

Subject:	Sponsorship of Roundabouts		
Date of Meeting:	29 April 2014		
Report of:	Executive Director Environment, Development & Housing		
Contact Officer:	Name:	Jan Jonker	Tel: 29-4722
	Email:	Jan.jonker@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report seeks approval for the tendering of a concessionary agreement in which an external supplier will secure sponsorship from other organisations firstly for a number of roundabouts and soft landscaping displays within the city and secondly for the annual Sussex Festival of Nature held at Stanmer park.
- 1.2 Up until 2010 the council received sponsorship income for a number of roundabouts and floral displays including the 'Welcome' flower bed at the top of the A27. The sponsorship program was managed in-house within the City Parks team and raised approximately £15,000 worth of revenue which was ring fenced to the service City Parks. Sponsorship of these sites was not renewed when the corporate sponsorship contract was let. The new concessionary agreement will therefore formalise and outsource this requirement generating income for the Council once again.

2. RECOMMENDATIONS:**That the Policy and Resources Committee:**

- 2.1 Approves the procurement of a sponsorship concessionary agreement or agreements for two lots – firstly, for roundabouts and other floral displays and secondly, for the annual Sussex Festival of Nature on the basis set out in this report. The agreement(s) would be for a period of three years with the option of a two year extension.
- 2.2 Grants delegated authority to the Director of Environment, Development & Housing to award and let the concessionary agreement(s).

3. CONTEXT/ BACKGROUND INFORMATION

Sponsorship of roundabouts and floral displays – Lot 1

- 3.1 Roundabouts and flower displays present opportunities to generate income for the Council by allowing suppliers to sponsor these, and the income generated can be used to further enhance the local environment.
- 3.2 Until 2010 local businesses were given the opportunity to sponsor a number of features across the city such as the 'welcome' flower bed at the top of London Road in Patcham, the Floral Clock and the George VI Roundabout in Hove. The scheme was run internally by officers but came to an end in 2010.
- 3.3 The council has continued to receive requests to sponsor sites indicating local demand for this service. Neighbouring authorities have also awarded sponsorship contracts for such sites indicating that there is potential to gain sponsorship in these locations. This report sets out proposals to pursue these opportunities through procuring a concessionary agreement with one or more specialist agencies.
- 3.4 A number of sites could be suitable for sponsorship across the city. A provisional list is shown in the table below and includes roundabouts with and without floral displays, prominent flower beds, the floral clock and a number of bee banks. The contract would have flexibility to allow the council to add more sites it deemed suitable at a later date subject to all necessary consents being obtained.

Gateway Bed Patcham, Brighton
Crowhurst Road Small Shrub Roundabout, Brighton
Naturalised roundabout A259 Ovingdean – SSSI , Brighton
Herbaceous Beds at the front Preston Park , Brighton
East Brighton Park Bulb Field (seasonal), Brighton
Woodingdean Cross Roads Wild Flower Area , Brighton
East Brighton Park Butterfly Bank, Brighton (seasonal)
Boat Bed by Brighton Pier (new planting display required), Brighton
Herbaceous beds Vicarage Preston Drove , Brighton
King George IV Roundabout, Hove
Hove Park Bee Bank (new feature), Hove (seasonal)
Herbaceous Bed at the front Hove Park , Hove
Rose Walk Hangleton Valley Drive, Hove (seasonal)
Floral Clock Palmeria Square - Bedding display , Hove
Greenleas Wild Flower Bee Bank (new feature) , Hove (seasonal)
Gassie Boat Bed, Church Road, Portslade

- 3.5 It is proposed that the package of sites is put out to tender to companies who specialise in securing sponsorship for such locations. Most of these companies work on the basis of paying an annual licence fee and a percentage cut of the revenue raised. Many local authorities use this method of sponsorship management to secure revenue to further improve the local environment. The companies specialise in all aspects of sponsorship negotiations and provide a full service including surveys, sales, contracts, planning, administration and invoicing. It is envisaged that the Council will be able to generate income from this opportunity by letting a concessionary agreement to a specialist advertising agency who will be responsible for all aspects of the sponsorship process.

- 3.6 The maintenance of the planted sites would continue to be carried out by City Parks.
- 3.7 The council can specify criteria to which potential sponsors have to adhere, but it should be noted that the more stringent the criteria the less sponsorship is likely to be received for the sites. It is therefore proposed that the criteria used would be based on those for the billboard advertising contract which are attached as Appendix 1.
- 3.8 The specification of signage would be approved by Planning and Highways with maximum dimensions of 1 metre long by 0.3 metres tall. They would include the Brighton & Hove City Council logo and where applicable also include the City In Bloom logo. All sites would be risk assessed.
- 3.9 The level of income will vary from site to site, depending on location and appearance. It is proposed that all income generated is ring-fenced to an improvement fund for all sites listed. Income generated from sites requiring less work would be used to improve locations which are less attractive and therefore in greater need of investment.

Sponsorship for Sussex Festival of Nature – Lot 2

- 3.10 The council organises the annual Sussex Festival of Nature in Stanmer Park. The cost to organise the event is in the order of £20,000. In order to reduce the cost burden to the council it is proposed to try and secure sponsorship for the event in 2015/16 and if successful in subsequent years.

Procurement Process

- 3.11 The concession agreement will be tendered via an open tender procedure and will be split into 2 lots as detailed above. Suppliers will be allowed to bid for one or both lots.
- 3.12 The tender process will follow a transparent methodology which gives fair and equal access to all suppliers in the market, and the contract(s) will be awarded on the basis of a combination of price and quality criteria (most economically advantageous bid) in line with EU procurement principles.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 An alternative option is for council officers to manage the sponsorship process. However, this is likely to be less cost effective than tendering the work out. Specialist companies have a more detailed knowledge of the market and are likely to be able to negotiate higher income levels. Concessionary agreements which award a percentage of the income to the contractor encourage them to maximise the income for the Council.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Brighton and Hove In Bloom, a community based organisation working with residents and business committed to improving the environment with particular emphasis on planting schemes, are keen that the Council secures sponsorship

for floral displays to help improve the appearance of these displays. As part of this collaboration the Brighton and Hove In Bloom logo would appear along with the Council logo on signs located at floral displays such as the floral clock and the 'Welcome' flower bed in Patcham.

6. CONCLUSION

- 6.1 Roundabouts and floral displays present a sponsorship opportunity to raise revenue to further enhance the appearance of these areas. This report seeks permission to procure a concessionary agreement for the sponsorship of these sites forming Lot 1 and for the Sussex Festival of Nature for Lot 2.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The recommended procurement is subject to compliance with the Council's Contract Standing Orders and Financial Regulations. The procurement process will be prepared on a basis to maximise economy, efficiency and effectiveness and will therefore support achieving value for money.

The financial implications of the recommendations will depend on the outcome of the procurement process. It is anticipated that income generated will be treated as revenue income within the City Infrastructure budget.

Finance Officer Consulted: Steven Bedford

Date: 19/03/14

Legal Implications:

- 7.1 The proposed arrangement is within the Council's legal powers, and appropriate checks will be made in relation to the ownership of the various sites before they are added to the portfolio. Where proposals require advertisement consent, this will be dealt with by the contractor before a sponsorship agreement is concluded.
- 7.2 Concession agreements are not currently subject to the full application of the EU procurement rules, other than for a requirement to follow a fair and transparent process in the awarding of such contracts. The new EU Directive changes this so that concession agreements will be subject to a more regulated process. The procurement process outlined in this report complies with these legal requirements.

Lawyer Consulted: Jill Whittaker

Date: 04/04/14

Equalities Implications:

- 7.3 None

Sustainability Implications:

- 7.4 Sponsorship of roundabouts and floral displays will raise revenue to further enhance these areas. Planting schemes would continue to be managed by City Parks focussing on sustainability. The scheme would also promote the work of Brighton in Bloom.

SUPPORTING DOCUMENTATION

Appendices:

1. Advertising Restrictions in Poster Advertising Contract

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Part C Advertising Restrictions

- (1) The Contractor shall comply with the restrictions on Advertising set out in this **Part C of Schedule B.**
- (2) No Advertisement may be of a type which is on the 'Excluded' list below. If in doubt, the Contractor must always contact the Council BEFORE agreeing any contractual booking with a client or agency. If a booking for an excluded type of advertisement is taken in any way, without Council approval, then liability and all risks fall on the Contractor and the Council reserves the right to require immediate suspension/halt of the advertisement at no cost or liability to the Council.
- (3) Advertising must comply with codes of practice as set out by the:
 - ASA [see <http://www.asa.org.uk/asa/codes/>]
 - Committee for Advertising Practice [see www.cap.org.uk]

Excluded advertisements:

Advertisements must not promote or condone violence, hatred or advocate against any organisation, person or group of people, or a protected group.

A protected group is distinguished by its:

Race or ethnic origin.

Colour.

Cultural background.

Status as an asylum seeker.

National origin.

Religion.

Disability.

Medical condition.

Sex.

Age.

Veteran status.

Sexual orientation/Gender identity.

Financial status

Advertisements must not promote or endorse:

- Politics or politicians – unless as agreed in advance by the Council under specific circumstances (for example in relation to general elections)
- Counterfeit goods or services.
- Illegal Drugs and Drug Paraphernalia.
- Pornography.
- Fake documents or ID.
- Lap dancing or pole dancing or similar.

- Prostitution.
- Sexual and adult content.
- Solicitation of funds
- Weapons of any sort, including knives and imitation firearms; and toys which imitate weapons or knives.
- Illegal traffic devices - including radar jammers, license plate covers, traffic signal changers and related products.
- Illegal electronic devices – including mobile phone jammers.
- Gambling or spread-betting
- High interest money lending services

Other legislation which must be complied with by Advertisements

Advertisements must comply with the Consumer Protection from Unfair Trading Regulations 2008.

For more details see

- http://www.offt.gov.uk/shared_offt/business_leaflets/530162/oft931int.pdf

- http://www.opsi.gov.uk/si/si2008/draft/ukdsi_9780110811574_en_1

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Advertisements must comply with all other Acts of Parliament, UK & EU regulation and case law regarding advertisement not expressly mentioned in this contract.

Advertisements for medicines or products/service claiming a health or medical benefit

Advertisements must comply with the Medicines Act 1968 and its regulations, as well as regulations implementing European Community Directive 92/28/EEC, govern the advertising and promotion of medicines and the conditions of ill health that they can be offered to treat. Guidance on the legislation is available from the Medicines Control Agency (MCA).

Advertisement for financial services

Advertisements for any financial service or product (whether UK-based or offshore) must comply with the Financial Services and Markets Act 2000 and the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005, both enforced by the Financial Services Authority (FSA), and also to other rules and relevant guidance issued by the FSA.

Advertisements directed towards children

Advertisements for alcoholic drinks should not feature in promotions directed at people under 18. Advertising for alcoholic beverages should not be sited within 100 meters of any school or youth club, or NHS building, or public sector building/premises/facility/park/leisure centre primarily used by those under the age of 18 (or their guardian or carers).

Advertisements must comply with ASA codes for advertising re. children as set out at:
http://www.asa.org.uk/asa/codes/cap_code/ShowCode.htm?clause_id=1731

Charity-linked Advertisement, advertisements for voluntary organisations

Advertising will comply with codes of practice re charity advertising as set out by the ASA [see http://www.asa.org.uk/asa/codes/cap_code/ShowCode.htm?clause_id=1636]

Advertisements for pharmaceuticals

Advertisements must comply with relevant UK and European law relating to the promotion of medicines, and if relevant, the Association of the British Pharmaceutical Industry's (ABPI) Code of Practice for the Pharmaceutical Industry.