

ICE RINK REPORT

For Cabinet on 23 March 2023

Summary

Lead Member: Wendy Fitzsimmons

Lead Director: Paul Taylor, Director of Change and Communities

Head of Service: Nicky Carter – Head of HR, Customer Service and Culture

Report Author: Dawn Gabriel - Operations Manager, Assembly Hall Theatre

Classification: PART EXEMPT

Partially Exempt from Disclosure – Exempt Appendices [Appendix A - Budget] exempt by virtue of paragraph [3] of Schedule 12A of the Local Government Act 1972 (as amended): Information relating to the financial or business affairs of any particular person including the authority holding that information

Wards Affected: [All]

Approval Timetable	Date
Management Board	20 February 2023
Portfolio Holder	8 February 2023
[Community CAB]	8 March 2023
Cabinet	23 March 2023

Recommendations

Officer / Committee recommendations as supported by the Cabinet Member:

1. That Cabinet confirm their preferred option for the future of the ice rink.
2. That Cabinet delegate authority to the Head of HR, Customer Service and Culture in consultation with the Cabinet Member for Leisure, Wellbeing and Culture to take such action as is necessary to give effect to the preferred option as confirmed by Cabinet.
3. That depending on the option chosen, the Head of Mid Kent Legal Services be authorised to negotiate and complete all necessary legal documentation and

formalities (including any procurement process(es) in consultation with the Council's Procurement Manager and the award of any contract(s)) to give effect to these recommendations.

1. Introduction and Background



- 1.1 Skate Tunbridge Wells is a well-loved festive event that has occupied Calverley Grounds in the centre of Tunbridge Wells for the past 12 years. The event has grown and developed in that time and now includes ice skating for all ages and abilities, skate aids for children, Bavarian Curling and for the first time this year, following public demand, ice skating lessons.
- 1.2 There are food and drink concessions, currently operated by local businesses, and a Father Christmas concession. Complementary events are run alongside the skating to attract people to the festive fun who do not want to skate including live music, DJ's, choirs, children's characters, and a fantastic Opening Night Event show casing professional skaters at British Championship level. Last season Skate welcomed just over 43,000 ticket holders on the ice and anecdotally around 80,000 visitors, some just coming along for a hot chocolate or mulled wine in the Swiss chalet style bar and café with its sheepskins and rugs or to take in the beautiful park lighting and festive atmosphere. In addition, 127 complimentary carers tickets were given and 89 Go Card tickets were sold to ensure all members of our communities could attend.



- 1.3 Historically Skate TW has generated an income for The Council and has a reserve fund of £ 212,466.45. In 2021/22 the over achievement was £109,178 which did not go into the reserve. The reserve is intended to cover the costs of equipment that is needed such as replacement skates and losses due to poor weather from one year to the next. £200,000 of the reserve was intended to support the installation of an electrical substation prior to the Covid pandemic, the aim of this was to reduce the carbon emissions that the ice rink produces from the use of generators, as well as potentially reduce running costs, unfortunately the installation did not take place at that time and at this current time the amount would no longer cover the costs of a substation and UKPN have considerable waiting lists for this kind of work to take place.
- 1.4 This festive season 22/23 however, due to rising costs for fuel and electricity plus extra labour costs for the rising level of antisocial behaviour in the park, a surplus has not been achieved. This account is not finalised and is subject to change, see Exempt Appendix A Budget
- 1.5 The reason for this report is to decide whether to continue to provide an ice rink in Tunbridge Wells during the festive period. Last season was the final year of the five-year tenders for the provision of the ice rink, festive lighting and the peripheral concessions and all are expected to increase significantly, see Exempt Appendix A Budget.

2. Options Considered

Option One - Do not provide an ice rink

- 2.1 The festive ice rink event in Tunbridge Wells is extremely popular both locally and from a wider area. 16,328 people coming from Tunbridge Wells Wards. See Appendix A. It is also a healthy activity and safe place for families and young people in the Borough to go.

It has other economic benefits including:

- Bringing people to the centre of Tunbridge Wells who also go on to support other local businesses.
- Encouraging people to use public transport as its near the train station and bus stops.
- Providing parking income.
- Opportunities to promote panto and other Council services including the TW lotto and economic development.
- Providing jobs for local people employing over 50 people.
- Income for local businesses running the concession, security and the onsite café which we have been told would not survive without this event through the winter months.

2.2 Option Two – Provide the same as last season

Provide the same event completely the same as last year increasing ticket prices to help cover some of this year's losses. See Exempt Appendix A Budget.

2.3 Option Three – Contract Out Ice Rink Delivery

Ice Rink Provider take on the risk and operation of the event based on a revenue target being reached and then a revenue split from that point. Our current provider would estimate the figure to be around £400,000.00 + Vat (excluding credit card and booking fees), revenue collected after that would be split 50/50 between provider and TWBC. However, in this option the Council would still be responsible for providing and the cost of all power for the event, planning consent, arranging any park closures for build and derig, marketing / promotion and other park lighting. Estimated costs £75,000.

Total Cost to The Council £475,000

This is an expensive option and there is a complete loss of control for customer service, delivery and health and safety.

2.4 Option Four – Provide a paired down event with extra peripheral experiences

Open ice rink from 1 December to 1 January, two weeks shorter than the normal run, which will save a small amount on hire fees but more significant amounts on fuel and staffing costs.

Operate the Father Christmas event in-house. This concession currently pays £975 for each season. If we operate it in house, we will keep the profit and gain valuable customer data.

Add additional attractions such as a Ferris wheel, Victorian style carousel and children's ride (subject to planning permission) to the event to increase concession income and add more to the winter wonderland feel.

See Exempt Appendix A Budget.

2.5 Considerations.

The skates are nearing the end of their life. Replacement estimate is £32,000. They can be used for one more year.

The Top Hat style marquees are also very shabby and need to be replaced at some point. Our incumbent supplier does not use them for anyone else but the Council so are therefore not prepared to replace them and have them in their hire stock. The Council could look to buy them, and then require the appointed contractor to clean and store them as part of the new contract. This would incur a one-off outlay of approximately £9,000.

Alternatively, the Council could explore the option of using 'normal' tent shape marquees, at a similar price.

2.6 CDM regulations: This means a Principal Designer (PD), a Principal Contractor (PC) will need to be appointed which could be someone from Property Services, Paul but they may not have the capacity for the role which may mean using a consultant which will be an extra cost. Our current provider is not prepared to take on any CDM roles.

2.7 Building Regulations: There will be a yearly cost associated around £1,000.

2.8 Ice Rink Reserve: This fund has been earmarked to provide extra electrical capacity in the park but the cost for the provision of extra capacity has increased so much that it is not enough. We could use this fund to run the ice rink for 2-3 years.

2.9 Climate Emergency Declaration: The financial costs to move permanently to mains electric is currently too expensive, as explained above. However, with regards to the councils Climate Emergency Declaration it is essential consideration is given to move mains power. This must be kept under review during the course of the contract to enable any opportunities to be explored.

2.10 It is recognised that the ice rink does generate emissions, and these will be accounted for in the yearly greenhouse gas report.

2.11 The report for 21/22 states; Whilst the amount of fuel use for the ice rink has increased, the emissions factor has improved significantly as diesel hydrogenated vegetable oil is used (HVO fuel) which also has a better combustion rate efficiency. Hence the overall significant reduction in the emissions from the ice rink (-82.0%). The emissions factor associated with the

renewable diesel for the ice rink plays a significant role in emission reductions and it manages to offset the rise in consumption.

- 2.12 Sponsors:** This could be explored as Hendy and Lexus displayed cars this season and have expressed an interest in getting more involved.

3. Preferred Option and Reason

- 3.1 Option 4 is the preferred option as it continues with the provision of a significant Christmas attraction in the Borough and will explore opportunities to enhance the event and generate further revenue.

4. Recommendation from Cabinet Advisory Board

- 4.1 The Communities and Economic Development Cabinet Advisory Board were consulted on Wednesday 8 March 2023 and agreed the recommendation set out in the report be supported subject to the following comments being taken into consideration:

- That there was availability for different types of marquees.
- That previous objections to the installation of a Ferris Wheel be noted.

5. Appendices and Background Documents

Appendices:

- Appendix A: Post Codes
- Appendix B: Climate Emergency Form

Exempt appendices (if any):

- Exempt Appendix A: Budget

4. Cross Cutting Issues

A. Legal (including the Human Rights Act)

The Local Government Act 1972, section 111(1) empowers a local authority to do anything (whether involving the expenditure, borrowing, or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

The Council also has a general power of competence pursuant to Section 1 of the Localism Act 2011 which enables it to do anything that individuals generally may do provided it is not prohibited by other legislation.

Any necessary procurement actions must be considered in line with the Constitution and the Public Contract Regulations 2015.

Acting on the recommendations specified in this Report is within the Council's statutory powers as set out above.

Claudette Valmond – Head of Legal Partnership 25 February 2023

B. Finance and Other Resources

[Report author to insert comment on finance issues including is there provision in the budget for this, how will the proposals be funded, is there project management, ICT resource needed? If this is covered in the report, the relevant sections can be referred to here. Your service accountant will need to check the report.]

[Name, title and date of finance officer who signed off the report]

C. Staffing

Staffing the ice rink requires additional seasonal resource and this is included in the budget.

Nicky Carter, Head of HR, Culture and Customer Service.

D. Risk Management

[Report author to insert comment on managing risks arising from the report including whether the matter is included in the strategic risk register, or if it should be, how the risks will be managed. Advice can be sought from the Head of Audit.]

[Name, title and date of report author]

E. Environment (inc. Biodiversity) and Sustainability

A Climate Emergency Impact Assessment must be undertaken at the start of any new project etc. and as part of project planning and not as an 'add on' towards the end of completing the committee report.

[Report author to insert the summary findings from the assessment here into the cross-cutting issues. The full Climate Impact Assessment to be added as an appendix to the main report.]

The Climate Emergency Impact Assessment form and guidance document can be found in the cross-cutting issues section, you are advised to read the guidance in full prior to completing the assessment. The impact assessment also includes biodiversity requirements.

[Report author remains responsible in signing off the report, however, you will be required to consult with the Sustainability Manager prior to doing so.]

Climate Emergency Impact Assessment is underway in consultation with Karin Grey, Sustainability Manager.

F. Community Safety

[Report author to insert comment on if/how the proposals affect community safety. Consideration must be given to our legal obligations. The Community Safety Unit must be consulted on the report].

Section 17, Crime and Disorder Act 1998

17(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Comment - The greater the control we have over safety and security the better.

Terry Hughes, Community Safety Manager, 21 February 2023.

G. Equalities

Decision-makers are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups.

The ice rink is enjoyed by a range of people, including people of different ages, men, women and people with disabilities. If members decide to proceed with preferred option 4, residents can continue to experience the ice rink, although for a shorter period of time. Should the event be discontinued or any of the activities altered, it may remove the opportunity for people with protected characteristics to participate in an activity they may not otherwise have an option to take part in.

Sarah Lavallie, Corporate Governance Officer, 27 February 2023

H. Data Protection

No implications.

Sarah Lavallie, Corporate Governance Officer, 27 February 2023

I. Health and Safety

[Report author to insert comment on if/how the proposals affect health and safety issues. Consideration must be given to our legal obligations. The Health and Safety Officer must be consulted on the report.]

Comment - The Ice Rink is specifically managed day to day by the Ice Rink Manager and overseen by the TWBC Operations and Events Manager. Risk assessments and procedures are usually in place as required, with staff training completed. Historically there have been low levels of injuries compared to the number of skaters who attend over the season, for such an activity. Any additional risks of providing additional activities on site would be mitigated by using specialist providers and the TWBC Health and Safety Advisor would continue to support as required

Mike Catling, Corporate Health and Safety Advisor, 22 February 2023

J. Health and Wellbeing

[Report author to insert comment on any social, economic and environmental factors which impact on people's health and wellbeing therefore these should be taken into consideration. The Health and Wellbeing team should be consulted on the report.]

1. Areas of deprivation: Will the proposal have an impact (positive or negative) on those living in areas of deprivation within the borough (40% most deprived in the country). These are Sherwood, Southborough and High Brooms, Broadwater and Rusthall.

2. Healthier lifestyle opportunities: Will residents be more or less able to make healthier lifestyle choices such as physical activity (e.g. active travel, access to green spaces or access to leisure facilities), healthy eating (e.g.

proximity or access to take away shops, allotments, food stores) and being smokefree

3. Social and Community networks: Will the proposal make it easier for people to interact with one another e.g. encouraging community engagement

4. Living and Working Conditions: does to proposal improve work or home environments, increase job, education or training opportunities, improve access to health services or housing

5. General Socioeconomic, cultural and environmental conditions: Are there any other factors that may impact the above

Comment - Continuing to operate the ice rink will provide many benefits to the physical and mental wellbeing of residents. This will encourage children and adults to take part in physical activity, as well as providing opportunities for social interaction.

Rebecca Bowers, Health Improvement Team Leader, 21 February 2023.