

<b>Subject:</b>	<b>Licence for a Christmas Market 2021-2023</b>		
<b>Date of Meeting:</b>	<b>11<sup>th</sup> March, 2021</b>		
<b>Report of:</b>	<b>Executive Director, Economy, Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Donna Chisholm / Ian Taylor</b>	<b>Tel: 07717 303344</b>
	<b>Email:</b>	<b>lan.taylor@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

## **FOR GENERAL RELEASE**

### **1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Covid-19 pandemic has had a significant impact on large parts of the city's economy. For example, most of the outdoor events programme for 2020 had to be cancelled, affecting the livelihoods of thousands of people. As the city seeks to recover, it is hoped that outdoor events will play a significant part in boosting tourism and supporting the wellbeing of residents.
- 1.2 With the completion of Valley Gardens (stages 1 and 2) there is the opportunity to attract new events to the city. Christmas Markets have operated successfully in many other cities for a long time, however it is only now that Brighton and Hove as a suitable venue for such an attraction. Applications were therefore invited for a licence to operate over the winter period for the next three years. Operators will require at least eight months of notice to successfully deliver a Christmas Market.
- 1.3 This report seeks approval from the committee for landlord's consent to stage a Christmas Market throughout Valley Gardens during the winters of 2021, 2022 and 2023. In addition, the committee is also asked to approve local business, E3 Events, as the selected licensee for this opportunity.

### **2. RECOMMENDATIONS:**

- 2.1 That the Committee grants consent for the staging of a Christmas Market, throughout Valley Gardens (St Peters Square, Richmond Square, Victoria Gardens North, Victoria Gardens South and Old Steine when available) in the winter months of 2021, 2022 and 2023, to E3 Events (subject to entering into formal annual licences).
- 2.2. That the Committee grants delegated authority to the Executive Director Economy, Environment & Culture to agree the terms of the annual licences.

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The completion of Valley Gardens, stages 1 and 2, provides opportunities for new events in the heart of the City. With a purpose-built events square at the north of the site and bespoke facilities – power, access, water and drainage – installed throughout as part of the design, the site lends itself perfectly to open access, free-to-attend events such as markets. Events were always an important part of the development brief for Valley Gardens and it is appropriate for a Christmas Market to become an annual fixture.
- 3.2 The recently released Outdoor Events Strategy identified a gap in the City's Events Calendar. The Strategy stated;
- “A significant vacuum exists during the winter months leading up to Christmas and New Year. The potential exists to build the ‘Winter Festival’ brand....The Winter Festival programme will be essentially framed around high-profile events, (e.g. City Fireworks, Burning the Clocks, Veteran Car Run) but also integrate the City's wider cultural offer promoting theatre shows, seasonal concerts, and distinctive exhibitions.”
- 3.3 A Christmas Market would go a long way towards addressing a gap in the calendar during the festive period. The pandemic has amplified the requirement to grow a year-round set of events which contribute to the visitor economy and reduce reliance on the May to September season. The Events, Retail and Hospitality sectors have suffered well-documented economic losses over the last year. This major event will add value to the city's attractions and draw visitors into the city from across Sussex and beyond.
- 3.4 The Council's outdoor events team produced a document inviting interested parties to bid for a licence. The opportunity was advertised in StandOut magazine (a publication which specialises in commercial event opportunities) in the Brighton Argus, as well as via the Council's social media platforms. Council officers also had a list of parties who had previously expressed an interest in a licence to run a Christmas Market and these companies were contacted. The Invitation to Bid can be seen in Appendix 1. Key points are:
- Suggested open dates for 2021: Friday 26<sup>th</sup> Nov to Friday 31<sup>st</sup> Dec
  - Event would build from early November and be expected to be clear of the site by 10<sup>th</sup> January, 2022.
  - Suggested hours of operation: 1200hrs to 2300hrs daily Monday to Friday, 0900hrs to 2300hrs Saturdays, 1100hrs – 1800hrs Sundays
  - Proposed development for Valley Gardens stage 3 may impact on the southern section of the site in 2022 or 2023 (Old Steine Gardens). Potential operators were advised that Old Steine Gardens may not be available in one of the three years.
- 3.5 The Christmas Market is expected to be a mixture of retail stalls, food and beverage outlets, entertainment and attractions. The operator will have full commercial rights to any revenue generated through sales income, sponsorship, advertising, ticket sales and catering including full bar concession. The area will be open access but control measures put in place to manage security, crowd movement and behaviour. Covid security will be taken into account as required by government regulations. General admission should be free to attend. The

operator will be expected to apply for and gain their own Premises License to cover the event.

- 3.6 Operational plans and, in particular, ground protection measures and re-instatement were a very important part of the application brief, submissions and evaluation. The operators will be expected to maximise the use of the purpose-built hardstanding areas within the site whilst offering mitigation and protection – trackway, matting, tree protection zones, fencing etc – to turfed and planted areas throughout. Any necessary re-instatement work will be undertaken and paid for by the organisers immediately the event has finished.
- 3.7 This is a new, large scale event for the city. There are risks associate with this for the Council and the licence holder. Therefore during year 1 the Council will establish a series of “gateways” with the licence holder, ensuring milestones are reached in relation to the business model for the event.
- 3.8 The agreed fee will be paid in instalments, the first upon signature of the licence in 2021, the second and third by end of September 2022 and 2023 respectively. The licensee shall indemnify the Council against all actions, loss or claims resulting from the use of this land and the operations on it. The Licensee must ensure that they have a suitable Public Liability Insurance for their operations and activities in the sum of £10 million.

#### Coronavirus

- 3.9 With the uncertainty surrounding the effect that Covid-19 may continue to have on the events industry we recognise there may be implications for any proposed event. For the purposes of making a bid, Council officers asked that operators put forward their full proposals in the understanding that these may need to be tailored to conform with whatever government guidelines are in place as the year progresses.

#### Criteria for Evaluating Bids for the Licence

- 3.10 All bids received for the licence to operate a Christmas Market were scored using the same criteria. The scoring matrix is included as Appendix 2. Weighting was given to Local Economic Development (30%) Operational Plans including ground protection measures (30%), the Licence Fee Offer (30%) and History of Event Delivery (10%). The scoring panel was made up representatives from the Brighton BID and the Royal Pavilion and Museums Trust with two council officers.
- 3.11 The two highest scoring bidders were requested to attend clarification discussions to enable council officers to seek detailed information on local economic impact and on environmental sustainability. Checks were also carried out on the financial standing of each business because the market will require the ability to cash-flow major costs upfront. From this exercise, the highest scoring bidder has been identified as the preferred operator in this report.
- 3.12 E3 Events were selected because of their previous experience in successfully leading events in Brighton and Hove as well as elsewhere in Sussex. Their bid fully met with the criteria and guaranteed that the events supply chain within the

city would benefit from this market, making a significant contribution to recovery of the sector.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 The Council received seven bids for the licence to operate a Christmas Market. These were from national companies with expertise in this area, as well as from businesses located in the city. The scoring process was designed to identify bidders who could successfully deliver an excellent market demonstrated by their experience but who also had a commitment to place-making and community wealth building.
- 4.2 E3 Events submitted an ambitious and imaginative bid which alongside the licence fee also committed the business to a Social Impact Fund for the city and a Valley Gardens Fund raised from a percentage of the profits from the event. Their submission was also clear on environmental protection for the site and on reinstatement. For these reasons, E3 Events have been identified as the preferred licence holder.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 Consultation will take place with Ward Councillors, Sussex Police, East Sussex Fire & Rescue Service, South East Coast Ambulance Service, NHS Trust, Environmental Health & Licensing, City Parks, Civil Contingencies, Sustainability and Highways. Detailed consultation will also follow as the event is developed between the operator and our partner agencies.
- 5.2 The turnaround between advertising this licence, receiving proposals and preparing this report for committee has not allowed for full written consultation responses to be compiled. A verbal update on the consultation responses will be given at the committee meeting.

#### **6. CONCLUSION**

- 6.1 The effect of Coronavirus has been devastating for the events, retail and hospitality sectors. A long-running Christmas Market in the centre of the city will support recovery because it will attract additional visitors into the city centre who will also take advantage of retail and hospitality opportunities in the wider area. Extending major events across the year reduces seasonality for businesses, which is particularly important for recovery over the next three years.
- 6.2 A Christmas Market fulfils many of the ambitions set out by the Valley Gardens development and in the Events Strategy for the city. The bidding process has identified a business which can deliver this high-quality event for the city through the granting of a licence from the Council.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

Financial Implications:

- 7.1 In accordance with the existing Outdoor Events policy, fees are charged for commercial events. In addition, a reinstatement deposit is usually held, and evidence of adequate insurance cover is required. The agreement includes ground protection measures and reinstatement requirements at the operator's expense. In addition, the operator will be responsible for managing security, crowd movement and behaviour and Covid security measures in operation at the time of the event.
- 7.2 The income generated from fees charged for commercial events in parks and open spaces, in a normal financial year, contribute to the costs of the Outdoor Events Team and enables charitable and community events and free public entertainments to be supported at reduced rates across the city.
- 7.3 The licence fee income will initially be used to support the Council's income targets for Outdoor Events and where possible, the recovery of culture and events sector. The income will be built into future budget estimates and included in the medium-term financial plans subject to its success. The proportion of profits raised to support the Social Impact Fund and Valley Gardens fund will be ringfenced for its agreed purpose.

*Finance Officer Consulted: James Hengeveld*

*Date: 24/02/21*

Legal Implications:

- 7.4 Brighton & Hove City Council is empowered under the East Sussex Act 1981 to close "parks and pleasure grounds" in its area for up to 28 days a year in order to facilitate the staging of major outdoor events.
- 7.5 The licences granted will set out the terms on which E3 can use the relevant spaces.

*Lawyer Consulted: Alice Rowland*

*Date: 24/2/21*

Equalities Implications:

- 7.6 The outdoor events programme caters for people from all sectors of the community as there are a diverse range of events staged in the city each year. Issues such as physical access to an event and designated viewing areas are developed and detailed in event plans where applicable. Major event organisers will be required to complete an Equalities Impact Assessment, new for 2021.

Sustainability Implications:

- 7.7 All events are planned and staged in accordance with the statutory powers and planning obligations as set out in the Outdoor Events Policy.
- 7.8 The nature of outdoor events means that they often involve a range of potential sustainability impacts (both positive and negative) from travel, energy and water use, food, local economic and social impacts, use of outdoor spaces and production of waste. Through the newly introduced Environmental Impact

Assessment and Action Plan event organisers are supported and monitored in their sustainability arrangements, focussing on the areas with the highest potential impact. The programme is certified to the international standard for environmental management ISO 14001.

- 7.9 The preferred licence holder has committed to preventing single use plastics within the Christmas Market and to a range of other measures required by the Council as part of our Outdoor Events Charter.
- 7.10 A new Environmental Impact assessment and Action Plan will be required to be completed by the organisers of this event.

Brexit Implications:

- 7.11 There are no identified implications.

**8.0 Any Other Significant Implications**

Crime & Disorder Implications:

- 8.1 Sussex Police are involved in both the consultation and planning of all events.

Risk and Opportunity Management Implications:

- 8.2 The City's Safety Advisory Group has an overview of all the events that take place in Brighton and Hove that have the potential to attract significantly large numbers of people. A protocol and good working partnerships between the Council and emergency services is in place in the city and close agency working will be integral to both the planning and delivery of events. Public health advisers are present at the Safety Advisory Group to input on COVID safe practices.
- 8.3 Event-specific Safety Advisory Groups can be convened for all major outdoor events taking place in Brighton and Hove.

Public Health Implications:

- 8.4 Events can contribute to a sense of community, local pride and cultural identity which can have a positive impact on the well-being of those involved. However, events will need to meet Covid safe requirements in accordance with national guidelines.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Licence Available to Operators – invitation to submit proposals
2. Christmas Market Evaluation Criteria

### **Background Documents**

1. None

