

Committee(s): Epping Forest and Commons	Date(s): 10 03 2020
Subject: Epping Forest Events Tender (SEF 06/20)	Public
Report of: Director of Open Spaces	For Decision
Report Author: Jacqueline Eggleston - Head of Visitor Services	

Summary

This report proposes inviting major event organising companies to tender for up to a three-year commercial contract for the use of the land within Epping Forest for the purpose of holding a large-scale event.

Wanstead Flats, Warlies Park and Chingford Plain are proposed as locations and tenderers will be supplied with an environmental appraisal for each site and draft heads of terms which will indicate the constraints each event will need to take account of.

A maximum of three large events per year across the Forest (one per location) are permitted under the Open Spaces Events Policy.

Recommendations

Epping Forest and Commons Committee Members are asked to:

- i. Approve a competitive tender process to invite proposals for a major event at Wanstead Flats, Warlies Park and Chingford Plain with regard to the framework provided by the Open Spaces Events Policy and the constraints indicated in the Environmental Appraisals and the draft Heads of Terms.

Main Report

Background

1. Epping Forest is a regional resource and serves all Londoners and beyond as a place for recreation. The largest events held on Forest Land in the past have been the Newham Fireworks Display, held annually on Wanstead Flats with an average attendance of 20-30,000, and the in-house 'Forest Festival' held on Chingford Plain with an attendance of approximately 10,000. The London Borough of Newham also staged a series of Melas or 'gatherings' in 1993, 1994 and 2000 on Wanstead Flats with attendance ranging from 30,000 in 1993 and 35,000 in 1994. A successful 2-day event in 2000 was attended by 56,000 event goers.
2. An Open Spaces Departmental Events Policy was adopted in May 2018. Part 2 of this is the divisional policy for Epping Forest which allows for up to three large events per year across the Forest with no more than one large event per year in any one location. A large event is classed as one having an audience greater than 5000.
3. An initial proposal to licence the use of land for a three-day music concert event at Wanstead Flats was approved at the Epping Forest and Commons Committee on 8 July 2019

Current Position

4. Proposals to licence the use of land for an event on Wanstead Flats in September 2020 agreed by the Epping Forest and Commons Committee at their July meeting last year will not now be taking place as after further detailed planning the operator has made the decision to discontinue with proposals.
5. This opens the opportunity for an alternative event to take place on Wanstead Flats and in accordance with the Events Policy, up to a further two events could take place in the Forest in 2021.
6. The Events Policy determines the following parameters for timing and frequency of events:
 - No more than one large event will normally be approved to take place on the same day;
 - Events will not normally be approved on *consecutive* weekends over the period from May to September in each locality;
 - The overall number of events approved will be restricted to maintain the balance of public enjoyment and unfettered access of the normal character and environment of the Forest;
 - Large events will be limited to three per year throughout the Forest and will have restrictions on noise, scale and impact.
7. Under the Epping Forest Act 1878 the Conservators must preserve the natural aspect of the Forest as far as possible whilst also facilitating its use as an open space for the recreation and enjoyment of the public. Large events

within Epping Forest can contribute to the recreational purpose of the Forest, providing high quality events in the local area, adding to social cohesion and quality of life of audiences and wider community through participation and the event's contribution to local cultural identity.

8. Events could generate significant income for the Epping Forest charity which would be re-invested into the management of the Forest. Public consultation undertaken in recent years around the forward planning of the management of the Forest demonstrated a desire for increased litter management, grounds maintenance and infrastructure provision, which would all represent a growth in expenditure for the charity. Tackling tree and plant disease, fly tipping and anti-social behaviour also present additional and increasing cost obligations for the management of the Forest which could be offset by increased income.

Options

9. Your Committee are asked to consider three options:

Option 1. To agree to a commercial tender process to attract proposals for up to three large-scale events per year with potential audiences of over 5000 at any one time, with overall attendance potentially 30-50,000 in up to three locations within Epping Forest. All proposals would be subject to the necessary consents from the relevant Licensing authority and would need to mitigate against any environmental impacts on the sites. Each event would also need to go to the Epping Forest Consultative Committee for comment and to the Epping Forest and Commons Committee for approval in the normal way.

The income generated from the events would be reinvested into the management of the Forest including maintenance and improvements across each site such as improved signage, interpretation, entrances and grassland and scrub habitat conservation works. **This option is recommended.**

Option 2. To agree to a competitive tender process for large events but restrict the agreed period to one year only. This may reduce the number of interested parties and potentially reduce financial proposals as the investment in a one-off event only may increase the risk to the tenderer. This reduces the ability to secure the best outcome for the Forest both financially and in terms of suitability of events. **This option is not recommended.**

Option 3. Not to agree to a competitive tender process for large events. This would reduce the number of bids to hold events in Epping Forest and would necessitate a separate report to your committee as and when speculative proposals are received. This reduces the ability to secure the best outcome for the Forest both financially and in terms of suitability of events. **This option is not recommended.**

Proposals

Scope

10. It is proposed to advertise the opportunity for staging large events in Epping Forest out to potential markets.
11. This should ensure that the best level of income is obtained by allowing a competitive process along with control over the type of the event.
12. The proposals for events will be considered with due regard for best value and can be judged on criteria such as appropriateness to the site, scale and impact on the site and surroundings, and type of the event.
13. To help guide tenderers, an Environmental Appraisal has been conducted for each of the proposed sites (see Appendices A B and C). These outline the key environmental considerations for each site along with likely mitigation measures so that these can be budgeted for at the outset by the tenderer.
14. Three sites within the Forest are proposed as potential locations for large events. These are Wanstead Flats, Warlies Park and Chingford Plain. Alternative locations could be considered but these three are thought to be the most obviously attractive sites for large events.
15. No particular type of event will be specified but suggestions could include:
 - Music concert or festival
 - Exhibition / Expo
 - Other festival – e.g. Food Festival
 - Arena/display events
 - Sporting event
16. The tender will be aimed at large scale events producing significant income; smaller events can be processed by implementing the Events Policy for small and medium sized events as usual.

Tender process

17. Tenders are likely to be for events starting in 2021.
18. The duration of each event will not be more than 3.5 days maximum plus set up and break down periods, not expected to be more than 28 days in total.
19. To allow event organisers sufficient security and time to build the audience for their event and to attract the right level of interest, the tender will be for proposals of up to a three-year contract; governed by suitable break clauses.
20. Proposals would be considered for each site on its own merits although tenderers could submit proposals for one, two or all three sites.
21. Although the tender process could be limited to one or two sites only rather than all three in this first year, the cost of administering the tender process is reduced by undertaking in one go and the number of sites actually agreed to can be limited post tender. This allows the market to assess which is/ are the preferable sites and not all three will necessarily receive interested proposals.

22. To allow potential suppliers to undertake due diligence and assess commercial risk and detailed surveys of the potential location, a two-stage tender process is proposed. The first stage, qualification, will filter suppliers of a suitable scale and experience and an indicative value should be submitted by the potential suppliers at this stage. After undertaking more detailed planning suppliers will be invited to submit a tender with full financial proposals.
23. Financial proposals will be non-volatile and based on a rent of land only; no services will be supplied. All costs associated with the staging of the event including obtaining all necessary permissions will be met by the tenderer.
24. If the total supplier revenue for the event (including tickets, food and drink etc) exceeds £4,551,413 the contract will be caught by the Concession Contracts Regulations 2016. In that case the City will need to publicise the opportunity via an OJEU concession notice; and publish the concession documents electronically from the date of the concession notice. City Procurement suggest advertising the requirements for large scale events, regardless of estimated value, in line with good practice.

Corporate & Strategic Implications

25. This proposal supports the Corporate Plan aims to;
 - 25.1 Support a thriving economy
 - 25.2 Shape outstanding environments
26. The proposal supports the Department objective. It will also deliver the Open Spaces Departmental Business Plan top line objectives:
 - A. Open spaces and historic sites are thriving and accessible.
 - B. Spaces enrich people's lives.
 - C. Business practices are responsible and sustainable.

Implications

Financial

27. All costs associated with the staging of the event and reinstatement of the land will be met by the event organisers in addition to a hire fee for the use of the land.
28. Epping Forest Local Risk budget will meet the costs associated with the tender process.

Legal

29. Under section 7 of the City of London Corporation (Open Spaces) Act 2018 the Conservators may temporarily use or permit others to use Forest land for the purposes of an event; provide, or arrange for another person to provide, equipment, facilities or services for the event; so far as necessary restrict, or authorise others to restrict, access to an area of Forest land temporarily in connection with the event; and charge for such permission or provision, or charge or authorise others to charge for admission to the event.

30. The above powers must be exercised having regard to the approved Events Policy. In deciding whether, and on what terms, to permit an event, the Conservators must have regard to the character and local environment of the Forest (or the part of the Forest in which the event is to take place i.e. in this case, Wanstead Flats). An event must not cause material injury to the amenity of the Forest or significant impairment to the public enjoyment of the Forest. The locations in the Forest to which events are confined must be specified in the Policy, and the frequency and duration of events limited.
31. The general duties of the Conservators under the Epping Forest Act 1878 to preserve Epping Forest as an unenclosed public open space and as far as possible to preserve its natural aspect also still apply, in conjunction with the above provisions. Any decision taken must be in the best interests of the Epping Forest charity.
32. Consent may be needed under Section 28E of the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.

Reputational

33. The Events Policy and licensing legislation provides a clear requirement for event managers to engage with the appropriate legislative and licensing regimes to ensure events are being run safely and professionally. This includes a statutory notification period and an opportunity to make representations.
34. The Public Relations and Economic Development Committee received a report on the reputational aspects of this proposal at their meeting of 19 February 2020. The committee offers these observations and guidance on the reputational risk of an open tender process for events and how individual proposals should be addressed further into the process.
35. In the evaluation process a matrix will be used to provide emphasis on operational, environmental and reputational risk. This may eliminate some proposals as unacceptable but there will remain several stages in the process of event approval during which there should continue to be a strong focus on reputational risk.
36. Members should be aware that any large-scale events are likely to attract significant negative local media coverage, given residents and users are more than likely to be worried about the impact of large crowds on their environment.
37. Members should note that this could lead to high-profile campaigns involving local and national figures.
38. However, negative media coverage and campaigns should not act as a veto, and the Communications Team would have communications plans in place to mitigate risks.
39. Events can also generate positive coverage and bring the work of Open Spaces to new audiences.

Property

40. Events on the Forest should be governed by suitable licence terms to ensure that the City of London Corporation is suitably indemnified and that consent to use represents best value according to the charitable operating requirements.

Charity

41. Epping Forest is a registered charity (number 232990). Charity Law obliges Members to ensure that the decisions they take in relation to the Charity must be taken in the best interests of the Charity.

Conclusion

42. The City of London's Epping Forest has an agreed events policy allowing for large scale events to take place. A tender process to invite event proposals will help to control the type of the events, provides an equitable process for tenderers and will ensure best value is achieved for the charity.

Appendices

- Appendix A – Environmental Appraisal Wanstead Flats
- Appendix B – Environmental Appraisal Chingford Plain
- Appendix C - Environmental Appraisal Warlies Park

Background Papers:

Application for use of Epping Forest Land at Wanstead Flats for a music concert. SEF 29/19 Epping Forest and Commons Committee 08 07 2019

Open Spaces Events Policy Part 1 – Open Spaces & City Gardens Committee, 16 April 2018.

Epping Forest Events Policy – Part 2 – Epping Forest and Commons Committee, 14 May 2018

Application for major event on Wanstead Flats: consideration of pre-application options -Epping Forest and Commons Committee 10 Sept 2018

Application for major event on Wanstead Flats: further detail for approval – Epping Forest Consultative Committee 10 October 2018

Major Event Wanstead Flats Update – Epping Forest Consultative Committee 13 February 2019

Major Event Wanstead Flats Update Epping Forest and Commons Committee 11 March 2019

Epping Forest Events Tender Public Relations and Economic Development Sub Committee 19 February 2020

Jacqueline Eggleston

Head of Visitor Services

T: 020 8532 5315

E: jacqueline.eggleston@cityoflondon.gov.uk