

Supporting Information and Impact Assessment

Service / Policy:	Culture and Events
Executive Lead:	Councillor Nicole Amil
Director / Assistant Director:	Fran Hughes

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Section 1: Background Information

1.	<p>What is the proposal / issue?</p> <p>An attraction for Paignton Green was offered through a competitive tender process. There were a number of bidders who were evaluated against clear criteria. The current attraction operator who provides the donkeys on Paignton Green was not the successful bidder in this legal process, and therefore did not win the right to continue with his attraction from summer 2016.</p> <p>There has been local and national interest in the loss of the donkey attraction from Paignton Green and Elected Members have considered this interest and public opinion on this matter.</p>
2.	<p>What is the current situation?</p> <p>Historically donkey rides have been provided on Paignton Green, arrangements for which had been put in place without the undertaking of any formal process. Under Financial Regulations the Council is required to tender any opportunities which allow a supplier to exploit a Council asset for financial gain. In offering a concession of this nature the Council must take into account the level of rental income generated for the Council and the potential income to the supplier when determining the route to market. In the case of the Paignton Green attraction the total value over the proposed duration of the agreement required the Council to undertake a competitive tender process. This was undertaken at the beginning of 2016. The Donkey attraction was advised of the competitive process, the reasons why it was being undertaken and how they could bid. The tender process was won by trampoline attraction and the contract duly awarded.</p>
3.	<p>What options have been considered?</p> <p>A legal and competitive process has been undertaken for the concession site on Paignton Green. This process has been reviewed and is a robust process.</p> <p>(i) There is no requirement for the Council to make any alternative arrangement for the Donkey attraction. A competitive legal process has been undertaken and the Donkey attraction was not the selected bidder.</p>

	<p>(ii)Elected Members have discussed a range of options with council officers to determine whether an alternative site could be offer to the Donkey operator for the 2016 summer period. The alternative sites are limited as the donkeys require a grassed area and a continuous footfall to enable the business to operate. The Donkey operator has been offered a site at Young Park, Paignton for the 2016 summer period as a temporary trial. The operator has yet to confirm whether he wishes to take up this offer.</p>
4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan 2015-19?</p> <p>This situation is outside of the current corporate plan priorities as a tender process to meet the ambitions of the corporate plan has already been undertaken. The situation has only arisen as the current Donkey Attraction was not successful in this legal process.</p>
5.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>If the offer of Youngs Park for the summer 2016 is accepted then the Friends Groups and Community Partnership for this area will be advised.</p>
6.	<p>How will you propose to consult?</p> <p>N/A</p>

Section 2: Implications and Impact Assessment

7.	<p>What are the financial and legal implications?</p> <p>The Donkey attraction is not able to be offered a site on Paignton Green without the Council undertaking a further tender process. This is not a practical option as the original tender was issued on the basis of there being a single attraction on Paignton Green. Any decision to allow a further attraction on the site could result in a challenge by the successful applicant in the original tender process.</p> <p>The proposed option to offer a temporary trial for the summer period 2016 at Young's Park could be directly awarded to the Donkey attraction if the total value of the contract (the income to the supplier and fees to the Council) does not exceed £10,000 for the period the contract is in place. The agreement to offer the temporary trial to the Donkey attraction will need to be approved through the Council's waiver process. This would be on the basis that we do not know what income could be generated from the site and it would offer the Council the opportunity to establish whether there is sufficient footfall to support an annual attraction be operated from the site.</p>
8.	<p>What are the risks?</p> <p>There is some risk of challenge from other suppliers if an alternative site is found for the Donkey attraction without a formal tender process being undertaken.</p> <p>If the Donkey attraction was to be sited on Paignton Green there is a significant risk that the trampoline attraction could request a reduction in the rental offered through the formal tender process, as this offer was based on a sole attraction being sited on the green and the addition of the Donkey attraction could potentially reduce the level of income generated.</p> <p>Consideration should also be given to the potential risk that other unsuccessful bidders requesting a site be made available to them in the event the Donkey attraction is offered an alternative without any formal process being undertaken.</p>
9.	<p>Public Services Value (Social Value) Act 2012</p> <p>See above</p>
10.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>N/A</p>

11.	What are key findings from the consultation you have carried out? N/A
12.	Amendments to Proposal / Mitigating Actions N/A