

Community Wellbeing & Housing Committee



24 September 2024

Title	Group Training Licences in Parks
Purpose of the report	To make a decision
Report Author	Mary Holdaway, Leisure Development Manager
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Community Resilience Environment Services
Recommendations	Committee is asked to: Approve the issuing of licences for fitness training including the proposed pricing structure whereby instructors pay a nominal fee.
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. The Council needs to ensure that there is a robust procedure in place to support the use of parks for outdoor recreation, as well as offering the use at an affordable price. By formalising the process, the risk to the Council is reduced and safeguards residents.

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 only issued one licence has been issued in recent years. Comments received are that our current prices are too high. During the pandemic, the Council took an active approach not to charge a fee due to the benefits to the 	<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

wider community. It is suspected that people are using the parks without authorisation.	and risk assessment. This will reduce the risk to the Council.
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. 	<ul style="list-style-type: none"> Adopt new procedure and invite applications 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 did not pursue applications. The only licence issued was to Train Fresh.

2.7 Enquiries for other Leisure activities eg. Paddleboarding have also been received. It is important to ensure that the Council adopts a consistent approach for use of our parks and open spaces.

3. Options analysis and proposal

3.1 Enquiries usually start in Spring for instructors to use the parks over the summer months, however, enquiries are received at other times. It is proposed that applications can be made at any time throughout the year.

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

Advantages:

- Robust and fair procedure in place to assess applications;
- Reduces the risk to the Council and safeguards residents by ensuring instructors have qualifications, insurance and other relevant documentation
- The Council can retain control over activities in its parks
- 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;
- Encourages 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
- Fee may be a deterrent

3.3 Option 2: Encourage applications but apply no fee

Advantages:

- Formalises process which reduces risk to the Council
- Reduces the risk to the Council and safeguards residents by ensuring instructors have qualifications, insurance and other relevant documentation
- The Council can retain control over activities in its parks
- No financial burden for instructors or residents
- Encourages increased use of parks and boosts physical activity, improving health and wellbeing;

Disadvantages:

- Time required to assess applications;

- The Council could miss out on immediate income;
- Inconsistent approach that park bookings are required for some events but not others

3.4 Option 3: Do not allow fitness training in parks

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 relevant qualifications & insurance and are failing to comply with the Council's Health and Safety requirements, increasing the risk to the Council and residents.

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 and reviewed on an annual basis. The initial proposed charges outlined in Appendix A have been reviewed.

4.2 Other leisure activities eg. paddleboarding would be listed as price on application to give a degree of discretion based on the activity proposal.

4.3 Fees are subject to VAT.

5. Risk management comments

5.1 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 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.

7.2 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 may need to be consulted with as part of the application process. This will help us to assess demand and ensure that a reasonable amount of licences for each park are issued.

- 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 the Council's 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 Work will start imminently to process applications to maximise participation.

12. Contact

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

Background papers: There are none.

Appendices:

Appendix A – Price comparison chart