

SUBJECT:	PARKS AND OPEN SPACES – INCOME POLICY
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
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1. Purpose of Report

- 1.1 To present a policy document that sets a framework for permitting charges to be levied, in some instances, for matters relating to parks and open spaces, so as to generate income in support of these sites.

2. Executive Summary

- 2.1 The parks and open spaces of Lincoln have a vital part to play in supporting many of the Council's future ambitions for the city and its residents.
- 2.2 To be able to realise as many aspects of that potential as possible requires funding; funding which in the current economic climate is unlikely to be forthcoming for some years.
- 2.3 It is therefore essential that the Council does not overlook opportunities to generate income in support of its parks now, but it is recognised that it is important to consider any such opportunities/charges carefully so as not to inadvertently or unintentionally impact park/open space users negatively.
- 2.4 The attached document is a proposal for a charging policy which is intended to provide a motivation to staff/volunteers/ third parties by giving an opportunity to generate income for a site they love, whilst at the same time setting it within sufficiently flexible controls to ensure that charges are applied fairly, considerately, and with the best interests of the parks/open spaces and the Council's wider aims at heart.

3. Background

- 3.1 For many years the Council has had an ad-hoc approach to levying charges/or not, for events and activities in its parks. It has done this in a varied way, either through formal fees and charges setting, or where a faster response is required, via discussion/negotiation with senior officers and members.
- 3.2 The profile of parks and open spaces has never been higher than it is now, and as the demands placed on these important sites continues to escalate, it is vital that their opportunity to contribute to the future of the city is not stifled by missing opportunities to attract investment.

- 3.3 The Council's financial position does not permit funding beyond maintaining them to a good standard, and so many aspects of desirable enhancement will go unrealised unless opportunities for new funding are exploited.
- 3.4 Mindful of the complexities that surround the various income options that exist and arise for both the Council and supporting groups, this policy seeks to provide both clear policy, and where that cannot be specified, broader guidance.
- 3.5 It is vital to be clear that through the development of this policy it is not the intention to charge for anything/everything, but to ensure that no income opportunities are missed, and that any charges that are applied are applied fairly and with full consideration to the site, the context and the Council's aims and ambitions for the city.

4. The Policy

- 4.1 The policy itself acknowledges the complexity of setting a fixed policy where each site is different, each income opportunity is different, and the context of each case may vary considerably. For this reason, the policy is careful to set clear policy where that is possible, but where it is not, it establishes a suitable decision-making route with accountability.
- 4.2 With regards to goods/items, it should be noted that every effort has been made to ensure consistency of approach, by the use of the existing guidance document in use by the Tourist Information Centre.
- 4.3 As owners of the sites the Council recognises its responsibility is ensuring all charges that might be levied are done fairly for users, and so includes within its scope reference to the key partners of Park Advisory Groups.
- 4.4 It is the intent of the policy that it generates income in support of parks and open spaces, that it enthuses stakeholders to generate income for parks initiatives, and that it does not deter use.

5. Strategic Priorities

5.1 Let's drive inclusive economic growth

An important part of the Council's agenda for growth is the recognition that it needs to create an environment that ensures that Lincoln is recognised as a great place to live, work or visit. The quality of green spaces can make a location more or less attractive simply by their apparent condition, often mirroring the prosperity of an area. This proposal provides an opportunity to significantly improve the income that parks can create, and thus provides an opportunity for future investment.

5.2 Let's reduce all kinds of inequality

The provision of public parks emerged in the Victorian era as a concept to provide the working classes with spaces that offered opportunity to improve their physical and mental wellbeing. It quickly became recognised that everyone in a community enjoyed and benefited from well run and maintained parks and open spaces. In today's world they still provide the same benefits, as well as a number of others that are relevant to the modern age, such as community cohesion and providing sanctuary for precious urban wildlife.

This proposal does nothing to prevent or deter the use of parks as free access resources. It does however provide an opportunity to enhance the visitor experience and additionally adds the potential for income generation which promotes opportunities for investment.

5.3 Let's enhance our remarkable place

Lincoln's parks and open spaces are an asset which has unquantifiable value; they are a key part of the City Council's strategic approach to improving the city for the benefit of all those who live, work or visit this magnificent city. The Council has expressed a clear aim to build on the success of its current events/activities programmes by making them more sustainable long term, and providing opportunities for inwards investment. This report underpins that and, if supported, provides the foundations from which to build an enhanced events programme in the future.

5.4 Let's address the challenge of climate change

The city's parks and open spaces are often referred to as it's lungs. This initiative aims to support the use and promotion of these sites, and to seek investment for the improvement and protection.

6. Organisational Impacts

6.1 Finance

It is the aim of the policy to generate new funds in support of enhancement initiatives. It is not possible to forecast with any accuracy the income that might be achieved as this will be subject to a wide range of undeterminable criteria. Any income generated will be ring-fenced for re-investment in parks and open spaces.

6.2 Legal Implications including Procurement Rules

Lincoln's parks and some of its open spaces have bylaws which prohibit certain uses. On common land the governing Act prevents business enterprises from being run (others than those expressly permitted).

The Council retains the right to control markets, and to seek licensing accordingly. A market is legally defined as 'a concourse of 5 or more buyers and sellers'. This can be either stalls, tables or car boots and is applicable to both indoor and outdoor markets. Under market licensing any fees applied for use of the park would not obviate the requirement to apply for a market license and (if granted) pay the required fee (this may be free for charities).

The consumption of alcohol is not expressly forbidden by the bylaws, but there are legal restrictions on the sale of alcohol. See section E) Sale of items/services/space within the policy for the stated guidance.

The issue of Subsidy Control is noted, particularly in respect of grant funding. The policy has reference of the need to be alert to the risks, and to ensure that this is a part of any grant funding procedural checks.

6.3 **Equality, Diversity and Human Rights**

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

There is nothing in this report that negatively impacts this duty.

It should also be noted that the Council is alert to the risks that not all groups or indeed charitable causes align with the aims of the Council. The policy therefore includes for options to exclude or deny requests from such organisations that might risk operating contra to the aims of the Council. Not least with regards to equality, diversity and human rights issues. An EIA is attached.

6.4 **Human Resources**

Although the report does not directly require any changes in terms of HR, it is hoped that its success will eventually lead to the creation of posts, and may require the review of Job Descriptions at some stage accordingly.

6.5 **Land, Property and Accommodation**

Issues relating to leases are referenced in the Policy so as to be clear that such issues will be addressed outside of this policy by Property Services directly.

6.6 **Significant Community Impact &/or Environmental Impact**

The Policy has been discussed with the Chair's of the Park Advisory Groups, and views will be sought from Park Advisory Groups formally when this committee has expressed an early view.

It is hoped that the policy will generate income in support of an enhanced and more sustainable event/activity programme, that will in turn bring communities together.

There are no negative environmental impacts.

6.7 **Corporate Health and Safety implications**

Events on council land, or run by Council staff need to be carefully governed to ensure health and safety requirements are met.

The Council has run events for many years now, and has policies in place to meet these requirements. Equally, by formalising the requirements for events run by third parties it ensures that the necessary health and safety requirements are in place. The procedures are regularly reviewed, and overseen by health and safety professionals.

7. Risk Implications

7.1 (i) Options explored

- a) All events/activities free. In the current economic climate these are not sustainable and do nothing to promote investment in parks and open spaces.
- b) All events activities charged. There is a risk that charges would deter usage in some cases and be counter-productive to council aims.
- c) Development of a flexible policy. An attempt to set clear policy but provide flexibility so as to support the Council's aims and ambitions.

(ii) Key risks associated with the preferred approach

Development of a flexible policy. Given the complexity of the issue, there will always be opportunities/approaches that are outside of the scope of the policy, which will require careful thought. Some people will not want to pay, and may expect free use.

8. Recommendation

- 8.1 That committee consider the report.

Is this a key decision?	Yes
Do the exempt information categories apply?	No
Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?	No
How many appendices does the report contain?	3 Policy Proposal Retail Guidance EIA
List of Background Papers:	None

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