

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

25 January 2022

Report of the Director of Street Scene Leisure and Technical Services

Part 1- Public

Executive Non Key Decisions

1 PETITION – CATERING PROVISION AT LEYBOURNE LAKES COUNTRY PARK

Summary

The Borough Council has received a petition from the existing catering concessionaire in respect of the future provision of catering services at Leybourne Lakes Country Park.

1.1 Introduction

- 1.1.1 On the 20 August the Borough Council received a request to host an e-petition on its website asking that the current café operator at Leybourne Lakes Country Park be allowed to run the proposed new cafe.
- 1.1.2 This e-petition was open for signatures for a six week period and had received 163 responses when it closed on 5 October.
- 1.1.3 At the same time, the café operator had organised a paper petition requesting the same action. This was given to the Cabinet Member for Community Services (Councillor Des Keers) on 6th October.
- 1.1.4 The petition states that the owners of the café have built their business over the last 5 years and have not been consulted about the new café planned for the park. The petition advises that the current caterers have just been informed that TM Active will be running the café and as a direct result they will lose their business. This is felt to be a disgraceful act by the Council to destroy a small family business. The petition requests that 'we the users of the Park wish to see the café remain in the hands of the current business'.
- 1.1.5 At the time of submission, the petition had 1,920 signatures. On 6th October 2021 the organiser submitted an electronic copy of the petition which is attached at Annex 1.

- 1.1.6 In accordance with the Borough Council's adopted petition scheme, attached at Annex 2, petitions containing more than 1,500 signatures will be debated by Cabinet or Full Council, whichever body is appropriate.
- 1.1.7 The petition organiser is also allowed five minutes to present the petition at the meeting prior to discussion by Councillors.
- 1.1.8 As the provision of services at Leybourne Lakes Country Park is an executive function it is appropriate for the matter to be discussed by the Cabinet.
- 1.1.9 The organiser has been invited to address the Cabinet.
- 1.1.10 The Cabinet may recommend the following:
- To take the action requested
 - Not to take the action requested, for reasons put forward in the debate
 - To commission further investigation into the matter
- 1.1.11 The petition organiser will receive written confirmation of the decision reached and this will also be published on the Borough Council's website.
- 1.1.12 The meeting will also be livestreamed onto the Borough Councils YouTube channel.

1.2 Catering provision at this location

- 1.2.1 The current catering provision at the Park is a temporary mobile catering unit selling cooked food and hot and cold drinks. The unit, similar to those found in roadside laybys and at outdoor events and is served by a number of outdoor picnic tables.
- 1.2.2 Following a procurement exercise the current concessionaire was originally on a four year fixed term contract, which expired in March 2021. There was no commitment beyond this date, and if there were no changes being proposed at LLCPC, then the contract would have been retendered in the open market. With the proposed development of a new indoor café and water sports centre being planned by the Council, to be operated by the Leisure Trust, it was not appropriate to retender the existing contract for a short-term period, and a Tenancy at Will was put in place with the existing catering concessionaire until the transfer was agreed. This was signed by both parties in July 2021 and gave each party the right to terminate the contract at any time.
- 1.2.3 Throughout last year the existing catering concessionaire was made fully aware in writing of both the new development and the pending transfer to the Leisure Trust. No commitment was made to the existing concessionaire. The management of the Park was transferred to the Leisure Trust on 1st November 2021 and the Tenancy at Will with the Council was terminated. The Trust has been in liaison

with the concessionaire and agreed for it to continue to operate until the opening of the new facility.

- 1.2.4 Following the opening of the new building at the Park in the Spring it is the Trust's intention to operate the permanent indoor catering operation directly itself, as is the case at its other sites including Larkfield Leisure Centre and Tonbridge Pool. This was a key factor in the Trust's Business Plan submitted to the Council and reported to the Communities and Housing Advisory Board and is reflected in the financial arrangements with the Trust. The nature of the future catering operation at the Park will be very different to the existing approach and will not require a mobile unit.
- 1.2.5 Both the Leader and Cabinet Member have met with the current operator and it has been agreed that if any appropriate opportunity arises for a mobile catering unit on Council owned land in the future the operator will be invited to tender.

1.3 Legal Implications

- 1.3.1 The legal arrangements with the current provider are outlined in sub section 1.2 of the report.
- 1.3.2 At the October 2021 meeting of Cabinet the transfer of the operation of the site to the Trust was approved and a lease and formal management agreement between the Council and the Trust are now in place. The lease grants the Trust exclusive possession of the site, which therefore precludes the Council from granting any further leases within this area.

1.4 Financial and Value for Money Considerations

- 1.4.1 The transfer of the management of the Country Park to the Leisure Trust generated a saving to the Council which incorporated the operation of the new permanent Café being operated directly by the Trust.

1.5 Risk Assessment

- 1.5.1 Any change to the proposed arrangements with the Trust will significantly impact on the financial agreement and undermine the agreed Business Plan.

1.6 Equality Impact Assessment

- 1.6.1 The new lakeside café and water sports centre will significantly improve access arrangements to the community.

1.7 Policy Considerations

- 1.7.1 Community

1.8 Recommendations

1.8.1 It is Recommended that -

- Members note and accept the petition at Annex 1;
- Members do not take the action requested for the café to remain in the hands of the current business
- the catering operator is included on the tender list for any future appropriate opportunities.

Background papers:

Nil

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