

**CABINET
17 DECEMBER 2019**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: INTRODUCTION OF CHARGES FOR THE USE OF GREENSPACES

REPORT OF THE SERVICE DIRECTOR - PLACE

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR ENVIRONMENT AND LEISURE

COUNCIL PRIORITY: ENABLE AN ENTERPRISING AND CO-OPERATIVE ECONOMY

1. EXECUTIVE SUMMARY

- 1.1 To approve the introduction of charging for the hire of parks and public open spaces including the use of multi use games areas (Muga's). This will help manage the facilities at peak periods of demand and contribute to the broader District Wide approach to generate income to help off-set maintenance costs and the costs of administration to issue land licences. Casual use by the public will remain free of charge when the facilities are not booked by clubs or organisations.

2. RECOMMENDATIONS

- 2.1 The committee is recommended to approve the introduction of charges for the hire of multi use games areas and for the use of public open spaces for events as detailed in paragraph
10.2a – One off public events in parks and open spaces
10.2b – Hire of Multi Use Games Areas
10.2c – Fitness Groups use of parks and open spaces
- 2.2 The introduction of Fees and Charges for the hire of the Muga at King George 5th Recreation Ground will only be adopted upon the approval of the Cabinet Sub Committee for Trusts.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The introduction of charges for the use of Muga's will help manage demand and off set the ongoing running costs especially in relation to the use of the flood lights.
- 3.2 The charging for events that use our public open spaces will help offset the administrative costs of issuing a Land Licence for each event and contribute towards ongoing maintenance costs of each location.
- 3.3 Many of our open spaces are used for private businesses for their own commercial purposes such as fitness groups and dog walking companies. These businesses are using the open spaces free of charge and are not currently contributing towards the maintenance of the public open spaces that they use.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The alternative is to continue the current practice as we do not charge for any of the items as listed in 10.2.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Consultation has already taken place with Members via the Service and Financial Planning process in previous years

6. FORWARD PLAN

- 6.1 This report was included within the Forward Plan on the 13th November 2019.

7. BACKGROUND

- 7.1 Currently we have Muga's that are booked regularly, to manage demand, at Priory Memorial Gardens Royston, Avenue Park Baldock, King George Rec Hitchin, Norton Common Letchworth and Bancroft Recreation Ground Hitchin.
- 7.2 Known fitness grounds are using the locations named in 7.1 plus Butts Close, Hitchin, Baldock Road Rec Letchworth, District Park Great Ashby for the purpose of operating their business.
- 7.3 Currently no charges are levied for the use of the facilities as noted in 7.1 and 7.2 above.
- 7.4 The Council has a duty to take such care, under all circumstances as is reasonable, to ensure that public open spaces remain accessible and open for the public to use at all times. Therefore when clubs and organisations wish to use parks and open spaces for the purpose of organised events or as a location to operate a business for profit that any costs incurred by the Council should be offset through appropriate fees and charges or bonds lodged with the Council prior to any event taking place.
- 7.5 NHDC has limited resources available for the maintenance of its Parks and Open Spaces and will need to take reasonable steps to ensure any costs are kept to a minimum and to ensure its premises remain safe for any other visitors.
- 7.6 All visitors equally have an equal right to access public open spaces for recreational purposes as individuals.

8. RELEVANT CONSIDERATIONS

- 8.1 The introduction of charging for Muga's is to manage an increase in demand and is part of a boarder corporate strategy to manage costs and minimise liabilities the Council may face in the future as identified within the Council's Medium Term Financial Strategy.

- 8.2 To help offset the costs associated with managing public open spaces and ensure retention of appropriate standards of maintenance as expected by our residents and visitors.
- 8.3 The Muga at King George 5th Recreation Ground in Hitchin is part of the Trust for King George 5th Fields and as such would require the approval of the Trustee's, the Sub Committee of Cabinet for Trust's which will receive a report on this issue on the 16th December 2019. Without the Sub Committee's approval this recommendation can not be applied at King George 5th Recreation Ground.
- 8.4 At present a weekly Park Run operates from The Grange Recreation Ground in Letchworth. This proposal is not intended to affect this well supported regular event. As the majority of the route is run on public footpaths that are not owned or managed by North Herts District Council the actual financial impact of this event is minimal. In effect the Park Run uses our venue as a meeting point and car park. This proposal does not intend to introduce fees and charges for this purpose at this location.
- 8.5 Existing resources will be utilized within the Council to administer the proposed policies as set out at Appendix A.

9. LEGAL IMPLICATIONS

- 9.1 For charges in respect of the provision of games and play equipment, section 93 of the Local Government Act 2003 permits Councils to charge for the provision of discretionary services provided such charges do not exceed the cost of provision.
- 9.2 For charges in respect of holding events, section 145 of the Local Government Act 1972 permits the Council to hold events on such terms as to payment or otherwise as the Council thinks fit. Section 145 also permits the Council to exclude the general public from areas that are designated for an event.
- 9.3 Some opens spaces may have charitable status and for such spaces, exercising any powers to charge must be consistent with the terms of any trust instruments and chartable objects.
- 9.4 The General Power of Competence, as set out in section 1 of the Localism Act 2011, permits the Council to exercise power to charge as land owner. However, following the publication of the Government's response to the consultation on "*Preserving the free use of public parks consultation*" officers should review the policy regularly. This consultation response was issued in December 2018.

10. FINANCIAL IMPLICATIONS

- 10.1 The introduction of charges for Muga's will help to generate income that will help offset the running costs of the facilities and the administration costs of providing a booking system for the facilities. All administration costs will be contained within existing resources using the proposed policies as set out in Appendix A.

- 10.2 The annual Service and Financial Planning process will determine and agree any fees and charges – however the suggestion is to apply the following
- a) Events – One of charge of £50 flat charge for the production of the land licence. For local charities and community groups the charge will be waived. Officers will be able to waiver the £50 flat charge as per the proposed policy and in consultation with the Executive Member. A variable charge will be considered for commercial organisations dependant upon the scale and nature of the proposed event. The minimal charge to any commercial organisation will at least cover any costs incurred by the Council as a consequence of the proposed event. .
 - b) Hire of Multi Use Games Areas – A charge of £25 per session for the whole facility (two courts). A single court booking a charge of £15 will apply. A session consisting of either morning, afternoon or evening, regardless of number of people attending. To include the use of flood lights. When not booked the facility will be open for free public use as per current practice.
 - c) Fitness Groups (Small Events) – A charge of £100 per calendar month will be applied to enable the business to pre book the same location for the same time each week.
- 10.3 If the above charges were applied to existing bookings that have occurred over the last 12 months it is anticipated that this could generate at additional £10,000 per annum income. A budget saving of £10,000 was taken from the budget in 2017/18 (on an ongoing basis). This income is being generated from existing charges for fairs and circuses. Subject to this policy being agreed, a further £10,000 saving would be added in to the budget for 2020/21 onwards.
- 10.4 The above proposed fees and charges are consistent with neighbouring authorities that already have a similar charging policing actively operating.

11. RISK IMPLICATIONS

- 11.1 In 2017, the Ministry for Housing, Communities and Local Government launched a consultation entitled “Running Free” in response to a Parish Council that was charging for a Park Run event to use its land. The response to the consultation was that the Government would issue non-statutory guidance (but not legislation) that local authorities should not charge for free-to-enter running events. Whilst the Council does not intend to charge for Park Run events the consultation did ask about other events that should not be charged for, and implied that the need for legislation would be reviewed if the non-statutory guidance was not effective. There is therefore a very small risk that Government could introduce legislation that could deliberately or inadvertently remove the power for the Council to charge for some of the activities that this policy would introduce charges for.
- 11.2 The ongoing costs of providing public open spaces and multi use games area are only going to increase in the future due to increasing maintenance costs. The introduction of charging for these activities will ensure that they will be available for hire for longer into the future without becoming a financial burden upon the Council.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 The introduction of a charging scheme may have a negative impact on those poorer within the community. It is recommended that if the committee approve the decision to introduce a charging scheme that an equalities impact assessment accompany the proposed policies for introducing charges.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 There are no human resource implications associated with this report.

15. APPENDICES

- 15.1 Appendix A – Proposed process for managing the charging of Multi Use Games Areas and Events.

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

None