

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	TOURISM AND LEISURE COMMITTEE	6 SEPTEMBER 2018	7
LYTHAM FESTIVAL AGREEMENT			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The parent group of the existing operator of Lytham Festival has restructured and as part of this LPL (Preston) Ltd has been replaced by Live Nation (Music) UK Ltd as the operator of Lytham Festival. The report asks the committee to agree to amend the existing arrangements to reflect the change.

The present arrangements also include a mechanism that was intended to retain Mr Daniel Cuffe and Mr Peter Taylor as directors of the operating company if the council had appropriate reason to do so. The revised company structure makes this no longer appropriate and the committee is therefore asked to agree to it being omitted from the agreement.

RECOMMENDATION

1. That the council agree to amend the arrangements for operating Lytham Festival by (i) substituting Live Nation (Music) UK Ltd as the operators; and (ii) deleting the provision relating to Messrs Cuffe and Taylor continuing as directors of the operator.

SUMMARY OF PREVIOUS DECISIONS

Cabinet, 15 January 2014:

1. That Lytham Proms Ltd are granted a 15 year licence with 5 and 10 year break options to hold the Proms Concerts on Lytham Green under Heads of Terms attached as an appendix to the report.
2. To waive the contract procedure rules relating to the letting of this agreement for the reasons set out in the report.

Tourism & Leisure Committee, 3 November 2016:

That the committee approve the following variation for the remaining 12 years of the licence with Lytham Proms Ltd for use of Lytham Green during Lytham Festival:

- i) The 'Concert Period' to be increased from three (3) consecutive live music events to a minimum of three (3) and a maximum of five (5) entertainment events during the licence period.
- ii) To increase the public liability insurance requirement in section 2.16 of the licence from £5 million to £10 million.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (**Value for Money**)

Delivering the services that customers expect of an excellent council (**Clean and Green**)

Working with all partners (Vibrant Economy)	√
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

THE PRESENT ARRANGEMENTS

1. Lytham Festival is operated by LPL (Preston) Ltd (formerly Lytham Proms Ltd) under a licence arrangement with the council. The present licence allows the operators to stage a festival of between three and five days on Lytham Green. The licence runs to 2028.
2. The terms of the licence include a provision that allows the council, if it had reason, to terminate the arrangement if both Daniel Cuffe and Peter Taylor cease to be directors of the operator without the consent of the council¹.

THE PROPOSED CHANGES

3. The proposed changes to the agreement arise from changes made to the corporate structure of the present operator. They do not directly affect the operation of Lytham Festival.
4. Live Nation (Music) UK Ltd the parent group of the present operator, has restructured its operating companies. Consequently, members are asked to approve the substitution of the present arrangements by arrangements which replace the present operator, LPL (Preston) Ltd (formerly Lytham Proms Ltd), with Live Nation (Music) UK Ltd.
5. Daniel Cuffe and Peter Taylor continue to be closely associated with Lytham Festival as lead operators for the brand on behalf of Live Nation. The company structure of the new operator is such that neither are directors of Live Nation (Music) UK Ltd however, Peter Taylor will continue to be the registered licence holder for Lytham Festival therefore retaining an identity as an enterprise local to the council's area. It is therefore not appropriate, or applicable, for the new arrangements to include the provision requiring both to be retained as directors. Members are requested to agree to the new arrangements not including such a requirement.
6. In all other respects than the identity of the operator and the director retention clause, the new arrangements will be the same as the existing ones.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report.
Legal	The change in arrangements will be effected by a novation of the existing agreement to the new operator, incorporating a variation to remove the director retention clause.
Community Safety	None as a result of this report
Human Rights and Equalities	None as a result of this report
Sustainability and Environmental Impact	None as a result of this report
Health & Safety and Risk Management	None as a result of this report

LEAD AUTHOR	CONTACT DETAILS	DATE
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¹ The provision states that the consent of the council cannot be unreasonably withheld, but that the council could refuse consent if the proposal would, in the council's reasonable opinion, result in the operator no longer retaining an identity as an enterprise local to the council's area.