

Neighbourhood Services Committee



21 March 2024

Title	Group Training Licences in Parks
Purpose of the report	To make a decision
Report Author	Kamal Mehmood, Strategic Lead for Leisure and Community Development
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Community Recovery Environment Service delivery
Recommendations	Committee is asked to: Approve option 1 – adopt new procedure for fitness training licence applications including the proposed pricing structure.
Reason for Recommendation	There has been an increased demand in personal trainers and local organisations enquiring to use our parks for outdoor group fitness training. We want to ensure that we have a robust procedure in place to support the use of parks for outdoor recreation, as well as offering the use at an affordable price.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> Numerous enquiries are received from fitness instructors interested in delivering fitness classes in parks but we have only issued one licence in recent years. Comments received are that our current prices are too high. During the pandemic, we took an active approach not to charge a fee due to the benefits to the wider community. We currently 	<ul style="list-style-type: none"> To maximise the use of parks for physical activity and to encourage fitness trainers to seek official permission. Instructors will need to display licences to show that they have received authority from the Council to operate. Licences will be issued on receipt of relevant paperwork including insurance and risk assessment.

suspect that people are using the parks without authorisation.	
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> To introduce a new procedure including a new pricing structure, offering a lower price for groups with less participants and keeping the current price for larger groups. 	<ul style="list-style-type: none"> Adopt new procedure and invite applications to capitalise on the summer months to ensure fitness instructors have licences in place.

1.1 This report seeks to review existing procedures and associated fees and charges for fitness trainers operating in the Borough's parks to encourage fitness trainers to seek official permission.

2. Key issues

2.1 Permission was given to 10 fitness trainers to use the parks free of charge in 2020/2021 due to the ongoing displacement situation caused by Covid. All fitness trainers provided risk assessments and public liability insurance.

2.2 Prior to the COVID-19 situation, the Leisure and Community Development Team regularly received enquiries about using the park for fitness training and the associated fees and charges and licence fee. Trainers would enquire and then not pursue this. We have been informed by a few people that they felt that our current charges and licence fees were prohibitive.

2.3 It has become apparent that a few fitness trainers may have been operating in parks for some time without permission and the COVID-19 situation just exacerbated this situation. Law Enforcement Officers have been speaking with fitness trainers and asked them to contact the Leisure and Community Development Team to provide their documentation. There have been a few complaints about some fitness trainers such as blocking areas of the park, disturbance due to shouting or music, displacing other groups and damage to the grass. These have been dealt with by Law Enforcement Officers or Leisure Officers either speaking with the fitness trainers face to face or via the phone.

2.4 Prior to COVID no one enforced fitness training in parks, so we do not know how many fitness trainers had been operating without permission.

2.5 Train Fresh are the only organisation who have had licence and have been operating in Laleham Park, since 2012. British Military Fitness were due to apply for a licence in a different area of Laleham Park when 'lockdown' occurred in March 2020.

2.6 In 2022, a new pilot was launched over the summer to encourage fitness trainers to apply for a licence. Both current users and new enquiries were signposted to the new process but trainers commented that our prices were too high so didn't pursue applications. The only licence issued was to Train Fresh.

2.7 Fees and charges for 2024-25 have already been approved at CPRC on 19 February 2024. They included a single charge for group training and provision

for discounted prices to be considered in exceptional circumstances where an activity supports a strategic priority of the Council to the benefit of a particular community group.

- 2.8 Whilst this report seeks agreement to introduce a broader pricing structure to encourage greater take up of group exercise licences it is envisaged that the condition outlined above and in the overriding report on fees and charges would still apply.
- 2.9 If approved the council would undertake to promote the new requirements and raise awareness of the scheme, through notices in parks, the council website and social media channels; and directly with those delivering classes.

3. Options analysis and proposal

3.1 Enquiries usually start in Spring for instructors to use the parks over the summer months. We propose that applications can be made at any time throughout the year.

3.2 Option 1: Adopt new process along with fees and charges as outlined in Appendix A (Recommended)

Advantages:

- Robust and fair procedure in place to assess applications;
- Reasonable fees that providers can afford including a tiered system depending on the group size of participants;
- Short term licence option for new groups interested in starting out;
- Encourage increased use of parks and boosts physical activity, improving health and wellbeing;
- Follows similar process in place for Community Lettings and Annual Tennis Licences;
- Applications can be made throughout the year;
- No fee for one-to-one tuition

Disadvantages:

- Time required to assess applications and create licences for instructors

3.3 Option 2: Keep procedure and fees in line with pilot

Advantages:

- No need to review process

Disadvantages:

- High fees which can deter people from applying;
- The council could miss out on immediate income;
- Fitness trainers may be operating without seeking permission and without a licence;
- It is difficult for the Council to control the activity within its parks;

- There is a risk that fitness trainers may be operating without insurance and are failing to comply with the Council's Health and Safety requirements.

3.4 Option 3: Don't allow instructors to use parks for outdoor fitness training

Advantages:

- Saves time as no need to produce licences

Disadvantages:

- The council would miss out on immediate income;
- Fitness trainers may be operating without seeking permission and without a licence;
- It is difficult for the Council to control the activity within its parks;
- There is a risk that fitness trainers may be operating without insurance and are failing to comply with the Council's Health and Safety requirements;
- Missed opportunity to encourage parks and open spaces for physical activity.

4. Financial management comments

- 4.1 Adopting the new process, with the revised fees will ensure an income for the Council from fitness trainers. Proposed charges are outlined in Appendix A. This proposed structure can be incorporated within the fees and charges.

5. Risk management comments

- 5.1 Member consultation will be required to ensure awareness of new process and associated fees.
- 5.2 If it is foreseen certain areas of parks may sustain heavy use, the inspection regime for these parks or areas will need to be more frequent.

6. Procurement comments

- 6.1 Not applicable

7. Legal comments

- 7.1 The legal department have confirmed that a licence is required but associated legal fees will be considered on an individual basis to ensure they are affordable to the applicant. It is recommended that a process is in place to encourage fitness trainers to seek the Council's consent and enter into a licence. The contractual obligations within the licence will assist the Council to manage the risk.
- 7.2 The terms of any licence will require fitness trainers to provide evidence of public liability insurance and third party liability insurance in the sum of £5 million. Fitness trainers will also need to provide Health and Safety risk assessments.
- 7.3 The Council would be liable in the event that injury was caused due to poor maintenance of the ground. Any park and open space inspections undertaken would need to be recorded, even if no issues were found and no remedial action was required. If it is foreseen certain areas may sustain heavy use, the inspection regime for these areas will need to be more frequent.

8. Other considerations

- 8.1 Customer Services also receive enquiries regarding park bookings. All instructors interested can be directed to the online form. Colleagues from Parks, Assets, Legal and Insurance will need to be consulted with as part of the application process. This will help us to assess demand and ensure that we are issuing a reasonable amount of licences for each park.
- 8.2 Promoting fitness in parks helps to break down barriers to participation in physical activity, actively promoting health and wellbeing. Increasing the use of our parks will reduce anti-social behaviour and loneliness as well as increasing resilience and improving mental health.

9. Equality and Diversity

- 9.1 Applications will request a detailed explanation of the service delivery as well as cost of sessions and whether discounts are offered to less advantaged residents.

10. Sustainability/Climate Change Implications

- 10.1 Encouraging use of outdoor areas for fitness supports sustainability as the energy costs required to deliver outdoors are lower than delivering at indoor venues.

11. Timetable for implementation

- 11.1 Decisions on fees and charges are ultimately determined by CPRC. If the Neighbourhood Services Committee approve the recommendation, the pricing will be taken forward to CPRC on 15 April 2024 to be authorised.
- 11.2 If approved work will start to advertise the opportunity, and to raise awareness of the requirements of the council, in order that applications can be considered in a timely manner to maximise participation over the summer period.

12. Contact

- 12.1 Leisure Services – 01784 446433 or leisure@spelthorne.gov.uk

Background papers: There are none.

Appendices:

Appendix A – Price comparison chart

Appendix B – Guidance notes Outdoor Fitness Training Licences