



AGENDA

RECORD OF OFFICER DECISION

Date: Wednesday, 5 October 2022

Time: 10.00 am

1.	Market Concession Agreements - Extension	Pages 3 - 4
	Record of Officer Decision made by the Head of Regeneration, Economic Development and Property.	

Issued on Friday, 21 October 2022

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**Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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RECORD OF OFFICER DECISION

<p>This form must be completed by or on behalf of the relevant Officer immediately after any decision has been made. Please send to the Proper Officer for publication in accordance with the Council's Constitution.</p>	
<p>NAME OF OFFICER MAKING DECISION (INCLUDING JOB TITLE) AND THE DECISION BEING MADE</p>	<p>Joanne Johnson, Head of Regeneration, Economic Development and Property</p> <p>To extend the current market concession agreements to cover calendar years 2023 and 2024.</p>
<p>TITLE OF REPORT</p>	<p>Market Concession Agreements - Extension</p>
<p>DATE THE DECISION WAS TAKEN</p>	<p>5th October 2022</p>
<p>SUMMARY OF REASONS FOR DECISION</p>	<p>Section 3.6.13.1.4 of the Constitution permits the Head of Service, for contracts exceeding £25,000 but not exceeding £119,999, to proceed in a manner most expedient to the efficient management of the service with reasons recorded in writing, and as such the decision was taken to extend the current market concession agreements to cover calendar years 2023 and 2024.</p> <p>The reasons for the decision are:</p> <ul style="list-style-type: none"> • that a tender process is considered unlikely to yield a commercial operator given current and ongoing economic circumstance • that this process could risk losing the current market providers, who may feel unable to commit beyond a year's term given these circumstances. • the UKSPF investment programme for Swale includes an overarching review of market operation in 2024. This scheduling would limit the duration of any advertised tender opportunity given the impact the review may have on future market operation.
<p>BACKGROUND</p>	<p>Swale's three outdoor markets have been operated on a concession basis for this and the last two years. This has been the chosen route since the last tender exercise generated no interest from a commercial operator.</p> <p>A waiver was agreed to exempt the 2022 trading year from a formal procurement exercise, and permitting the entering in to of a further year's annual concession agreement.</p> <p>Discussions were held with Finance, Legal and Procurement colleagues regarding future concession arrangements and decision routes.</p>

<p>DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</p>	<p>Option 1: Market testing via a formal procurement process. This was discounted for the reasons set out above.</p> <p>Option 2: Cease market provision. This was rejected as the markets are a popular feature of Swale's town centres which generate income for Swale Borough Council. Any decision was felt premature in advance of the 2024 market review.</p>
<p>DETAILS OF ANY CONSULTATION UNDERTAKEN</p>	<p>Internal consultation was undertaken with colleagues from Finance, Legal and Procurement departments.</p>
<p>DETAILS OF ANY CONFLICTS OF INTERESTS</p>	<p>None.</p>
<p>CONTACT FOR ENQUIRIES/FURTHER INFORMATION</p>	<p>Lyn Newton Destination and Place Manager</p>
<p>A copy of this Notice will be published on the Council's website (http://www.swale.gov.uk)</p>	