green Spaces service. An open competitive tender exercise via Yortender ensures there is a fair and transparent process in awarding licences for concession sites.
- 6 There are arrangements in place to ensure that performance against the conditions of the licences and any impact on wards is closely monitored.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 7 The income generated from the licences contributes towards the maintenance of the city's parks and green spaces which have health and wellbeing benefits for park users.
- 8 The procurement exercise considers the carbon impact of the vehicles, the pricing and dietary requirements of the customer base, waste management and recyclable / recycled materials.
- 9 Sites are being reviewed with regard to electric charging points which will allow suppliers to transition to electric vehicles in the future.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted?

Yes

No

- 10 Members have been consulted on pitch locations and there is engagement with relevant stakeholders throughout the year as appropriate.
- 11 Colleagues in Procurement Commercial Services and Legal Services have been consulted on the procurement activity and licensing arrangements.

What are the resource implications?

- 12 The process for procuring, awarding and managing licences is well established and the opportunities are advertised via the Council's tendering process. There are no additional resources required as part of this decision.
- 13 The tendering process ensures that the Council complies with procurement obligations around openness and transparency, and provides a robust system for securing best value as tenders will be evaluated on a minimum quality threshold and price.

What are the key risks and how are they being managed?

- 14 Licence agreements include clauses relating to litter, nuisance, disturbance, emissions and damage, and these risks are managed as part of the contract management arrangements.

What are the legal implications?

- 15 Colleagues in Procurement and Commercial Services (PACS) have advised there are no legal implications in awarding the new licences.
- 16 The decision to award the licences is a Significant Operational Decision as it is a direct consequence of a previous Key Decision (decision ref D57068) taken in January 2024 "Approval to extend and grant new ice cream / refreshment concession licences".
- 17 The appendix attached to this report is restricted as confidential under Access to Information Rule 10.4.(3) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) which, if disclosed to the public, would, or would be likely to prejudice the commercial interests of that person or of the Council.
- 18 It is considered that the public interest in maintaining this information as exempt outweighs the public interest in disclosing the information, as disclosure may prejudice the outcome of the procurement process. The details of the tender proposals within the appendix also contain the financial details/business affairs of individual companies.

Options, timescales and measuring success

What other options were considered?

- 19 All sites have been reviewed to determine whether awarding a licence is in the best interest of the Council.
- 20 Not awarding the licences would result in loss of income for the Council.

How will success be measured?

- 21 Success will be measured through monitoring performance against the licence conditions.

What is the timetable and who will be responsible for implementation?

- 22 The new licences commence on the 1st April 2024.
- 23 The Head of Commercial and Estates within the Climate, Energy and Green Spaces service will be responsible for implementation.

Appendices

24 Confidential Appendix A – Confidential information relating to sites, financial information and traders' details.

Background papers

- None