



CITY OF
Lincoln
COUNCIL

Appendix 1

A policy for the development of financial income generation options in support of parks and open spaces.

Document control

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Background

The parks and open spaces of Lincoln are beautiful places. Operating as both environmental havens and 'leisure centres without roofs', they either underpin or directly contribute to fulfilling many of the main objectives of the Council.

The Council's funding for open spaces maintains the sites at a good or where possible, Green Flag standard, but due to the almost limitless opportunities that parks and open spaces present, it will never be able to finance every desirable idea or aspiration.

As such it is vital that ways are found to fund them so that they are not only well maintained, and remain free for casual use by residents and visitors, but that investment is identified and maximised so as to ensure ways are found to get nearer to releasing their full potential.

It is a principle of the policy that charges will be considered wherever an event/activity denies access/use of an area by the wider public, and that the income generated will be returned for investment in the park/open space.

Purpose of the policy

To identify and consider the wide range of ways in which income may be received in support of parks and open spaces, and to establish a clear policy under which it might be requested or accepted to ensure its use in protecting and enhancing provision for future generations. To be clear, this policy is about re-investing any monies received, from a range of sources, back into our parks and open spaces.

Supporting notes:

Although the council has run events and activities in parks for some years, it has never had a fully developed income generation policy that set a framework for staff and important stakeholders to work within.

This document seeks to identify the main potential income streams, and to provide guidance as to how these might be developed, so as to have transparency and consistency in such a diverse and variable area.

It is not the intent of this policy to deter or exclude any residents or visitors to our parks and open spaces, but to actually encourage more use by way of generating income for investment in the facilities to improve them over time.

This policy directs how any money received is used to further the aims of good open space management, and in the long term interests of the city's open spaces.

Scope

Areas:

All City Council owned parks and open spaces. (NB The Commons are in the custodianship of the City Council but not 'owned' by the Council in that sense, so are outside of the scope of this policy.

Agents:

This policy applies to the following: City of Lincoln Council (CLC), Park Advisory Groups (PAGs), and those with other forms of authority granted to operate in parks where compliance with this policy is stated as a requirement, including clubs and groups granted short term agreements for the use of sites for specific events/activities.

Those who may wish to lead on an initiative to generate income (on behalf of a park/open space) should first consider doing that through the PAG, if one exists for the site. If they do not wish to work with/through a PAG, or if one does not exist, then third parties may only proceed in any income generation project with specific agreement of CLC under a separate agreement.

This document does **not** cover or include for leases/licenses or other forms of agreement for buildings/services/land etc. which are managed by the Council's Property Services section. This includes for the leasing of open space, with note that a lease can, in law, be termed a 'disposal' with all the associated legal requirements, such as the need to advertise.

Where an area is to be let/leased to a third party this will always be by following the relevant procurement policies/legislation and/or property leasing arrangement policies subject to Council policies on procurement.

Types of income:

This policy relates to all forms of financial support only. It is not intended to cover donations of specific items or offers of in-kind assistance. This is covered by individual donation policies for parks, although it is hoped to align these policies into one consistent policy at some point.

Sources of income:

There are a range of possible income generation sources including, external grant awarding bodies, corporate sponsors, CLC lotteries, advertising, direct income generation (sales/events/activities/concessions), donations, bequests.

General conditions / Guiding principles.

The policy is intended to provide guidance on how income may safely be received or accepted to further the aims and objectives of parks and open spaces protection, improvement, and promotion.

All aspects of income received under this policy are ring fenced for that purpose only, held by the City Council, but with spending at specific sites directed by Park Advisory Groups.

To ensure the protection of the reputations of individuals, groups, and the spaces concerned it is vital that there is total transparency of all actions, at all times, in relation to how funds are requested and received. The rules in this policy ensure any financial support, is received in a way that at all times protects that principle of integrity. To that end, all income requested or received must be in accordance with this policy, and no request or receipt of funding that is outside of the scope of this policy will be permitted without the express agreement of the City Council as landowner.

Applications for external funding should always be discussed with the City Council BEFORE any bid/request is made.

All requests and applications for funding must be subject to rigorous challenge on the purpose, outcomes, risk and transparency of administration. Legal and procurement requirements must always be fully considered.

Where applicable for scale, the Council's corporate approach to project management must be adopted.

Where the legitimate use of a site is agreed with the Council, then the terms of this policy shall apply to any sub lettings, unless permission to waiver from that is agreed in advance.

It is not the intent of this policy to deter or exclude any legitimate users from fair use of public open spaces.

How the income is controlled.

It is a principle of the policy that Park Advisory Groups will control priorities for spending any income achieved under this policy.

Therefore any income received will be held in specific budget lines by the Council for specific sites, thus ensuring proper controls are in place for the management of such sums. However, the actual income, and any expenditure, will be reported routinely to each Park Advisory Group, so that they can see the balance available to them, and what any funds have been spent on in their name.

This system works well for the income to commons, and at each meeting the members of the Commons Advisory Panel review the position, and agree priorities for spending as/when new funds become available.

In an exceptional circumstance where a Park Advisory Group is not of a standing that permits it to transact normal business under its constitution (for example it is not quorate, or does not have elected representatives to Chair meetings), or where for whatever reason the City Council has grounds to consider such a group may be operating outside of its constitution, then the following will apply individually or jointly, at the discretion of the Portfolio Holder for Remarkable Place:

- A) The Chairs of the other PAG in the city may be invited to review the position and provide a consensus view in the interests of the specific site in question.
- B) The Director of Communities and Environment be invited to make recommendations consistent with any known plans for the specific site to the council's Executive.

Income opportunities.

This section sets out simply where income opportunities might arise.

A) External grant bodies.

These bodies are usually responsible for giving larger sums, and as such are set up to manage detailed bids and evaluate required outcomes. Grants always have specified requirements, and these can be significant and onerous, often with penalties attached for failure.

As each grant funding body has separate requirements it is vital that before any bid is developed, it is discussed with the council in detail and challenged, as set out in the general guidance.

Those proposing such a route must be clearly aware of the extent of the resources/expertise required, and the risks.

Given the complexities of drafting bids it is recognised that bid writers may be used at times. Care must be taken in the procurement of such specialists, and any percentage charges they make must be clearly accounted for before their engagement on the drafting of any bids.

B) Corporate sponsors.

The Council is keen to encourage corporate groups to engage and support issues associated with community development and protecting natural spaces.

However, to make sure that the highest standards of probity are maintained it is important that transparency applies to all aspects of sponsorship. For these reasons corporate sponsorship must always be managed by the City Council directly through open and transparent partnership agreements, where applicable.

The Council reserves the right to refuse sponsorship offers that do not comply with other policies and principles of the council..

C) Lincoln Community Lottery

Lincoln Community Lottery is a weekly lottery that raises money to support the work of good causes in and around Lincoln. Tickets for the lottery cost £1 per week, with a top prize of £25,000. Of each £1 ticket sold, 60% goes directly to local good causes - 50% to the ticket buyer's chosen good cause (which can be a park/open space) and 10% to a central fund - the central fund is awarded annually via an application and selection process (and can receive bids from PAGs).

The funds raised by each cause are paid directly into the cause's bank account each month. There are no set up costs or admin fees for good causes joining the lottery and all good causes are provided with their own customisable lottery page, together with regular marketing materials to help promote their lottery.

In addition, lottery good causes receive weekly email updates and can also log in and view ticket and supporter data in real time. To be accepted onto and benefit from Lincoln Community Lottery, all good causes must meet set criteria, which ensures the lottery is fair for all good causes and supporters taking part. Further information on how the lottery works is available via the good cause information page on the community lottery website.

This is a venture that individual parks can promote, or they can work together to achieve (but it requires a mechanism to be agreed in advance for splitting the funding received).

D) Advertising

The Council is open to income generation from advertising but, as for corporate sponsorship, is mindful for the potential for claims of inappropriate advertising. It is therefore critical that any advertising income achieved is done so in an open and transparent way.

The Council is mindful that advertising is designed to be influential, and as such the Council has a duty to ensure that all adverts are suitable. As such, all advertising must be in compliance with the council's policy on advertising.

E) Sale of items/services/space

The Council and PAGs may sell items they have made or bought, and that are without challenge rightfully in their ownership. This does not include for food/drink items unless covered by the appropriate food hygiene approvals. All items must comply with relevant health and safety requirements.

It is the Council's ethos that parks and open spaces are family spaces, and as such alcohol sales are not usually considered appropriate or necessary for the hosting of a successful event or activity. The sale of alcohol is not forbidden, but must be subject to specific agreement and control. Applications for alcohol to be a part of any event/activity are not encouraged, but will be considered on a case by case basis, and subject to the usual legal restrictions.

The Council will set prices that are mindful of the purpose of selling the item (e.g. to promote the park) and the likely audience for the items. PAGs will be able to set their own prices for items they provide/sell by agreement of the PAG.

The Council and PAG members may also sell services that involve the giving of time /skills where these are directly related to the park/open space (for example guided walks, talks etc). Tasks without that direct connection may be permitted, but only with the agreement of the Council in advance (e.g. car washing).

Services provided, which require the input of external providers, such as boating, will have prices set mindful of the marketplace, services offered, and costs. These will be discussed and agreed with the Portfolio Holder in advance, and once established, will always be added to the Council's list of fees and Charges via the usual processes, including the annual report to Council. Where a service is provided following a letting of a concession, the pricing will be set as a part of that process. The procurement of any external provider will be subject to Council policies and thresholds relating to such, and must be procured in accordance with the relevant procurement legislation.

Space in parks and open spaces can be available for rent with Council permission. See section on Setting Charges for guidance.

F) Events

The Council encourages the use of parks and open spaces for events. All events must have the approval of the council as suitable for the proposed space, and be scheduled to avoid diary conflicts. Any fees charged (or not) will be in accordance with this policy.

The Council's staff and corporate events team may organise activities and events and will set charges in accordance with any relevant guidance in this policy. In addition, the Council's corporate events team can advise third parties wishing to host events so as to ensure they are safe.

The events team must be contacted in advance to enable a formal review by the multi-organisation Safety Advisory Group.

Event organisers who have a collection of stalls as part of their offer may also be required to pay an additional fee under the terms of the Council's Markets Policy. This policy is prescribed in law and can be accessed at :

<https://democratic.lincoln.gov.uk/documents/s14985/Markets%20Policy.pdf>

Where the use of a site is agreed with the Council, then the terms of this policy shall apply to any sub lettings, unless permission to waiver from that is agreed in advance.

G) Activities

This applies where a 'class' is provided and booked. This may be for educational or recreational purposes, but should be aligned with the purposes of the park/open space. Activities must have the agreement of the Council in advance, and some that are not directly aligned with the purpose of the site may be agreed provided a wider benefit can be evidenced.

H) Concessions

The Council may choose from time to time, to let concessions at specific sites (e.g. ice cream sale concession). These will not be in conflict with other leases, and will be contracts let in accordance with the prevailing procurement legislation.

In instances where a conflict exists with an existing lease, for example a food vendor in a park where a lease for a café has been let with exclusive rights, then the lease holder will be approached to gain agreement for a suitable concession. Where the lease is not exclusive, but may be in conflict, the Council may progress a concession and take account of the lease holder at its discretion.

It should be noted that it is most likely that any concession may be let as a property lease and not via a procurement exercise. They may therefore ultimately fall outside of the scope of this policy, with the exception that any income derived will still be ring-fenced for spending on parks/open spaces.

I) Donations

The Council or the PAGs may receive financial donations at any time. Any donations must be used for any purposes for which they may have been specifically given, and they will be acknowledged having regards to any clauses attached to the donation.

The Council or PAG reserves the right to reject a donation if there is any concern that the integrity of the Council, the PAG, or the park may be compromised in any way by acceptance.

Conditions may be attached to an acceptance if that is a mutually agreeable way to mitigate any such risks.

Where a PAG has a current Donations Policy in place this will be used as the basis for handling all donations for that site, and it is expected that the donations policy will be compatible with this policy as an overarching policy (or adjusted to be so). The local policy will additionally cover gifted items outside of the scope of this overarching policy. E.g. benches.

The advent of electronic payments has led to a proliferation of gift stations in many areas, where individuals may tap phones/watches/cards to make cash instant donations. These will only be permitted with the express permission of the Council in

advance, and ideally any such stations will make clear the purpose of the donations given in as much detail as possible. Income will be assessed on a project basis.

J) Bequests

The Council or the PAGs may receive a bequest at any time. Any bequest must be used for any purposes for which it may have been specifically given, and it will be acknowledged having regards to any clauses attached to the bequest and/or the wishes of the executor/s.

The Council or PAG reserves the right to reject a bequest if there is any concern that the integrity of the Council, the PAG, or the park may be compromised in any way by acceptance.

Conditions may be attached to an acceptance if that is a mutually agreeable way to mitigate any such risks.

Funding lead matrix

The following shows who may lead on promoting or securing a funding stream (applicable subject to the above clauses).

	CLC	PAGs
External grant bodies	✓	✓
corporate sponsors	✓	
CLC lotteries		✓
Advertising	✓	
Sale of items/services/space	✓	✓ (Not applicable for sale of space)
Events	✓	✓
Activities	✓	✓

Concessions	✓	
Donations	✓	✓
Bequests	✓	✓

Setting Charges

The Council has a table of fixed Fees and Charges that cover all areas where public charges are made. These are approved annually by Members and provide a transparent and easy-to-read reference point.

By its nature this is a fixed process, so gives little opportunity, outside of the annual review, to add or remove charges where that might be advantageous or appropriate for exceptional short-term reasons.

Several of the areas of identified potential income generation are completely new, and subject to a very wide range of potential variances depending on what is being purchased (e.g. item, service, space), when it is required (e.g. space in summer might be more in demand than in the winter), and why it is being requested (some may be commercial and others may be altruistic for the benefit of the local community). For these reasons it is not possible to identify a clear charging policy for all areas of new potential income generation that will cover every eventuality. Any attempt would likely be extremely complex and thereby counterproductive in terms of encouraging income opportunities to develop.

It is recognised that the flexibility required has the potential to be in conflict with the aspiration of the council to set comprehensive policies. However, not all areas of potential income generation are connected with making a charge, so it is possible to narrow the areas of focus making the issue easier to address. The table below sets out which of the main areas of income require fees and charges setting for them.

	Yes	No
External grant bodies		✓
corporate sponsors		✓
CLC lotteries		✓

Advertising		✓
Sale of items/services/space	✓	
Events	✓	
Activities	✓	
Concessions		✓
Donations		✓
Bequests		✓

From the above it can be seen that the only areas of greater complexity in terms of fee setting, are those associated with sales of items/services/space, and bookings for events and activities.

The Council's formal fees and charges are currently aligned with the requirements of the bookings undertaken by the council's ranger service at Hartsholme Country Park. These are:

Activity/Visit (tier 1) Per Person and Group of 30
Activity/Visit (tier 2) per person activity undertaken
Activity/Visit (tier 3)
Hire of Activity Box
Wreath Making
Willow Weaving
Meeting Room hire.

There is therefore a requirement to review this to ensure that all of the income generating opportunities identified have a clear way to charge.

Sale of items/services

For this element, the purchase price shall be deemed to mean the cost of buying the item, **or** providing the service (including any/all on-cost).

Pricing will be at the discretion of the person/s organising to buy and sell, but be mindful of the market, and risks of over pricing.

Nobody should sell at less than the purchase price without the agreement in writing of the original purchaser/ budget holder.

Pricing for Event/Activity/Space

The Council is required to authorise use of any park/open space for use by a third party as a part of its responsibilities as landowner.

There are numerous occasions when it will do this for free, for example to charitable organisations like Parkrun, community development groups, or groups who seek to invest in the open space itself.

However, there are other emerging opportunities for income generation by charging for use of space by third parties who would wish to have exclusive use of sites for private personal or business reasons. In these circumstances the organiser is seeking to remove or conflict with free public access to the space and hence charge for admission to the event.

Given the range of complexity of potential activities, and the diverse range of reasons as to why these may be taking place, significant discretion is required in how charges are applied to ensure activities/events are not deterred from taking place unreasonably, and that activities/events that are supportive of the Council's main aims are encouraged accordingly.

It is recognised that some sites have bylaws that impact commercial activities, and this must be taken into account in taking any bookings, as would the suitability of a request be judged against the Council's advertising policy and corporate moral compass.

The term 'charity' can be related to any constituted body.

A 'private' use, will usually refer to anyone, or any group, that does not fall into the other categories available. Anyone can request exclusive use, or use that will conflict with casual use of a part of a site for an activity- it is for the Council to use discretion as to the suitability of the request for the setting, mindful of relevant Council policies (e.g. advertising).

In aiding the use of this policy as guidance, it is appropriate to reiterate here that any charges levied would be intended to:

- obtain a fair element of the income generated from the use of the public space, and so be a contribution to the costs of providing that space, and
- recompense for loss of public access to an area (for a defined period), that has been provided at public expense.

The table below is a simple proposal for a scale of charges that would apply to all events and activities. Where specific dedicated areas are to be used, these would be marked on a plan provided to the event/promotion organiser, and also marked off on the site itself by appropriate means e.g. Posts/tape or degradable spray paint

into the grass/surface. Notices would also be affixed suitably to notify the public of the hirer's use.

The following is a guide only, and implementation is at the discretion of the Director or in their absence the Assistant Director, in consultation with the Portfolio Holder.

ACTIVITY TYPE	GUIDANCE	
	Season	
	High (March- October inc.)	Low (Nov- Feb inc.)
Council run activity. Examples: Booked talks. walks, presentations.	<p>To be at rate in the Fees and Charges currently set for events for the council.</p> <p><i>Namely:</i> <i>Activity/Visit (tier 1)</i> <i>Per Person and Group of 30</i></p> <p><i>Activity/Visit (tier 2)</i> <i>per person activity undertaken</i></p> <p><i>Hire of Activity Box</i></p> <p><i>Wreath Making</i></p> <p><i>Willow Weaving</i></p> <p><i>Meeting Room hire.</i></p> <p>Where a new activity is to be tried, the ADCSS in consultation with the Portfolio Holder may set the charges. They will be added to the corporate table of fees and charges, and agreed at full council as a part of the annual review of fees and charges.</p>	<p>As for High season.</p>

	<p>Where it becomes clear that a charge is not adequate to prevent costs being incurred, the ADCSS has discretion to vary fees by +/- 50% within existing Financial Procedure Regulations. This will be exercised to set a price per person, after consultation with the Portfolio Holder, having reference to:</p> <ul style="list-style-type: none"> Cost of materials Staff time Cost of facilities <p>Activities can be FOC if considered appropriate (e.g. externally funded)</p>	
<p>Exclusive use of a specific area for businesses or similar.</p> <p>It may be marked, dedicated for use, exclude those not invited, and be for a business/commercial activity.</p> <p>(This might be a short term use, for a day or days, or longer term -which would be subject to full formal lease/agreement as provided via Property services/legal services).</p> <p>(NB IF requested reductions/discounts may be applied if the event/activity meets all/some of the Council's main aims).</p> <p>Examples: Use for promotion of/for a business- this would be charged</p>	<p>Subject to offer/negotiation, and mindful of consistency of approach.</p> <p>Rates will be agreed mindful of the size/scale of the event, and the projected financial profitability of the activity.</p> <p>The rate shall be agreed by the DECS (or ADCSS in his absence) in consultation with the Portfolio Holder and may be either a fixed charge, or a profit share arrangement if felt to be prudent.</p>	As for High season.

<p>at a negotiated rate subject to size/scale.</p> <p>Use by a business to sell items- this would be charged at a negotiated rate subject to size/scale.</p>	<p>In exceptional circumstances, on formal request from an event/activity provider, the Portfolio Holder will have discretion to waive any/all charges in full or in part if it is felt the imposition of a charge is counter productive to the Council's main aims.</p>	
<p>Use of site or area for 'private' activity. It may be marked, dedicated for use, and/or exclude users, that is not profit making and is promoting something that is directly compatible with supporting the Council's main aims.</p> <p>NB Such groups may be raising funds for their own group also.</p> <p>Example: Charity- promoting itself and/ or issues compatible with the Council's main aims would be free.</p> <p>PAG request to run an event- such as Boutham park Summer fair/Arboretum Autumn Fair- if the event encourages park use/s , and/or is otherwise compatible with the Council's main aims, this would be free.</p>	<p>Free use</p> <p>Where contribution to main aims is not clear, or it is a fund raising event for the group, at ADCSS discretion a level of charges may apply as below</p>	
<p>Use of site or area for 'private' activity. It may be marked, dedicated for use, and/or exclude users, that is not profit making but not obviously or directly in line</p>	<p>£80/hour- (extent of area to be at manager's discretion)</p>	<p>£40/hour (extent of area to be at manager's discretion)</p>

<p>with supporting council main aims.</p> <p>NB Such groups may be raising funds for their own group also.</p> <p>Example: Use by a club/group for a marked out area for a party- very unlikely to incur a charge, but may incur a small charge at Portfolio Holder discretion to offset loss of space for public use, <u>subject to size and location.</u></p>	<p>The DCE/ADCSS in consultation with the Portfolio Holder may consider a waiver of the charges in whole or in part on request.</p> <p>Where a full waiver of charges is agreed, an invitation might be issued for a voluntary contribution to a relevant Park Advisory group or charitable organisation, such as the mayor's Charity for the year.</p>	<p>The DCE/ADCSS in consultation with the Portfolio Holder may consider a waiver of the charges in whole or in part on request.</p> <p>Where a full waiver of charges is agreed, an invitation might be issued for a voluntary contribution to a relevant Park Advisory group or charitable organisation, such as the mayor's Charity for the year.</p>
<p>Use of space for charitable activities (charity event being defined as an event for a charity, that is run without an aim of raising funds, or so as to raise funds only and solely for one or more registered charities. No personal gain should result from the event.)</p> <p>Examples: Charity- promoting itself and/ or issues compatible with the Council's main aims would be free.</p>	<p>Free to use, but less any direct costs incurred, such as gate securing, setting up chairs, litter clearance etc. Damage caused to the area would be subject to the cost of remediation being recovered at the Portfolio Holder's discretion.</p>	

Any requests or offers for 'discount for quantity' or similar to be subject to the Council financial procedure rules, with 50% variance by delegation to the ADCSS.

Any request for use of a large area, or whole site, considered to be outside of the guidance above, to be agreed by negotiation (ADCSS in consultation with the Portfolio Holder).

The ADCSS, in consultation with the Portfolio Holder, to be given delegated authority to refuse any booking which it is felt cannot be accommodated or is inappropriate. Inappropriate will include any group or charity that may have aims or

aspirations that are considered to be contra to the Council's aims, and special consideration will be paid to equality, diversity and Human rights issues.

The ADCSS, in consultation with the Portfolio Holder, to be given delegated authority to gift up to 100% of any income from an event/activity, to a Park Advisory Group in instances where their help has been of assistance in the delivery of an event.

Appeals Process

Should arbitration be required on the category designated in the left column, this will be determined initially at the discretion of the Assistant Director Communities and Street Scene (ADCSS), and on appeal to the Portfolio Holder. There is no right of appeal beyond the Portfolio Holder.

Non-Compliance

Where the above policy is not adhered to, the Council will take appropriate action, which may include recovery of costs and subject to legal basis.

This action will always be taken in consultation with the relevant enforcement sections, including the Council's legal services, and the Portfolio Holder will be notified.

POLICY ENDS