



Arun District Council

# Kiosk Lettings Strategy 2024-2029

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## 1. Purpose

The purpose of this strategy is to set out the following:

- The Council's objectives for identifying, selecting, and appointing seasonal and mobile traders on Council owned land across the District.
- The expected benefits of the Kiosk Lettings Strategy.
- The identification of any risks associated with the operation of the Kiosk Lettings Strategy, and proposed mitigation.
- The Corporate implications of the Kiosk Lettings Strategy.

## 2. Background

Previously the Council has referred to seasonal trade opportunities across the district as 'concessions'. While some concession opportunities continued to operate under existing arrangements, any new and pop-up type concessions were withdrawn at the announcement of Covid-19 lockdowns.

Concessions are resource intensive to implement and manage, and therefore the Council has not made any new or pop-up type concession opportunities available since the Covid-19 lockdowns.

The current uncertainty regarding Central Government funding means that Councils need to identify alternative methods of generating income. As a result there has been increasing pressure on Councils to generate income from their assets. The aim of the Kiosk Lettings Strategy is to provide a broad set of principles for the Council to streamline the management of seasonal and mobile trading opportunities, enabling these locations to be actively occupied from the 2024 summer season onwards and contribute to the Councils revenue income stream.

The term 'concession' is misleading, it suggests a charitable or subsidised rent arrangement. Seasonal and mobile trading opportunities across the district should instead be referred to as kiosk sites, and should be managed in a commercial fashion (with due regard to local social and economic benefits). Assets and locations currently identified as kiosks are listed at Appendix A.

### Asset Portfolio

Arun's current general fund asset portfolio comprises corporate properties that are occupied by Council departments, properties which are leased out (including kiosks) and properties that are used for community facilities together with land and structures

for communal use. The portfolio consists of 367 lettable units (including 241 individual beach huts) that generate income for the Council. Annual income generation from the portfolio is budgeted at circa £1.3m for the financial year 2024-2025 from the rental of these properties. These properties consist of:

- Properties predominantly held for service delivery (these assets also create an income stream from rental of part of the buildings), generating an income of £100k;
- Lease properties (not including beach huts), generating an income of £965k;
- Beach huts, generating and income of £200k;
- Leased properties – Concessionary Rentals (these properties have been let at a less than market value to organisations that provide a service to the community), generating an income of £25k;
- Kiosk sites, currently generating an income of £37k.

#### Asset Reviews Process and Kiosk Definition

Asset reviews are undertaken to establish the extent to which assets are to be retained, disposed of or amended to bring the performance of those assets into line with the Councils policies and requirements. Where possible, this involves lease regear, reviewing existing use and lease terms. This can sometimes be restricted by the terms of a prevailing lease and each case must be reviewed individually.

As part of the Asset Review process the Council has reviewed the definition and categorisation of kiosk sites. A kiosk site can be defined most simply as an asset or site area which provides an opportunity for seasonal and/or mobile trade. An up-to-date list of kiosk sites can be found at Appendix A. This list and the categorisation of assets may be adjusted from time to time in accordance with Council policy and business need.

The availability of kiosk sites and their suitability for any proposed use is subject to full due diligence and consideration of any necessary planning consents or restrictive covenants and the like. For this reason, not all assets identified in Appendix A will be immediately available.

The Council reviews its general fund assets on an on-going basis. Many existing leases are fixed under contract and so the Council is unlikely to be successful in obtaining variations to these leases unless a lessee were in agreement. As and when any leases affecting defined kiosk sites reach their natural expiry, they will then be managed in accordance with this strategy document.

### 3. Strategy Aim

The aim of this Strategy is to set out a streamlined process for identifying, selecting, and appointing kiosk operators. A streamlined approach will enable the Council to maintain and improve the income stream that kiosks generate, without absorbing a disproportionate level of estate management resource.

The strategy for appointing kiosk operators will aim to:

- Maximise rental income and minimise operational and management costs to ensure a commercial return is generated for the Council.
- Ensure a variety of offerings in any locale and across the district as a whole.
- Contribute to the amenity of a space, encouraging footfall.
- Generate positive local social and economic benefits.

The Kiosk Lettings Strategy covers an initial 5 year period (2024 – 2029). Officers will keep the strategy under review.

### 4. Marketing and Management General Principles

Kiosk opportunities will be marketed on the Council website, inviting proposals and expressions of interest for each available site/area, with clear explanation of any formal assessment criteria or requirements, and deadlines as appropriate.

The Kiosk Letting Strategy recognises that financial return is not the sole factor for determining the value of bids received. It recognises the importance of wider social and economic impacts and will give due regard to these in line with the Council's overall strategic objectives. Any and all received bids will be assessed by a panel of officers representing relevant stakeholder services (a template assessment matrix can be found at Appendix B). Bid assessments may require one or more rounds of clarifications, and any offer to a preferred bidder may be subject to further negotiation.

All kiosk operators will be required to enter into either a lease or license agreement, to be determined on a case-by-case basis subject to the circumstance of each operation.

Any kiosk lease or license agreement will be subject to the following:

- Any lease to be excluded from the security of tenure provisions of Part II of the Landlord and Tenant Act 1954.
- Kiosk opportunities not to be let for any term exceeding 36 months.

- Any agreement less than 18 months duration will not be transferable. Alienation provisions may be included for longer agreements, but agreed use clauses shall not be altered.
- The kiosk operator will be responsible for all associated outgoings and compliance with all statutory provisions.
- Any food outlet to achieve and maintain a minimum Food Hygiene Rating Scheme score of 4.
- Any food outlet entering agreements exceeding 12 months to obtain membership of the Eat Out Eat Well scheme within the first 12 months of the agreement and maintain such membership for the duration of any lease or license.
- All kiosk operators to take all reasonable steps to reduce the use of single use plastics and actively seek to reduce and mitigate any impacts on the environment.
- All kiosk operators to be prohibited from providing single use plastics for the sale of food or beverages to members of the public including plastic containers, plastic straws, and plastic cutlery.
- All kiosk operators must ensure that all recyclable waste produced by the tenant is recycled in the appropriate manner, and that all trade waste is managed appropriately under a trade waste or similar arrangement.
- In line with the Councils' declaration of a climate emergency on 15 January 2020 and our pledge to be carbon neutral by 2030, the use of generators to power a mobile business will only be permitted in exceptional circumstances, where no other means of power are available. Alternative means of power, including solar and battery power, should be considered in the first instance.
- If diesel or petrol generators are to be used, the noise from these must not exceed 50dB LAeq. A drip tray must be in use at all times and a spill kit must be kept alongside the generator in view and available for any emergency use. No refuelling should take place on site.
- Full due diligence.
- Approval by delegated authority in accordance with the Councils constitution.
- All kiosk operators on relevant sites must demonstrate an awareness of coastal flood risk by signing up to the Environment Agency's "Flood warning service".
- Where significant flood risk has been identified, kiosk operators shall produce a rudimentary Business Flood Plan.

Any kiosk sites currently operated under existing agreements to be brought into line with this strategy at the expiry of existing agreements.

The Council will not hold any waiting list in relation to kiosk opportunities, and will not be obliged to consider any unsolicited representations outside of the marketing process outlined above.

## **5. Financial Considerations**

The Kiosk Lettings Strategy sets out the broad principles governing the marketing and management of kiosk sites that will be undertaken by the Council in the future.

The outcome of implementing the strategy should provide a useful revenue stream that contributes to improving the Council's financial resilience.

## **6. Risk**

The Property, Estates, and Facilities team continues to improve practices and processes, reducing exposure and improving revenue streams. The implementation of this policy carries no significant risk to the Council, but as with all other service improvements there will be resource implications. Although this strategy outlines a streamlined approach to marketing and management, the reintroduction of 'concessions' will effectively generate a new workstream for the service that may prove challenging to deliver.

## **7. Corporate Implications**

### Legal Considerations

Under Section 123 of the Local Government Act 1972 except with the consent of the Secretary of State this Council shall not dispose of land (otherwise than by way of a short tenancy) for a consideration less than the best that can reasonably be obtained. A short tenancy includes the grant of a term not exceeding seven years. Marketing the property and/or obtaining an independent valuation against any proposal assists in evidencing that best value has been obtained for the disposal of a Council asset.

This strategy limits the term of any agreement to a maximum of three years, and so meets the exception of a short tenancy as outlined above. In the interests of best practice however, a streamlined marketing approach has been defined which will demonstrate best value.

Any kiosk site located upon public open space shall require a notice to be published in accordance with Section 123(2A) of the Local Government Act 1972, and any objections considered, ahead of entering into any agreement with an operator.

### Resources

The implementation of this strategy will require officer resources from across the organisation (finance, legal, coast protection, parks, economic regeneration, and property) in relation to the marketing and ongoing management of any implemented kiosks.



## Appendix A

Kiosk Lettings Strategy  
2024-2026

Appendix A

Arun District Council

Asset Reference	Address	Strategic Group
LM2007B	Hotham Park Boat Store/Ticket Office, Upper Bognor Road (A259), Bognor Regis, PO21 1H	Kiosk
LM7024	Mewsbrook Park The Wheelhouse, Hendon Avenue, Littlehampton, BN16 2NB	Kiosk
LM7026	Blakes Road Ticket Office, Blakes Road, Felpham, PO22 7EE	Kiosk
LM7029	Hotham Park Miniature Train Garage, Upper Bognor Road (a259), Bognor Regis, PO21 1HY	Kiosk
LM7030	Marine Park Gardens Putting Green Ticket Office, Marine Drive West, Aldwick	Kiosk
LM7035	Hotham Park Ticket Office, Upper Bognor Road, Bognor Regis	Kiosk
LM7036	Hotham Park Putting Green Sports Office, Upper Bognor Road, Bognor Regis	Kiosk
LM7070	Western Putting Ticket Office, Sea Road, Littlehampton, BN17 5GB	Kiosk
LM7200	Fish Kiosk Site (Op.Lennox Street), The Esplanade, Bognor Regis, PO21 1NF	Kiosk
LM7201	Kiddies Rides Site (Op.Norfolk Street), The Esplanade, Bognor Regis, PO21 1NF	Kiosk
LM7203	Clairvoyant Kiosk Site Waterloo Square, Waterloo Square, Bognor Regis	Kiosk
LM7204	Deck Chair Store (Op. Mountbatten Court), The Esplanade, Bognor Regis, PO21 1JW	Kiosk
LM7206	Food On The Prom Kiosk Site (Op. Mountbatten Court), The Esplanade, Bognor Regis	Kiosk
LM7210	East Promenade Train Bognor Regis, The Promenade, Bognor Regis	Kiosk
LM7211	West Promenade Train Bognor Regis, The Promenade, Bognor Regis	Kiosk
LM7212	Promenade Train Littlehampton, The Promenade, Littlehampton, BN17 5GB	Kiosk
LM8232	Town Quay Steps, High Street, Arundel, BN18 9DH	Kiosk
	Site A, The Promenade, Littlehampton (Western boundary of Harbour Park)	Kiosk
	Site B, The Promenade, Littlehampton (Lighthouse area)	Kiosk
	Site C, The Promenade, Littlehampton (in front of Putting Green)	Kiosk
	Site D, The Promenade, Littlehampton (Coach Park)	Kiosk
	Site E, The Promenade, Littlehampton (east end of Longest Bench)	Kiosk
	Site A, The Promenade, Bognor Regis (Adjacent east side of pier)	Kiosk
	Site B, The Promenade, Bognor Regis (Bullnose site)	Kiosk
	Site C, The Promenade, Bognor Regis (east of Gloucester Road Car Park)	Kiosk
	Telescopes, Littlehampton Prom	Kiosk
	Telescopes, Bognor Regis Prom	Kiosk

Asset Register  
Strategic Group = Kiosk

05/01/2024



**Appendix B**

Kiosk Lettings Strategy  
2024-2026

Appendix B

Arun District Council

Criteria	PEF		Parks		Economic Regeneration		Total	Out of
	Score (0-5)	Comment	Score (0-5)	Comment	Score (0-5)	Comment		
Social impact								15
Environmental impact								15
Economic impact								15
Commercial offer								15
							0	60

Example Bid Assessment Matrix

04/01/2024