

Cabinet

Excerpt of the Minutes of the meeting held on Wednesday 10 April 2024 in Shire Hall, Warwick at 6.00pm.

Present: Councillors Davison (Leader), Billiald, Chilvers, J Harrison, Kennedy, Roberts, and Wightman.

Also Present: Councillors: Milton (Liberal Democrat Group Observer & Chair of Overview & Scrutiny Committee), Day (Conservative Group Observer), and Falp (Whitnash Residents Association Group Observer).

113. **Declarations of Interest**

There were no declarations of interest made.

Part 1

(Items upon which a decision by the Council was required)

115. **Parks Exercise Permit**

The Cabinet considered a report from Safer Communities, Leisure and Environment which recommended adjustments to the Parks Exercise Permit Scheme, following a review, in order to improve its operation.

In 2018 the Council implemented a pilot scheme for the registration of exercise providers within WDC parks, to help monitor the use of parks and open spaces by physical activity providers. This was intended to be used to monitor the usage of parks and open spaces by organisations and individuals such as fitness groups and personal trainers.

The Parks Exercise Permit and Policy scheme was formally introduced in October 2020 following the approval of a report to Executive on 24 August 2020.

As part of the application process, applicants would provide Risk Assessments, Public Liability Insurance, qualifications and agree to the terms and conditions associated with the scheme. Upon review the permit would be issued confirming the location, activity, and time. As stated in the Terms and Conditions, the location within the park would be flexible due to events and maintenance work carried out during the year.

The scheme was introduced:

- to ensure parks and open spaces were accessible to everyone;
- businesses were choosing parks and open spaces to host various activities, which needed regulating and should have in some cases been chargeable;
- to reflect the change in usage of some of the parks and open spaces through the wider range of group fitness activities (e.g. boot camps, buggy fitness, circuit training, personal training, running groups);
- to support groups/clubs/organisations to deliver activities;
- to promote a varied programme of activities; and

- to ensure health and safety of activities.

The Overview and Scrutiny Committee had asked for an annual review of the Parks Exercise Permit, but this did not occur due to the Covid pandemic and the suspension of the scheme pending its review.

A decision was made in August 2022 to temporarily suspend the Parks Exercise Permit, subject to a full review being conducted. This suspension decision was reached due to concerns being raised by officers and users.

The scheme was under-resourced and as a result was not being monitored. This was leading to an uneven application and enforcement of the scheme. The scheme also contained loopholes which allowed free permits and exemption from pitch hire fees.

The scheme had initially been expected to generate income of £450 per month. However, this was only achieved until 2022/23, as described in the table 1 at paragraph 1.2.3 in the report.

Appendix 1 to the report was a discussion paper which outlined the findings of the review, which was used to establish the desired strategic direction.

Considering the findings of the review, the preferred option was the continuation of the park permit scheme, with alterations to the scheme operational practises, documentation and terms and conditions.

The terms and conditions were updated to reflect improvements identified in the review. The current and proposed application form along with the terms and conditions were included as appendix 2 and 3 to the report.

The following open spaces were removed from the list of public spaces which were previously used under the scheme:

- Jephson Gardens;
- Harbury Lane;
- Priory Park; and
- St Marys Land.

The following open spaces were added to the list of public spaces, as they were suited to these types of activity:

- Myton Green;
- Campion Hills;
- Eagle Recreation Ground;
- Myton Fields April-September only; and
- Tapping Way.

The processes and procedures were improved to provide a digital application and payment system, and this would highlight what open spaces were available for the scheme and what activity already took place within the open space.

It would be important to promote the scheme to advertise its

reintroduction. Current known permit holders/bookers of the park spaces would be contacted directly to highlight changes to the scheme and provide opportunity to continue operating their activities at locations, times and dates registered with the Council.

The 2024 Permit Scheme Fee was agreed in the Executive report considered on the 24 August 2020. It was proposed that the fee charged should be reviewed for 2025 and reviewed following an evaluation of the impact of the changes to the scheme.

The following were alternative options:

- Reduced Scheme – that the scheme be reintroduced with the proposed changes to processes, procedures and terms and conditions. However, the permit scheme would only operate in a reduced number of selected open spaces across the District.

It was felt that this would make the scheme confusing for users and increase the risk of activity providers using alternative locations where the scheme was not in operation, thus creating a significant enforcement issue. A reduced scheme also would not provide the aim of local access to outdoor activities.

- Discontinue the Scheme – that the scheme be formally discontinued. The scheme had not operated since August 2022 and there had been no formal complaints. Officers had dealt with information and advice requests in relation to the future of the scheme and current applications of the scheme's terms and conditions.

This option was discounted as removing the scheme would provide the Council with no information with regard to activities offered within local parks and open spaces. This information had previously been shared with the local community and groups to help increase outdoor activity attendance numbers. The corporate strategy encouraged everyone to have a more active lifestyle by using parks and open spaces.

By having the scheme in place, it allowed oversight and management of activities that took place within the Council's parks and ensured safe practices were adhered to. It also allowed the Council to monitor usage within the parks and open space to protect against over usage in certain locations.

The Overview & Scrutiny Committee did not scrutinise the report at its meeting because a report on the subject shortly before the scheme was introduced had been considered by the Committee. Following consideration of that report, the Committee had requested a follow-on report after the scheme had been in operation for a while to check that the permits were operating in the way intended and then to discuss if the scheme should continue. The follow-on report was never forthcoming because various issues arose which stymied the operation of the scheme in the way intended to produce measurable results.

The recommendations in the report to Cabinet did not include an option on whether to proceed or not with the scheme but was purely to determine if the terms and conditions of the scheme should be changed.

The Committee requested that a report should be produced after the summer period on how the scheme was performing along with some data, including data on how much of officers' time was being spent with the implementation and governance of the scheme.

Councillor Harrison accepted the comments from the Overview & Scrutiny Committee, and proposed the report as laid out.

Recommended that Council amends the Constitution to record the new delegated authority of the Executive function: that authority for any future minor changes to the scheme can be agreed by Head of Safer Communities and Leisure in consultation with the Portfolio Holder for Communities, Leisure and Environment and that Council.

Resolved that

- (1) the proposed changes to the Parks Exercise Permit as laid out in the report, be agreed, and that the proposed new terms and conditions as set out at Appendix 3 to the report, for use at the following sites only, be adopted:
 - Newbold Comyn;
 - Pump Room Gardens;
 - Victoria Park ;
 - St Nicholas Park;
 - Castle Farm ;
 - Abbey Fields ;
 - Myton Green;
 - Campion Hills;
 - Eagle Recreation Ground;
 - Myton Fields (April-September only);
 - Tapping Way; and
- (2) Cabinet reminds Council of the fees ratified by Council in the 15 November 2023 Fees and Charges report as laid out in paragraph 5.5 in the report.

(The Portfolio Holder for this item was Councillor Sinnott)
Forward Plan Reference 1,425

116. **Revisions to Fees for Markets in 2024**

The Cabinet considered a report from Place, Arts & Economy which proposed some revisions to the approved Fees for Markets for 2024 which were approved by Council in November 2023.

Council approved the Fees and Charges for 2024/25 on 15 November 2023 and that unless stated otherwise, these became operational from 1 January 2024.

The Council’s markets contractor, CJ’s Events, had raised concerns relating to the increase in fees that were agreed at that time in relation to markets.

There was evidence that in some instances, there had been a decline in footfall at some of the markets and CJ’s Events considered that traders would struggle to absorb the proposed increases. In particular, the Kenilworth market was currently experiencing challenges, with low footfall in the market location, and this was impacting on support for the market.

CJ’s Events had also pointed out that two of the District’s regular markets, the Autumn and Christmas markets that took place in Leamington, were not on the approved schedule of Fees and Charges. There was currently therefore no agreed 2024 fee for these markets. Unlike the other markets, these markets were doing very well, and CJ’s Events was of the view that a more significant fee increase (above the rate applied to other markets) could be justified. CJ’s Events had proposed a fee increase which would still enable these markets to be competitive alongside other similar markets such as in Stratford-upon-Avon.

Table 1 below showed the approved fees together with proposals for revised / additional fees that were now being proposed in the report.

Table 1: Existing and Revised Proposed Market Fees

Market	Charge 23-24	Charges 24/25 as approved (Nov 23).	REVISED proposed charge 24-25	Proposed % increase of REVISED charges
Warwick Market	£42.00	£46.00	£44.00	4.7%
Leamington Market	£48.00	£53.00	£50.00	4.2%
Leamington Covent Garden Market	£48.00	£53.00	£50.00	4.2%
Leamington and Warwick	£42.00	£46.00	£44.00	4.7%
Kenilworth Market	£33.00	£35.00	£33.00	0%
Leamington Autumn	£55.00	No fee listed.	£65.00	18.2%
Leamington Christmas	£80.00	No fee listed.	£90.00	12.5%

The above proposed revised fees all had the support of CJ’s Events. They were considered to be realistic in terms of being affordable to traders and therefore able to support local markets whilst still maximising Council

income from these.

The Autumn and Christmas markets were the largest and most profitable markets across the range that took place in the District. It was estimated that the higher fee increases for these seasonal markets would more than offset the potential reduction in income from the remaining markets. There would therefore be no estimated reduction in income if these fees were applied, and evidence was that there would be a small increase in overall fees. There was therefore expected to be no overall impact on the Council's budget position arising from these changes.

Moreover, it was considered that by reducing the increase in fees to a more manageable level for local stall holders, this was likely to best ensure the success of these markets, thereby maintaining an income stream for the Council which would otherwise be lost if stall holders were to withdraw from supporting the markets altogether.

There were two alternative options. One was to not to support any change to the previously agreed fees for 2024/5. For the reasons set out above, this would not be supported. It was anticipated that the current approved fee structure would have a damaging impact on the current markets in some cases and would likely see an overall decline in the number of stalls. This would have an immediate negative impact on the Council's budget position, affect the businesses of stall holders and harm the long-term viability of the market to support local communities. This option would also fail to capitalise on an opportunity to increase the fees on seasonal markets.

A second alternative option was to support the principle of imposing revised fees but vary the amount from that shown in table 1. Again, this option was not supported. The proposed revised fees had been put forward in consultation with CJ's Events and were considered to strike an appropriate balance between supporting local market stall holders, ensuring that the price of market stalls remained viable and protecting the Council's financial position.

The Overview & Scrutiny Committee did not scrutinise the report at its meeting but made comments to Cabinet.

The Committee requested that when in the future these same types of recommendations were made, more evidential data backing up the proposals being made should be provided; if fees were to be reduced then there should be options provided to mitigate or alternative plans that help to overcome some of the challenges being faced.

The Committee raised a concern that footfall numbers were reducing but there were no plans to reduce the fees. Markets were an important part of communities and the economy in towns.

Members of the Committee wished to remind Cabinet that these assumptions were built into the budget for the year and therefore making changes after the budget had been set could be problematic.

Councillor Billiald stated she would take all of the comments back from Group Leaders and the Overview & Scrutiny Committee and she proposed the report as laid out.

Recommended to Council that the revised schedule of Fees for Markets for 2024-2025 across Warwick District as set out in Table 1, minute number 116, be approved.

(The Portfolio Holder for this item was Councillor Billiald).
Forward Plan Reference 1,440

(The meeting ended at 7:05pm)