

DATA LABEL: PUBLIC



COUNCIL EXECUTIVE

FUTURE WINTER-THEMED EVENTS AT BEECRAIGS COUNTRY PARK, LINLITHGOW

REPORT BY HEAD OF OPERATIONAL SERVICES AND HEAD FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The council's existing five year commercial licence agreement with Rowen Events Limited for the annual winter-themed event at Beecraigs Country Park, Linlithgow (currently named Beecraigs Festive Forest) comes to an end at 31 December 2023.

The purpose of this report is to seek Council Executive approval for officers to openly advertise that commercial licence opportunity, enabling future annual events to take place from winter 2024 onwards, whilst ensuring that the council is able to clearly demonstrate equality, transparency and compliance with the statutory requirements of Best Value under the 1973 and 2003 Local Government (Scotland) Acts and the Disposal of Land by Local Authorities (Scotland) Regulations 2010.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Agrees that officers should openly advertise the commercial licence opportunity for an annual winter-themed event at Beecraigs Country Park, Linlithgow from winter 2024 onwards on the terms set out in this report.
2. Agrees that officers will provide a further report to the Council Executive on 12 March 2024 on the outcome of that marketing exercise.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Caring and compassionate, open, honest and accountable and collaborate, inclusive and adaptive.
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Complies with legal requirement to obtain "Best Value" under the 1973 and 2003 Local Government (Scotland) Acts and also the Disposal of Land by Local Authorities (Scotland) Regulations 2010.
III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	None.

V	Relevance to Single Outcome Agreement	<ul style="list-style-type: none"> • Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business. • We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	Income received from the granting of a new commercial licence would provide annual revenue income to the council for the period 2024/25 to 2028/29.
VII	Consideration at PDSP	None.
VIII	Other consultations	Legal Services, Corporate Procurement Unit.

D. TERMS OF REPORT

D1. Background

Council Executive at its meeting on 18 December 2018 approved the letting of designated parts of Beecraigs Country Park, Linlithgow to Rowen Events Limited (REL) for the purposes of running a commercial Christmas-themed event comprising a light show, market stalls and various ancillary festive attractions. That agreement would run for a period of five years, with the first event taking place in December 2019 and the final event taking place in December 2023.

Officers recognise that there are currently numerous examples of similar events successfully taking place across the United Kingdom and that there are potentially other commercial operators who may seek to deliver an event at Beecraigs Country Park going forward. It is therefore proposed that the opportunity to host further events at Beecraigs Country Park from December 2024 and beyond should be made available to the market.

The council has a legal requirement under the 1973 and 2003 Local Government (Scotland) Acts and also under the Disposal of Land by Local Authorities (Scotland) Regulations 2010 to obtain "Best Value" when selling or leasing its land and property assets. Under those obligations, the council must be seen to secure the best terms reasonably obtainable whilst being demonstrably open, transparent and equitable.

It is therefore proposed that the council expose this commercial opportunity to the market by openly advertising the licence opportunity for events at Beecraigs Country Park from winter 2024 onwards. For the avoidance of doubt, the council is not undertaking procurement for an event organiser, but is exposing a licence opportunity to commercial operators who may wish to host an event/s at the country park.

D2. Proposed licence terms

It is proposed that the licence opportunity be openly advertised on the commercial terms set out in Table 1 below and that sealed bids from interested parties be invited to a closing date:

Table 1: Proposed licence terms

1. Subjects:	Designated areas of land and buildings for exclusive and non-exclusive use at Beecraigs Country Park, Linlithgow.
2. Licence period:	<p>The licence shall run for a period of five years and shall include specified dates (to be agreed between the parties) from November to December in each of the years 2024 to 2028 inclusive.</p> <p>The agreement shall include a mutual break clause whereby either party may terminate the agreement with effect from 31 March 2026.</p>
3. Permitted use:	The subjects shall be used as a venue from which the licensee will be permitted to deliver an annual, commercial, winter-themed event.
4. Annual licence fee:	<p>The licensee will pay the council a basic annual licence fee plus a percentage of gross income received from annual event admission ticket sales.</p> <p>Interested parties will be invited to submit their best bids to a closing date and those bids will set out a) how much they are offering to pay as a basic annual licence fee and b) what percentage of gross annual event admission ticket sales receipts they propose to pay.</p> <p>The council will stipulate that a) the basic annual licence fee shall not be less than £15,000 per annum b) that the percentage payable of gross income received from annual event admission ticket sales shall be not less than 5% and c) in any event, the sum payable to the council shall be not less than £30,000 per annum.</p>

Table 1: Proposed licence terms (continued)

5. Environmental community benefits:	Interested parties will be required to identify and deliver environmental community-focused benefits as part of this agreement. These will not be prescriptive and will be identified by bidders in their offers. Examples may include local tree-planting or habitat enhancement projects.
6. Local suppliers:	Interested parties will be encouraged to use local suppliers and vendors in the delivery of their event and details of how they intend achieve this will be provided in their offers.
7. Remedial works deposit:	The council will require the licensee to pay a refundable deposit of £6,000 per annum to cover the potential cost of any damage caused to the country park as a result of the event taking place. That figure shall be reviewed annually to take cognisance of operational experiences.
8. WLC operating costs:	The licensee will reimburse the council for utility costs and any additional cleaning costs and on-site staffing costs incurred as a result of the annual event taking place, as well any loss of income incurred by the closure of any sections of the country park's caravan park due to the event taking place.
9. Non-domestic rates:	The licensee shall be responsible for the payment of any rates, local taxes and charges arising due to their occupation and operation of the subjects.
10. Event delivery:	<p>The annual event will not be a council event, rather it will be a commercial event delivered by the licensee by agreement on council-owned land.</p> <p>The licensee will be responsible for staffing the event, including providing security, marshals, front of house staff, cleaning staff etc. and for obtaining any statutory licences that are required to competently deliver the event.</p> <p>The licensee will be responsible for traffic management and winter maintenance costs and for ensuring the safety of visitors to the park.</p>

D3. Proposed next steps and timescales

Officers recognise that potential operators may currently be actively engaged and focused on the delivery of committed winter-themed events and as such it is considered prudent to wait until January 2024 before commencing the proposed marketing exercise. Table 2 below sets out an indicative timeline for marketing and implementation of a potential new license agreement.

Table 2: Indicative timeline

Marketing period (5 weeks):	11 January 2024 to 15 February 2024.
Analysis of offers:	16 February to 23 February 2024.
Council Executive approval sought:	12 March 2024.
New licence agreement concluded:	30 June 2024 (indicative).
First winter event under new licence:	December 2024.
Final winter event under new licence:	December 2028.

As set out in Table 2 above, officers recommend that a further report on the outcome of the proposed marketing exercise should be provided to the Council Executive at its meeting on 12 March 2024.

E. CONCLUSION

The council's existing five-year agreement with Rowen Events Limited for the running a commercial Christmas-themed event at Beecraigs Country Park, Linlithgow will end on 31 December 2023.

Officers consider that it would be in the council's best interests to facilitate future winter-themed events at the country park in December 2024 and beyond. Officers also consider that the council's interests would be protected and Best Value shown to have been delivered by testing the market and openly advertising the commercial licence opportunity.

Council Executive is therefore recommended to agree that officers should openly advertise the commercial licence opportunity for an annual winter-themed event at Beecraigs Country Park, Linlithgow from winter 2024 onwards on the terms set out in this report and provide a further report to the Council Executive on 12 March 2024 on the outcome of that marketing exercise.

F. BACKGROUND REFERENCES

Council Executive – 18 December 2018 – Seasonal letting of part of Beecraigs Country Park to Rowen Events Limited.

Local Government (Scotland) Acts 1973 and 2003.

The Disposal of Land by Local Authorities (Scotland) Regulations 2010.

Appendices/Attachments: None.

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