



ADUR & WORTHING
COUNCILS

Joint Overview and Scrutiny Committee
17 March 2022
Agenda Item 8

Key Decision [No]

Ward(s) Affected:

Strategic Approach to Seasonal Concessions in Adur and Worthing

Report by the Director for the Economy

Executive Summary

1. Purpose

1.1 To provide Members with a detailed understanding of the approach being taken to deliver Seasonal Concessions across Adur and Worthing, and how they support economic activity.

1.2 To update Members on the process, procedures and regulations associated with the awarding of a Seasonal Concession licence, including the sustainability credentials.

2. Recommendations

2.1 That JOSOC notes the overall approach to Seasonal Concessions to deliver place-based interventions and activities to support local businesses and provide additional destinations for our communities and visitors to enjoy.

3. Context

3.1 The Seasonal Concession Programme forms part of the strategic approach to activating our spaces and places, and supports a number of initiatives contained in the Council's Platforms for our Places: Going Further document.

3.2 Adur & Worthing Councils have been running Seasonal Concessions since 2008. This started with 2 businesses in 2 locations in Worthing. At the start, the Councils engaged with these businesses on an individual basis with limited controls in place to manage quality and operation. The opportunities weren't advertised and fees were ad hoc.

3.3 From 2008 - 2015 the interest levels organically grew, however this was only available in Worthing with opportunities primarily for arts and leisure offers only. In 2013, the Councils trialled concessions in Adur along similar lines. However, during this period, the Council still didn't identify locations and it was down to individual businesses to approach the Councils. The overall approach was still uncoordinated and inconsistent in terms of delivery and fees.

3.4 The Seafront Investment Plan (2017), commissioned by Worthing Borough Council, identified real potential for 'meanwhile uses' to be installed in the short term to generate interest in the seafront and illustrate the longer term plans for the seafront. This plan signalled the potential that existed to provide a strategic approach to deliver these 'meanwhile uses', or now more commonly known as 'pop up businesses' under a more advanced Seasonal Concession Programme.

3.5 The overall aim of the programme seeks to provide additional interest at these locations and drive greater footfall, create the conditions for new local start up businesses, provide local jobs thereby providing a greater economic impact in each locality. Since the programme has been fully established, the locations and operators have evolved where some are now 'destinations' in their own right and are providing not only important outdoor experiences, supporting the visitor economy, but are also becoming meeting points for our communities (e.g. Wellbeing Groups).

3.6 Since 2018, the Councils' has grown the programme to 53 sites across Adur and Worthing, now including parks and riverside locations, providing an opportunity for a diverse range of businesses to trade.

3.7 In Worthing: the area for seasonal concessions includes the length of the seafront from Western Road in the east to Goring Gap in the west, with 36 seafront pitches and 5 park pitches.

3.8 In Adur: whilst there is no formal promenade, there are 12 pitches available for concessions within the parks and by the river, as well as on the coastline at Shoreham and Southwick. For 2022, it's been agreed that for Shoreham Beach Green the Council will prioritise those businesses that can provide a zero carbon offer.

3.9 An interactive map is available on the Councils' website to allow prospective operators the ability to review all locations ahead of applying. A snapshot of the locations is below:



3.10 The breadth of offer (as identified in 3.9) is starting to give Adur and Worthing a new 'look and feel' and whilst mindful of the sympathetic nature of some of the locations, these 'pop up businesses' are fast becoming a fixture on the landscape. However, the number of businesses and locations is under constant review to ensure the 'offer' remains high quality and doesn't provide the sense of over-crowded locations. There are no current plans to increase the programme further in terms of scale.

3.11 The Seasonal Concession categories have evolved over the last four years in response to the changing economy and, laterly, the Covid-19 pandemic. The Councils' currently advertise for:

- **Food:** pizzas, doughnuts, crepes, wraps/paninis, gourmet burgers/sausages, rice boxes, street food, vegan alternatives, etc
- **Refreshments:** drinks including teas, coffees and soft drinks, light snacks (biscuits, cakes, pastries, etc) - alcohol sales by arrangement with the licensing unit only and at full discretion of the Councils
- **Ice-creams:** either from a van, small unit or hand-cart/trike, serving artisan ice-creams, soft-serve and lollies
- **Leisure, Arts and Crafts:** including kite-surf and paddle board hire and instruction, cycles, face painting, hair braiding, hand-made goods, local produce (non-food) etc

- **Seafood and Fish Sales:** either as a concession unit or as ancillary sales from an existing fish sales locker registered with a local fisherman

3.12 The Covid-19 pandemic generated a need to utilise outdoor space much more and the government did (and still is) encouraging outdoor dining and experiences. The pandemic created a spike of interest and applications in 2020 following the first lockdown. This wave of interest has continued for the last 18 - 24 months, however whilst more applications have come through the number of locations hasn't increased (in line with 3.9).

3.13 Some examples of the types of businesses that have (are) traded under a Seasonal Concession licence include:

- [Gorilla Pizza Kitchen](#)
- [Fire, Salt & Sea Sauna](#)
- [GLO Wellbeing Watersports](#)
- [The Camp's Coffee Bean Co.](#)
- [Rose Petal Cake Company](#)

3.14 As part of the strategic approach, and in line with the Councils' ambitions associated with SustainableAW, the Seasonal Concessions Programme has adapted its approach over the years and now has, and asks about, sustainability credentials of those operators chosen to form part of the programme. Further information can be found at 5.6 - 5.8 and 6.3 - 6.5.

4. The process

4.1 The Councils now actively market the availability of sites prior to each operational season. An application process is now in place, providing an open opportunity for local businesses and operators to 'bid'. This is in contrast with the original process of businesses approaching the Councils highlighted in 3.2 - 3.3.

4.2 For summer season licences, all of the locations available for a licence are marketed in February, prior to the start of the season. Current licence holders and those who have requested to receive marketing updates about concessions are emailed the relevant details. The same process takes place for Winter concessions with the details marketed in the Autumn.

4.3 The application itself asks operators to identify what offer they are considering, their preferred location, how their offer contributes to the location and community, whilst also clearly asking how their operation is as sustainable as possible, ideally carbon neutral. As part of the process bidders are also asked to provide an image or impression of the offer, as well as a business referee.

4.4 There are FAQ's on the Councils website, on the [Seasonal Concessions webpage](#), to assist businesses who are looking to apply. This includes details such as whether electricity can be provided at a particular location, how they access the site and how waste should be managed.

4.5 Following the close of applications, an Officer Panel meets to review the applications and make recommendations about which operators should be selected for that season and at which locations. These recommendations are referred to the relevant Head of Service and Executive Members. The final decision, and sign off, for a Seasonal Concession Licence is delegated to the Head of Place & Economy, in consultation with the Executive Members for Regeneration.

4.6 The Councils' aim for all locations to be licensed by the start of each season (see Section 5 for licence details), however it is at the Councils' discretion to accept and award late applications throughout the year if any locations remain vacant following the application process. .

4.7 Officers notify unsuccessful applicants and engage with the successful operators to finalise the licence and supporting paperwork (as outlined in 5.5) prior to the start of the season.

4.8 The Council can also consider up to 3-year licence agreements in certain circumstances, however this is at the discretion of the Councils and these are only offered when operators have been successfully trading for a number of years. Currently, these are only in place for leisure operators due to lower turnover of these types of businesses, whilst they also serve as an important leisure offer as part of the overall visitor economy.

4.9 To advertise the Seasonal Concessions Programme, including when application windows are open, the Councils have a dedicated [webpage](#), issue a number of press releases and also post via social media (examples are included in the background papers). In addition, to aid business development, a number of 'spotlights' are also planned on the operators in each season.

5. About the licence

5.1 A Seasonal Concession Licence gives the licensee temporary consent to trade from Council owned land where no Council building for exclusive use or significant occupation takes place. The site must only be used for the purpose defined by the licence.

5.2 Temporary consent means a daily licence only, therefore operators must arrive and depart from their location on the same day. However, they have the ability to trade as they deem appropriate during the season (or month) from when their licence runs from - to, but no vehicles or equipment can be left overnight at the licenced location.

5.3 All concession licences are issued as 'Personal Licences', giving the named operator permission to operate at an agreed location under the terms and conditions as set out in the licence.

5.4 The Council may suspend or vary operation of the concession subject to the licence on 24 hours' notice or immediately in the event of an emergency (such as, if repair works to the Council's land, promenade or the adjoining foreshore are to be carried out), or if a public event is to take place. This also applies if the Council needs to rescind the licence if a problem occurs with the operator.

5.5 All concession operators are required to submit up to date copies of the following documentation at each time of applying:

- Public liability insurance, to cover a minimum of £5 million
- Business risk assessment
- Duty of Care Waste Transfer Note valid for the entire duration of concession period (waste carrier notes are not acceptable)
- COVID-19 safety management plan (whilst the pandemic continues)
- Power source used for the concession unit (battery, gas, solar, diesel / petrol generator)

In addition to these documents, all food and drink providers are also required to provide copies of:

- Food business registration
- Food Hygiene Rating
- Any relevant hygiene/food training certificates and qualifications
- Gas/electrical safety certificates (where applicable)

All water sport operators are also required to provide copies of their:

- Valid BKSA/IKO or equivalent instructor certificate
- Any relevant training certificates including First Aid

5.6 As the Councils have declared a Climate Emergency, Seasonal Concessions have been working through a phased approach to improving sustainable credentials of the chosen operators. The following now forms part of the licence agreement:

“Generators will only be permitted in exceptional circumstances, where no other means of power are available. Alternative means of power including solar and battery power should be considered in the first instance. If diesel or petrol generators are to be used, the noise from these must not exceed 50dB LAeq at the nearest boundary to noise sensitive premises. A drip tray must be in use at all times and a spill kit must be kept alongside the generator in view and available for any emergency use. No refuelling should take place on the beach.”

5.7 In addition to the above, food waste and sustainable cutlery, furniture is highly encouraged and forms a key part of the decision-making process. All of the concession operators hold a valid Duty of Care Waste Transfer Note. This not only confirms that their general and recyclable waste is being managed correctly and not disposed of within residential waste. The Councils encourage the licensees to recycle as much waste as possible, provide recycling points for their customers and only use recyclable or biodegradable products.

5.8 In Summer 2021, the Council increased its public recycling points along the promenade in Worthing to assist the public in being more responsible for their waste. Work is ongoing to determine the needs for other non-seafront locations in Worthing and whether new provision is also required across the Adur sites.

5.9 Any request requiring a business lease or a formal tender continues to be dealt with by the Councils' Property Team. The Seasonal Concession Programme is advertised for 'pop up businesses' with most, but not all, being start up businesses.

6. Looking forward

6.1 The Councils have grown the programme to a sufficient place where current demand in Seasonal Concessions continues to be sustained and the quality of offer is remaining high. Whilst the Councils continually review locations and the number of businesses, there are no plans at the current time to expand the programme.

6.2 The Seasonal Concession Programme is providing much benefit to the Councils, not only economically and socially but also financially. Section 7 provides an indication of the income generated from the programme which is helping to off-set Council services whilst also reinvesting any surplus back into local areas.

6.3 However, as outlined in 5.6, the Councils are fully aware that more can be done around the sustainability credentials of the programme and the operators that are selected to animate our spaces. As part of the continued phased approach to bringing in further sustainable measures, the Councils will be exploring the technical and financial implications of providing strategically located electrical points to enable a shift to more sustainable power sources, where operators are continuing to use generators.

6.4 The Councils will also be considering the pricing model to establish whether the cost of connecting to electrical points (as outlined in 6.3) could be included as part of the licence fee, or a separate charge, if this can be installed. The financing of the electrical points will need to be considered but

this is the aspiration, meaning generators will no longer be required or allowed in the coming years.

6.5 Aligned to 6.3, and due to the success of the Waterwise Cluster and the installation of the new sustainable decking, the Councils are also considering further decked areas to allow for much needed seating and rest areas along Worthing promenade. These need to be strategically considered in line with any new electrical points as any new sustainable decked areas have the potential to establish recognisable Seasonal Concession Clusters and provide even more a sense of 'destination' and 'place'. Any new areas could also accommodate new complimentary LED lighting to extend the use of the spaces.

7. Financial Implications

7.1 The Councils' receive direct income from the businesses and organisations taking a Seasonal Concession Licence. The current financial year will see a projected income of:

- £12,765 in Adur
- £46,192 in Worthing

7.2 This income stream forms part of a number of commercial activities, whereby the income generated safeguards and supports other services from across the Councils.

7.3 If any surplus is achieved above the identified income target, these funds can be utilised to improve facilities nearby to the concession locations. In recent years, new swings at Shoreham Beach Children's Playground and new Sustainable Decking and Seating near Waterwise Playground are examples of that reinvestment.

7.4 The fees are reviewed on a regular basis and advertised on the Councils website prior to advertising for applications for the following season (summer or winter). The fees agreed for 2022/23 are:

Concession Licence Fees 2022/23						
Type	Price Zone	Summer Season	Summer Off Peak Month	Summer Peak Month (Jun, Jul, Aug)	Winter Season	Winter Off Peak Month
Food and/or Refreshments	1	£2,150.00	£239.00	£478.00	£1,435.00	£239.00
Food and/or Refreshments	2	£1,740.00	£193.00	£386.00	£1,160.00	£193.00
Food and/or Refreshments	3	£1,220.00	£135.00	£270.00	£810.00	£135.00
Leisure/Arts/Crafts	W	£1,150.00	£191.00	* N/A	N/A	£191.00
Ice Cream Van Worthing Promenade	C1	£4,750.00	£530.00	£1,060.00	N/A	N/A
Ice Cream Van other beach location	C2 **	£2,750.00	£305.00	£610.00	N/A	N/A
Ice Cream cart/small unit	C3	£1,220.00	£135.00	£270.00	N/A	N/A

7.5 Full payment for the agreed licence period and any legal costs incurred in preparation of the licence, along with an administration fee of £55.00 is required by the business / organisation in advance of the start date, unless an instalment plan has been agreed.

7.6 A deposit of £50.00 is also payable upon collection of an access key, where access is required for particular locations (e.g. Worthing Seafront). This is refundable when the key is returned when the business no longer wishes to trade.

Finance Officer: Emma Thomas

Date: 04/03/2022

8. Legal Implications

8.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.

8.2 s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation

8.3 s1 Local Government (Contracts) Act 1997 confers power on the Council to enter into a contract for the provision of making available assets or services for the purposes of, or in connection with, the discharge of the function by the Council.

8.4 Section 123 Local Government Act 1972 places an obligation on the Council to dispose of land for best consideration, which is not limited to the monetary purchase price, but may include other elements in the transaction, provided those have a quantifiable commercial or monetary value.

8.5 The same general principles that apply to other procurement rules apply to the award of concession contracts. In particular, contracting authorities must treat economic operators equally and without discrimination and must act in a transparent and proportionate manner. The award procedure must not unduly favour or disadvantage certain operators or certain works, supplies or services and the means of communication must be generally available and non-discriminatory, and shall not restrict economic operators' access to the concession contract award procedure.

Legal Officer: Joanne Lee

Date: 4th March 2022

Background Papers

- [Seafront Investment Plan \(2017\)](#)
- [Press Release - Pop-up traders to bring sizzling summer delights to Adur and Worthing \(April 2021\)](#)
- [Press Release - Concessions tell of success as they help bolster local economy and create community destinations \(August 2021\)](#)
- [Facebook Release - Release of applications for Summer Concessions \(February 2022\)](#)
- [Seasonal Concessions Policy \(2022\)](#)

Officer Contact Details:-

Name: Andy Willems

Role: Head of Place & Economy

Telephone: 01273 263179

Email: andy.willems@adur-worthing.gov.uk

Sustainability & Risk Assessment

1. Economic

- The Seasonal Concessions Programme provides existing and new local businesses the opportunity to trade across Adur and Worthing through a 'pop up' use.
- The programme not only supports business creation but also job creation as a number of local opportunities have been identified.
- This initiative not only provides local economic value but it is fast becoming a key plank of the visitor economy, as the leisure providers (Watersports businesses) are becoming destinations in their own right.

2. Social

2.1 Social Value

- Due to the locations within the programme, the operators have the potential to engage with and be part of the community.
- A number of providers, the best example being Fire, Salt & Sea Sauna, are connecting with wellbeing and health groups and are starting to provide social experiences through their core activities.
- As the programme has moved to a cluster-based model, the operators are mostly grouped together, therefore even between the operators themselves (during the season) there is a sense of connectivity.

2.2 Equality Issues

- Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

- Matter considered and no issues identified.

2.4 Human Rights Issues

- The programme has been designed to be considerate and sympathetic to the communities where the locations have been selected. This includes a consideration for noise, especially where residential properties are close to the sites.

3. Environmental

- The programme aligns with the aspirations of SustainableAW. The phased approach has seen the requirement for sustainable packaging, recyclable waste and minimising food waste (where relevant).
- The programme has restricted the type of generators that can be used, with a strong encouragement for operators to not use this method of power. The application process gives a strong indication that those businesses who can demonstrate clear and deliverable sustainable methods will be prioritised.
- A number of concession sites have electrical power, however the strategic approach is to investigate the delivery of further electrical points to reduce and, in time, eradicate the need for generators.

4. Governance

- Matter considered and no issues identified.