

# Tonbridge and Malling Borough Council

## Leybourne Lakes Country Park

### Draft Heads of Terms

February 2018



# Introduction

Following a soft market testing project, commissioned by the Council's Street Scene, Leisure & Technical Services Department and undertaken by Oaks, Members of the Communities and Housing Advisory Board gave their approval to seek formal tenders for the outsourcing of the management of Leybourne Lakes Country Park.

To further develop this project, Oaks have been commissioned to produce a draft Heads of Terms document and related tender Evaluation Criteria.

These documents, subject to Member approval, will provide the framework for the development of the full tender materials in accordance with the Council's Procurement Regulations.

## Heads of Terms

### Context

Opened in 2004, Leybourne Lakes Country Park (LLCP) covers an area of approximately 230 acres, forming part of the land north of the M20 which separates the built-up areas of Snodland, Larkfield and New Hythe.

Formerly part of a wider site of disused gravel pits, the nearby housing development by Berkeley Homes in the early 2000s prompted the creation of the Country Park and designation as a 'Site of Nature Conservation Interest' to offset the community impact of the new homes and to provide the new residents with open, natural space for leisure and recreation. Fourteen years on, the Country Park is now well used by the local community, attracting an estimated 150,000 visits each year.

The site currently encompasses a range of habitats including established lakes, grasslands, newly created shallow wetlands, dense scrub, the Mill Stream, hedgerows and woodlands. Current facilities include:

- Informal recreation provision - including a children's play area and wildlife play trail, hard surfaced and grassland paths for all ability walking, and picnic areas and benches
- Small and temporary mobile catering services
- Car parking areas
- A range of formal recreation concessionaries focused on water sports and fishing
- A Park Rangers office, grounds maintenance storage and public toilets

The site is currently owned and managed by Tonbridge & Malling Borough Council (TMBC) with financial support from East Malling & Larkfield Parish Council.

A significant proportion of the site is visitors engage in informal activity, primarily walking. Formal activity such as windsurfing, canoeing, small boat sailing and scuba diving are carried out on the main lake and regulated fishing is also a popular activity within LLCP – all of which are delivered by time

bound contracted partnerships. Services available to users of the Park include ad-hoc catering, provided by a short term contracted concession.

## Strategic objectives

TMBC are committed to providing an excellent quality of service for future users of LLCP. In doing so it will ensure that all visitors to the Park have opportunities to enjoy easily accessible and welcoming social and informal recreation, balanced with a wide range of high quality formal sport and leisure opportunities. In addition, TMBC are committed to enhancing the nature conservation attributes of LLCP.

To help facilitate the Park's future development, TMBC will invest capital funding secured through an existing section 106 agreement. In line with this agreement, this capital investment will be used to enhance the visitor experience and improve future sustainability.

To maximise the future development of LLCP, the Council would like to invite external partners with the relevant skills, creativity, experience and business acumen to tender for the outsourcing of the Park's operations. Through this process, TMBC will seek a partner to not only improve the use of the Park and the visitor experience, but also ensure the current level of Council subsidy is reduced or eliminated. The following document provides the framework for the development of this partnership.

## The opportunity

TMBC will maintain its ownership of LLCP. From 1<sup>st</sup> April 2019 TMBC will actively pursue, subject to a suitable partner being identified and satisfactory contractual conditions being reached, the outsourcing of the park's management and maintenance.

This opportunity will comprise a 20 – 25-year full repair and maintenance operating lease for the total management of LLCP, including grounds maintenance, service provision and nature conservation. In addition, the opportunity will be supported through a £740,000 capital investment by TMBC.

This opportunity will be tendered in line with the following Heads of Terms:

### Credentials

TMBC has a responsibility to provide the highest quality of service to the communities it serves, in addition it must ensure that any investment of public funds achieves the greatest return on investment. TMBC is committed to working with partners who share this professional approach and can clearly demonstrate their ability to manage a contract of this scope and size.

Tenderers will be required to demonstrate their:

- Corporate structure and suitability to enter into a partnership with TMBC
- Economic and financial standing and ability to enter into a partnership with TMBC
- Industry compliance and ability to adhere to all legal requirements (to be detailed within tender pack)
- Skills and experience in managing similar contracts, including:

- Sport and leisure facilities
- Informal recreation provision
- Outdoor activity areas
- Grounds maintenance
- Nature conservation
- Community Engagement

### **Business and financial planning**

The outsourcing of LLCP must maintain, and ideally improve, the experience of customers at LLCP. In addition, any future partnership must support the reduction of the financial subsidy provided by TMBC. The Council is committed to identifying partners who can demonstrate the necessary financial rigour to deliver an excellent customer service within a value for money approach. Tenderers should be aware that the Council elected to 'opt to tax' the site of Leybourne Lakes in 2005. Therefore, we suggest that you should take VAT advice when considering your respective proposed business plans.

Tenderers will be required to submit a detailed Park Master Plan and a 5-year Business Plan. This Master Plan will require partners to:

- Demonstrate their understanding and due consideration of the existing LLCP Management Plan 2017 – 2021.
- Detail any alterations to the orientation and specification of the Park, including fixed assets, public access, walkways and cycleways, car parking, visitor / recreation attractions, green space and nature conservation areas.
- Provide a comprehensive five-year Business Plan comprising:
  - A five-year budget forecast demonstrating:
    - How the TMBC budget subsidy will be reduced/eliminated within five years of contract commencement
    - The proposed profit share structure and conditions
    - The financial projections relating to the delivery of a full repair and maintenance contract
  - A schedule of proposed capital and revenue investment (identifying how this will impact the five-year budget forecast)
  - A detailed breakdown of proposed income generating activities and new service areas
  - Financial KPIs that a partner wishes to be measured on
  - A risk management plan with identifiable mitigations

### **Park ethos**

LLCP was established through a Section 106 agreement to deliver a community asset. TMBC are committed to maintaining the provision of LLCP to the benefit of the local community. TMBC wants all people, irrespective of their economic standing to be able to access and enjoy the Park's amenities. Further, any new provision must be considerate to the Park's ethos.

Tenderers will be required to demonstrate how they will maintain the ethos of the Park in relation to:

- Maintenance and development of LLCP wildlife and areas of interest
- Balance of informal and formal activity

- Public access and free use engagement
- Design and orientation of new or amended fixed assets, including capital developments
- Delivery of events and activities
- Surrounding conurbations near the Park

### **Conservation**

TMBC are committed to providing a positive balance between nature conservation and leisure provision. Visitors to the Park must be able to have the opportunity to enjoy both aspects without compromising the natural environment.

Tenderers will be required to demonstrate that they have an understanding of and appropriate plans in place to:

- Ensure LLCP maintains its Green Flag Award throughout the duration of the contract
- Maintain the water quality standards currently in place
- Maintain and protect the wildlife and green space within LLCP

### **Capital development**

TMBC wishes to make a capital investment in the infrastructure of LLCP. This investment must enhance the visitor experience and improve and safeguard the financial sustainability of the Park. TMBC welcomes tenderers who wish to provide additional capital investment to further these objectives.

Tenderers will be required to:

- Detail their intentions to invest in the proposed fixed capital developments and conditions associated with this investment
- Provide a Park orientation and Capital Development Plan, identifying costings and future business and customer experience impact
- Identify their desire and ability to support the design and build of any capital development projects and the impact that this would have on the five-year financial projections
- Detail their intentions to invest in the non-fixed / revenue generating assets and conditions associated with this investment

### **Staffing**

TMBC is a caring and diligent employer, who supports the development and wellbeing of their staff. In addition, TMBC are a large local employer who wishes to stimulate employment opportunities throughout the borough. A new operator will be required to reflect this approach and clearly demonstrate how it will add value to both paid employment and voluntary engagement.

Tenderers will be required to:

- Provide a staff recruitment, deployment and Management Plan, to include:
  - Arrangements for TUPE of current LLCP staff employed by TMBC
  - Role descriptions and salary
  - Proposed structure and scheduling
  - Training and development programme

- Employment policies and procedures

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## Activities and services

TMBC is committed to ensuring continued provision of the Park for existing formal and informal users. To give a new operator the greatest planning flexibility, TMBC will conclude all existing contractual obligations with the exception of (the local fishing concession to be defined) prior to the commencement of the new partnership term. In doing so, TMBC will require tenderers to view existing customer groups in a positive light, and where financially practical, to accommodate them within future activity scheduling. At the point of issuing the tender, TMBC do not wish the operator to propose any motorised water sports in their plans.

Tenderers will be required to:

- Provide an activity and event schedule which:
  - Outlines the informal use of the Park's assets and how this will be protected during one-off event delivery
  - Protects (within financial planning constraints) the use of the Park by the following user groups:
    - Existing clubs and user groups, e.g. Parkrun, health walks, scouts, triathlon etc.
    - Fishing concession (tbc)
  - Details how the current LLCP volunteer programme will be maintained and enhanced during the contract term
  - Gives due consideration to the ethos of the Park and its availability as a green space and nature reserve
  - Identified new activities and the added value they will deliver to the user experience and financial sustainability of the Park
  - The pricing policy associated with new activity provision
  - Defines third party partnerships required to deliver the activity and event schedule
  - Defines the impact of the proposed schedule on informal Park access

## Car parking

TMBC operate a wide range of car parking facilities throughout the borough, including provision of a reciprocal 'season ticket' for parking at LLCP and Haysden Country Park. To provide a new operator with the greatest flexibility, TMBC will grant control of the LLCP car parking and any revenues generated through this to the new operator, subject to that operator accommodating the existing season ticket scheme and giving due consideration to the borough's broader car parking policy.

Tenderers will be required to:

- Provide a car park plan which details:
  - Capital expansion or re-orientation plans
  - Proposed charging structure
  - Proposed usage in relation to one-off event programmes
  - Opening and closing times
  - Mitigations to prevent anti-social behaviour
  - Mechanism for collecting parking fees
  - Mechanism for protecting the security of the site

## **Community engagement**

Since the Park's inception, TMBC have worked hard to develop effective and trusted links with user groups and the local community. In respect of the new contract, TMBC will expect a similar standard of interaction to be achieved.

Tenderers will be required to:

- Demonstrate how they will engage with the Customer Panel
- Collect and analyse customer feedback
- Plan for the needs and aspirations of local and visiting Park users

## **Data management and marketing**

In line with similar outsourced arrangements within the Borough, TMBC will expect the new operator to maintain the highest standards of compliance in relation to data protection and data management. TMBC will also require the new operator to market and promote LLCP opportunities in a respectful and complimentary manner in order to effectively reflect the TMBC brand. For the avoidance of doubt, personal data collected and utilised by the new operator will remain in the ownership of TMBC.

Tenderers will be required to:

- Comply with all appropriate data protection, legislation and principles as required within TMBC's Procurement Regulations.
- Demonstrate how they will manage and utilise any data collected throughout the contract term
- Handover all personal data to TMBC at the conclusion of the contract term
- Produce a sample Marketing Plan with defined procedures in relation to:
  - Social media
  - Broadcast media
  - Written media
  - Distribution of marketing collateral and messaging

## **Compliance**

TMBC maintain the highest standards of compliance across all areas of its service provision. TMBC would therefore require a new operator to deliver its obligations to the same standard of provision.

Tenderers will be required to:

- Fully comply with all relevant legislation
- Secure and maintain all insurances and indemnities required to operate LLCP
- Maintain required insight to facilitate full compliance with relevant requests or investigations
- Provide a health and safety plan specific to the staff and visitors of LLCP
- Demonstrate their commitment to adopt TMBC policies and procedures as and when required

## Monitoring, evaluation and performance management

TMBC wish to provide a new operator with the maximum flexibility to develop a creative and effective service offer. To facilitate effective performance management, TMBC will implement timely monitoring and evaluation procedures.

Tenderers will be required to:

- Agree, prior to contract commencement, joint KPIs relating to the management of LLCP
- Submit to a five-year formal evaluation of performance
- Agree to collect and analyse relevant data and insight to support the implementation and enhancement of the Park's management. This will include KPIs for, but not be limited to:
  - Financial management
  - User satisfaction
  - Visitor attendance
  - Community engagement
  - Wildlife conservation