

North Yorkshire Council

Report to Corporate Director, Community Development

10 June 2026

Health and Safety Provision at Scarborough Open Air Theatre

Report of the Assistant Director – Culture, Leisure, Archives and Libraries

1.0 PURPOSE OF REPORT

- 1.1 The purpose of the report is to seek approval to extend the Health and Safety Contract in line with the provision of the contract, for 2 years, with no alterations to the service currently being provided by the supplier.

2.0 BACKGROUND

- 2.1 The current contract includes provision for an extension of up to two additional years, subject to mutual agreement between both parties. The service area supports exercising this option in order to extend the existing contract, which is currently due to expire on 31 March 2027. This approach would ensure continuity of service and maintain stability within this critical function.
- 2.2 The current contractor has demonstrated consistently high performance throughout the contract term, delivering services to a strong standard and providing significant added value beyond the core requirements. The service area is satisfied with the quality, reliability, and responsiveness of the contractor's work. As there are no performance concerns or issues identified, there are no operational barriers to extending the contract under the existing terms.

3.0 PROCUREMENT OF HEALTH and SAFETY PROVISION

- 3.1 The purpose of this contract extension is to ensure the continued provision of robust and compliant Health and Safety services at Scarborough Open Air Theatre, as well as at other events and functions delivered across council-operated venues within North Yorkshire. Maintaining a consistent and experienced provider supports the effective management of risks and ensures that all activities are delivered in line with relevant legislation, industry standards, and best practice guidance.
- 3.2 The delivery of shows and events without appropriate Health and Safety provision is not viable, as it would introduce significant and unacceptable risks to attendees, staff, contractors, and physical assets. Inadequate Health and Safety arrangements could compromise the safe operation of events, potentially resulting in incidents, event cancellations, or enforcement action.
- 3.3 Furthermore, any failure in this area could expose the Council to substantial reputational damage, legal liability, and financial loss. Ensuring a high standard of Health and Safety provision is therefore essential to safeguard all stakeholders and to support the successful and sustainable delivery of the Council's events programme.

4.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 4.1 Ensuring the safety and wellbeing of attendees, staff, and contractors at Council-led events is fundamental to delivering the Council's core values and strategic priorities. A strong Health and Safety provision underpins the Council's commitment to providing safe, inclusive, and well-managed public spaces.
- 4.2 This service directly supports the Council's priority to keep people safe, healthy, and living well. By providing a visible and proactive Health and Safety presence on-site, potential risks can be identified and managed effectively, preventing issues from escalating into more serious incidents. This contributes to a safer environment and enhances public confidence in Council-run events.
- 4.3 Events play a key role in promoting community engagement, cultural participation, and local economic activity. The delivery of these events is dependent on appropriate Health and Safety arrangements being in place. Without this provision, events would be unable to proceed in a compliant and safe manner. Maintaining a robust Health and Safety service therefore ensures the continued success and sustainability of the Council's events programme.

5.0 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The option to undertake a full competitive tender process was considered as part of the contract review. However, this approach would coincide with a potential change in the security service provider, resulting in two significant operational transitions being implemented simultaneously.
- 5.2 It was assessed that progressing with two major service changes at the same time could introduce avoidable risks, including potential disruption to service delivery, reduced operational efficiency during mobilisation, and an increased requirement for management oversight and support. This could also place additional pressure on both internal resources and event delivery timelines.
- 5.3 In light of these considerations, it was determined that separating these activities would provide a more controlled and manageable approach. Extending the existing Health and Safety contract ensures continuity of a critical service, maintains current high standards of provision, and reduces operational risk. This approach also enables any future changes to the security contract to be implemented independently, allowing for a more focused and effective transition process.

6.0 FINANCIAL IMPLICATIONS

- 6.1 The expected cost can be met from the existing annual budget of £377k for Medical, Security and Health and Safety.

7.0 LEGAL IMPLICATIONS

- 7.1 The delivery of events without appropriate Health and Safety provision presents significant legal and regulatory risks. The Council has a statutory duty of care to ensure, so far as is reasonably practicable, the health, safety, and welfare of attendees, staff, and contractors. Failure to meet these obligations could result in enforcement action, legal claims, or prosecution. The appointed contractor will be responsible for managing incidents and complaints in relation to their service and must maintain appropriate levels of insurance cover, including public liability insurance, in accordance with contractual requirements.

7.2 The procurement exercise will be undertaken by the Council's Procurement and Contract Management Service, a Gateway report will be considered in accordance with the Council's Procurement and Contract Procedure Rules.

7.3 Failure to provide adequate Health and Safety provision at key venues, including Scarborough Open Air Theatre, could have significant contractual implications. In particular, the Council has obligations to delivery partners such as Live Nation to ensure a safe, compliant, and operationally effective environment. Any inability to meet these requirements could result in breach of contract, potential financial penalties, reputational damage, and risks to ongoing or future partnership arrangements.

8.0 EQUALITIES IMPLICATIONS

8.1 There are no equalities implications arising from this report. An Equalities Impact Assessment screening form has been completed and is included as Appendix A to this report. A full equality impact assessment is not deemed to be necessary.

9.0 CLIMATE CHANGE IMPLICATIONS

9.1 There are no climate change implications arising as a result of this process. A Climate Change screening form has been completed and is included as Appendix B to this report. A full climate change assessment is not deemed to be necessary.

10.0 PERFORMANCE IMPLICATIONS

10.1 The contract sets out the requirement. Regular meetings are held with the company to discuss performance, and each event has a debrief session immediately after involving North Yorkshire Council staff and Health and Safety Management to discuss event performance with actions agreed and addressed prior to next event or sooner. The current provider operates to a high standard and there are no performance concerns.

11.0 RISK MANAGEMENT IMPLICATIONS

11.1 The contractor will be responsible for all Health and Safety interventions. Failure to provide adequate cover will result in the inability to successfully operate our key venues and events and result in significant reputational damage to the Council along with the possibility of financial risk in relation to cancellation of shows and events.

12.0 COMMUNITY SAFETY IMPLICATIONS

12.1 Risks are elevated when large numbers of people attend events. The provision of Health and Safety services is essential to ensure the safe operation of key venues and events and enhance community safety and public confidence in council-run venues and events.

13.0 REASONS FOR RECOMMENDATIONS

13.1 The Venues and Attractions service operate the Open Air Theatre and have a good working relationship with the supplier and wish to continue this for the next 2 years. It is felt this will be particularly useful for the staff at the Open Air Theatre, given that over the next couple of years they will be managing changes in various providers in line with other procurements taking place, most notably around Security. Furthermore, this supplier has been offering valuable support to the Open Air Theatre around the training and table-top exercises around preparations for the introduction of Martyn's Law (The Terrorism (Protection of Premises) Act 2025), to ensure full compliance with this legislation

14.0 RECOMMENDATIONS

- i) Approval is recommended to proceed with the 2 year extension of the current Health and Safety Contract to minimise operational risk by avoiding the need to implement multiple significant service changes concurrently, particularly in light of the potential changes to security provision and note that the cost will continue to be met from existing budgets. This approach enables a more stable and controlled delivery environment for events and protects the Council's ability to deliver a safe and compliant events programme.
- ii) Furthermore, extending the contract represents a proportionate and pragmatic approach, ensuring continued compliance with Health and Safety obligations while allowing time for future strategic review and procurement planning, if required.

APPENDICES:

Appendix A – Equality Impact Assessment Screening
Appendix B – Initial Climate Change Impact Assessment

BACKGROUND DOCUMENTS: None

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Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.