



CHEL TENHAM

BOROUGH COUNCIL

Vendor opportunities
On
Hartley Lane (LK Hill), Beeches Playing Field,
Burrows Playing Field and Hatherley Park



Pictures above show the location of the opportunities.

1.0 Background

The purpose of these opportunities is to explore the commercial viability of using our parks and popular locations to provide a provision that the communities say that they support and they want, as COVID pushes more people into our external recreational locations. This provision is also supporting our local vendors who have also been adversely affected by COVID by the loss of bookings through the cancellations of festivals, weddings and other events.

However, this is not an easy thing to achieve and there are a number of hurdles that have to be overcome in order to be able to provide more permanence.

Hurdles to a longer let (rather than a trial):

- We have to 'test the market' and ensure the opportunity is viable and sustainable in a given location.
- Adverse effects on local markets and businesses (we want to support the local economy, not compete with it)
- Restricts alternative opportunities if let on a longer basis, it has to be considered against emerging projects and adjustments made. This is particularly relevant at Burrows.
- Public Open Space is protected in law (S123). There is a set statutory process to follow for a longer letting. In order to commit the time and resource a trial is necessary to assess if it is viable.
- Restrictions on title. This could be a covenant restricting or preventing as a specific use. Some of our fields from part of 'Fields in Trust' and permission is required to proceed on a longer basis, this takes time and there is a cost associated with this. FiT can reject applications.
- Additional strain on current services, such as damage to playing field surfaces, additional rubbish generation, or lack of car parking resulting in local disruption for residents.
- No WC facilities, running water or electrical connections and how to overcome these.
- Ensure stakeholder buy in and support. Working with the stakeholders and the communities to ensure success and address concerns. This is part of a consultation process.
- For a longer term the opportunity we will also require Cabinet approval.

This is why the trials are so important, as they will help us overcome the hurdles and support a possible longer term future.

These four locations have been identified as the most viable opportunities currently.

1. Hartley Lane car park, Leckhampton Hill
2. Beeches Playing Field, Charlton Kings
3. Burrows Playing Field, Leckhampton
4. Hatherley Park, Hatherley (longer term opportunity post a successful trial)

2.0 Terms to be offered

| No. | Name | Status | Length of term | Agreement type | Rent/ fee |
|-----|-------------------------|---------|-------------------------------|----------------|-----------|
| 1 | *Lk Hill (Hartley Lane) | Trial | 9 months | Licence | £ |
| 2 | Beeches | Trial | 9 months | TaW | £ |
| 3 | Burrows | Trial | 9 months | TaW | £ |
| 4 | Hatherley Park | Tenancy | 3 years (annual break clause) | Lease | £ |

TaW = Tenancy at Will

pcm = per calendar month

*Lk = Leckhampton abv.

All agreements to commence 1st March 2021, subject to a satisfactory conclusion to the work that is currently being undertaken to secure these opportunities. The 9 month opportunities will end on 1st December 2021 (subject to no issues during the trial periods).

2.1 Opportunity details

- Leckhampton Hill

This will be offered on a Licence Agreement via Cheltenham Borough Council are landowner. A Licence is a form of permission to use the Councils land. The vendor must remove their vehicle every evening and re-position it every morning. The location will be set. Due to our experience this area can be targeted by thieves and it is unwise to leave anything unattended overnight.

The footfall is unknown but considered high enough to warrant a trial. There are no WC's, electricity or running water. These all have to be considered by the vendor and further discussions may be needed as to what can and can't be done.

This offering is located in Tewkesbury Borough Council and matters such as planning and street licencing is outside of our jurisdiction. Cheltenham Borough Council are the land owners. All the unknowns and potential hurdles are reflected in the fee payable per calendar month.

- Beeches Playing Field

This will be offered on a Tenancy at Will (TaW). The vehicle can be left in position for the duration of the TAW and the vendor must take the necessary precautions to protect their property. The exact location is likely to be North of the pavilion in Beeches playing field. This can be discussed further with the selected applicant.

Footfall is regarded as being potentially high with the fields being very popular with the skate park, playground close by, football and associated sports, and popularly used for fitness and general recreation, such as dog walking. Balcarras and the Junior school are very close by and the pavilion will be situated on a well-used pedestrian route. The high footfall at this location should be reflected in any rent offered.

It is possible to connect an electricity supply to a vendor's vehicle, and the vendor will have use of the pavilion for water and their own WC usage. The electrical supply will come at an extra cost and the use of a generator is unlikely to be supported.

This will be a trial only at this juncture as it is uncertain if this opportunity would negatively affect the current local economy. The Council will seek to end this opportunity (possibly earlier than the end of the term) should it result adversely on local businesses and it will not be offered again until this can be resolved. However, the Parish Council feels that the location proposed is removed enough from local businesses not to adversely impact them.

- Burrows Playing field

As above with the exception that this is a 9 month period due to further works being planned on Burrows playing field to improve the playing surface. This could start in 2021 and it is possible that it could have an effect on trading. The works are subject to obtaining funding and the vendor will be kept informed, as soon as any works are scheduled to start and the proposed timetable.

There is a current trial occurring on Burrows and business has been good. In terms of this particular opportunity, the lack of WC's facilities for the general public has definitely been an issue and this is something that needs to be considered and addressed by any interested party. There is also a lease being proposed to a local football club for the Pavilion. If this lease is successful then use of the changing rooms for the vendors personal WC's requirements and water provision will need consideration.

- Hatherley Park

A trial has been successful and this trial is coming to an end. We are very pleased to be moving to the next phase and now the offer will have a bit more security in terms of longevity.

We still have lots of hurdles to overcome to move to the next phase but, we are working hard in the background to overcome these. Should you be interested in what we are doing please contact us directly. This opportunity is subject to Cabinet approval.

In terms of this particular opportunity, the lack of WC facilities has definitely been an issue and this is something that needs to be considered by any interested party. Electricity supply is being reviewed and a supply will hopefully be in place from the pavilion and will be charged as an extra cost.

3.0 What we have learnt from our current trials :

3.1 Type of vendor

Market research suggests the optimum opportunity will be for; selling teas and coffee, quiche, sausage rolls, bacon sandwiches, sandwiches, rolls, salads, cakes etc... focusing on mainly cold foods and snacks but the provision of some hot foods maybe an option. We wish the applicant to consider the location that they are considering and remain sympathetic to the setting, no alcohol.

3.2 Trading hours

We are happy to discuss these with you, but ideally we do not want to encourage late night gatherings. We would not want you to trade after 8pm. No parties to be arranged by our vendors in our parks!

3.3 Vendor size

3m x 6m, however this is open to discussion. It is important that it has the right aesthetic in terms of size and design, with nothing offensive printed on the vehicle (or trailer). We would like you to submit a photograph of the vehicle/ trailer you have in mind for the site, for our consideration.

3.4 The 4 opportunities

You are able to submit a proposal for all four opportunities. If you are able to take up more than one of the four opportunities please be clear from the outset. Please rank your preferences: 1. Being your most preferred option. Please state why this is your preferred option e.g. you live nearby, you have connections with other local businesses and you will sell their cakes etc... Ranking one option as your preferred option will not guarantee that you are the successful candidate for that option. If you are unsuccessful this time, it does not mean that you will not be considered again.

3.5 Consents required (if you are successful in securing this opportunity)

- **Tenancy at Will (TAW), Lease or Licence subject to contract** – legal contract with the Council as its capacity as Landowner. Please seek your own professional advice as this is a legal document.
- We will need to agree Heads of Terms for the legal contract, please propose terms as part of your submission.
 - 3.5..1 **RAMS** – Risk Assessment Method Statement including a risk assessment for the management of COVID.
 - 3.5..2 **Public Liability insurance** for a minimum of £5million
- **Street Trading Consent** is required - https://www.cheltenham.gov.uk/info/41/licences_-_streets/109/street_trading/2 . This is for the vendor to make their own enquiries, complete any paperwork necessary and to cover all fees and charges due. This is a statutory requirement. Please note that the Lk Hill opportunity is based in Tewkesbury Borough Council and you will need to enquire direct with them.

- **Planning consent** – the Council will seek the necessary consents for the **temporary opportunities** and will look to optimise any relaxations due to COVID. However, these may be time limited and once you have secured an opportunity you will need to apply for a full planning application for the duration of the intended occupation.

For clarity, the Council will seek a temporary consent to allow you to move onto a pitch in which you have been successful in securing, but you immediately need to make a formal planning application to remain for the duration of the term. You risk being asked to leave, if you have not secured a sufficient planning permission.

The planners will need to know the dimensions of the van, trailer or whatever vehicle will be used as well as photographs of the design. We also need to know if you would like to have an outside seating area and therefore whether you would like to provide a marquee or some sort of undercover arrangement (we need to know numbers, for example number of outside covers, and dimensions if a marquee is proposed). Any changes (no matter how temp.) to the outside areas will need to go through planning, this could also include signage. We expect all these elements to be covered in your submission.

- **Building Regulations** – it is unlikely that Building Regulations would apply and your unit will qualify as an exemption, but please evidence that you have checked and that you can satisfy yourself that they are not required.

3.6 Potential areas for use by a vendor and potential layout plan (the eventual layout plan needs to be agreed by all parties and will form part of the TAW, Lease or Licence). Please contact use to discuss our thoughts.

Please consider your visibility to passing trade, **protecting the grass** if you are on an unsurfaced area and the aesthetics of the area you will locate to. You will need to consider how you will limit any potential impact on current Council services such as waste collection or grass cutting difficulties.

Areas for use:

- **Vendor** – for positioning of a temporary vending vehicle or trailer. The Council will not request that the vehicle is moved daily (apart from at Lk Hill). Please make this clear in your application as to your preference.
- **Outdoor seating area** – do not disadvantage yourselves by considering areas that could be used for car parking, or restrict the use of the field. Please ensure that you show that you understand the area that you are interested in and are sympathetic to its limitations and sensitivities. Any furniture, marquees etc is for the vendor to supply. How you intend to use and position everything should be covered in your RAMS.
- **Matting or surfacing** - for the protection of the grassed area (if applicable) and to stop the area becoming overly muddy or worn because of the Kiosk and its use.

- **Weeds and aesthetics** – please keep weeds at bay as they can quickly spread and keep the kiosk and surrounds well maintained and pleasing aesthetically. Please refer to this in your submission.
- **Weather conditions** – wind and rain can make trading uncomfortable, for the traders and for the customers, consider driving rain and penetrating winds when having discussions about positioning.
- **WC's** – The main feedback has been that the presence of WC's would encourage customers to buy more drinks. The Council cannot facilitate these, so the vendors should consider how they could facilitate these if they feel it is a necessity to increase revenue.
- **Car parking** – Car Parking needs may require further discussion, to agree the optimum solution.

3.7 Costs and charges

- Please note that you are required to make your own enquiries into licencing consents, planning and building regulations, services (electricity, gas and water as applicable) and all fees and charges for this are for the vendor to cover.
- The rent or fee payable for the opportunity

4.0 If you are interested?

4.1 We would like you to bid. What rent you would pay for any of the given opportunities and what you can bring to the table and to be guided on the information contained within this document. This is known as an 'informal tender process'. Elements have been flagged throughout the document and these are fundamental to supporting any submission. You can submit your proposal by email or in a more formal document attached to an email. abigail.marshall@cheltenham.gov.uk. Please request acknowledgment of your submission.

4.2 Other elements that are important to the Council (but are desirable rather than crucial), that will help inform our decision are:

- **Business proximity** - are you based or do you live in Cheltenham? We prefer to support our local economy.
- **Green credentials** – carbon footprint, recycling, green incentives, etc. what do you have in place? Tell us how you work?
- **Local economy/ local suppliers** – will you work with other businesses and use your network to broaden out what you can offer (for example, all sandwiches are made by a local firm, individual etc.)
- **Rubbish and waste mitigation**, including waste removal
- **Qualifications, certificates, experience**, tell us what you have or what you are striving for.
- **Customer reviews** – what do people say about you. Do you have a web presence that we could look at and see.
- **Ideas**; we would love to see what is possible and there may be things we have not considered. We would love to hear your ideas.

The opportunity is 'subject to contract', the contract is the Tenancy at Will, Lease or Licence. If you are interested please submit a proposal for the Councils consideration by: **date**

5.0 Important notes

The Council are looking for the 'best fit' and will consider all the information submitted by an applicant. We will not be able to release information of a sensitive nature to other applicants who were not successful, especially if it is commercially sensitive or personal information. We reserve the right not to opt for the highest bidder, please be realistic as to what you can afford.

Any information submitted will be held for the purposes of selecting a vendor/s that we wish to work with in relation to the opportunities on offer and outlined in this document. Information will be retained if you are successful and destroyed within a two week period if you are not successful for GDPR reasons.

Should you wish to be considered for future opportunities please let us know and we will continue to hold basic contact information for you. You may be required to submit similar information again for future opportunities, so please hold on to information for your own records, do not assume the Council already have it. Your information may be shared with internal Council teams and partner organisations for the purposes of furthering this opportunity in isolation. It will not be used for marketing purposes.

The applications will be considered by the Green Spaces (Parks and Gardens) Team and the Property Team, and they will make recommendations to Cabinet. The final decision is subject to Cabinet Approval. The final Decision will be published on the Councils website.

You are able to contact the Estates Surveyor to discuss this opportunity further and request to meet on site; the best time to raise concerns or questions is PRIOR to the submission date. Things you flag or highlight may be shared with other interested parties, as we want everyone to have the same opportunity. Please ask if you require any further information.

6.0 Contact information:

Abigail Marshall – Estates Surveyor

Tel: 01242 264240 (only active whilst at work) please do not leave automated voice mails, these are not guaranteed to reach me.

Email: Abigail.marshall@cheltenham.gov.uk (best form of contact)

Appendix One

Summary of what to include in in your

'Informal Tender'

Please do not use this in isolation of the wider document and information available to you, this is meant as a guide only.

| Item | Overview | Document reference |
|--|--|---------------------------|
| Location | Which one/s are of interest. Please rank. | Paragraph 2, pages 3 -4 |
| Rent/ Licence fee | How much are you willing to pay to secure the opportunity? Please quote per calendar month. We will expect you to make payments in advance, not in arrears. | Table paragraph 2, p 3 |
| Agreement type | Ensure you understand the type of agreement on offer and for which opportunity. All are 'subject to contract'. | Paragraph 2, pages 3 -4 |
| Vendor | Who are you and what can you bring to the opportunity | Paragraph 3.1, page 4 |
| Hours and days | When do you propose to trade, what would you like you core trading days and hours to be? | Paragraph 3.2, page 5 |
| Size of unit | How big is your kiosk and what does it look like? | Paragraph 3.3, page 5 |
| RAMS + Insurance | Risk Assessment Method Statement and Insurance details need to be submitted with your proposal | Paragraph 3.5, page 5 |
| Planning | Please demonstrate that you understand what is required in terms of planning when you submit your proposal. You do not have to secure planning for the proposal stage. | Paragraph 3.5, page 5 |
| Building Regulations | Demonstrate your understanding and indicate if you feel that you are / or are not exempt. You do not have to secure building regs. for your proposal. | Paragraph 3.5, page 6 |
| You, the location, the community and the environment | Who are you, how do you operate and how can you demonstrate that you understand the location, the community and the environment. | Paragraph 3.6, page 6 |
| Costs and charges | Demonstrate that you understand all the costs and charges that might be associated with this opportunity, this should also help inform the informal tender and amount of rent offered. | Paragraph 3.7, page 6 |
| Desirable criteria (not crucial) | Further information that you can provide about yourselves that will help inform the decision making process. | Paragraph 4.2, page 7 |
| Important note | Please read to better understand our decision making process. | Paragraph 5, pages 7 -8 |
| Contact information for the Council | Please get in touch if you have any further questions. | Paragraph 6, page 8 |