

TAUNTON DEANE BOROUGH COUNCIL

EXECUTIVE 18th July 2007

Report of Leisure Development Manager:

REVIEW OF THE CHARGES TO CHARITIES FOR HIRING PUBLIC OPEN SPACES FOR EVENTS (This is responsibility of Executive Councillor R. Lees)

Purpose

Executive Members have requested a report on the implications of not charging charitable organisations to hire public open spaces and parks for events.

Background

In March 2005 the Health and Leisure Panel received a report on charging for the hiring of public open spaces. This proposal formed part of the review of charging the public for all services within the Leisure portfolio prior to the setting up of Tone Leisure. A further report, taking into account the views of the Panel, was considered in September 2005 (appendix 1).

The final report to Executive in March 2006 (appendix 2) includes a summary of the Health and Leisure Panel debate. The Executive Minute (appendix 3) sets out the Executive's decision in full, but in brief, the Executive decided to formalise the hiring of public open space by introducing a hiring charged based on the cost to the Council of maintaining the area of land that is hired (and thus not available to the public for use) for the period of the hiring.

This charging structure has been applied successfully since May 2006 and the full list of hirings by charities to date is set out below.

Charges Made To Charitable Organisations

	£ 2006	£2007
Events organised by charities		
Flower Show	1,261.45	1,452.00
Diabetes UK		554.40
St Margaret's Hospice		1,986.60
Albemarle Centre	25.00	50.00
Flower Show Private Members Dinner	25.00	50.00
Christian Aid		50.00
Church of Jesus Christ of Latter Day Saints (Mormons)		50.00
Events organised to raise funds for charities		
Taunton Classic Motor Cycle Club	50.00	50.00
Duck Race For Majorette Team	25.00	
Lambrook Local Action Team	25.00	

TOTAL

1,411.45 4,243.00

How the Hire Charge is Calculated

The full calculation method is set out in the Executive report (appendix 2). The charge in Vivary Park is by far the highest due to the high maintenance costs of an ornamental park. The daily cost to the council of all other parks are very low. For example the daily cost of managing the whole of Vivary Park is currently £620, but for French Weir Park it is only £50 per day.

Discounts and Exclusions and reduced costs

The hiring charge is waived for:

- hirings by community groups organising an event on behalf of the Council,
- events which are intended to raise funds for the park and
- informal activities which add to the ambience of the park such as band concerts and morris dancers.

Discounts on the hire charge are given if the event is delivering a Corporate Priority (eg Taunton Flower Show receives a discount of 15% for its contribution to Economy) and if the event is run by volunteers (eg Taunton Flower Show receives a 50% discount on this basis).

Event hirers have the choice of park sites for events and choosing any one other than Vivary leads to very substantially reduced costs.

Charities

Members decided that the issue of a hiring organisation having charitable status was not relevant as many such organisations have paid staff and those which are run by volunteers receive the reduction for voluntary organisations. Not all charities are organisations that Members would automatically wish to subsidise and support and by not make a charge the Council is maintaining land at public expense for a period when there is no public benefit.

An extract from the Charities Commission website setting out its list of charitable purposes is attached as appendix 4 for clarity.

Implications of not charging charities

The income from all hire fees (commercial events and voluntary events) compensates the public for the loss of enjoyment of areas of public open space. The hiring fees are used to improve the parks service and contribute to the funding of the Park Wardens in the town centre parks and to the ability to invest in site improvements that other sources available to the Council cannot pay for.

This year, to date, the income from charging charitable organisations is £4,143 of which all but £1,500 has been received.

If the charge to charities is removed with immediate effect, there will be a loss of income in 2007/8 of around £1,500 plus any further hirings this year that is not recoverable as there is not time to take adequate steps to do so.

Possible ways to make up for the lost income

The following is a list of possible ways to raise income to cover the potential loss with some initial comments. These could be explored by Health and Leisure Panel:

1. Attract more events into Vivary Park: this may be possible in future years, but is not possible in the current financial year. There are staff implications in handling significantly more events due to the site visits, preparation and checking of documentation etc. There is a limit to how many events Vivary Park can sustain without compromising its role as a public park and damaging the ground and infrastructure
2. Increase the charge to commercial event organisers: our research whilst developing the framework showed that the charges resulting in Vivary Park for commercial events were at the right level to keep Taunton an attractive venue
3. Introduce a profit sharing approach to commercial event hirings: there is a risk that income could go down if ticket sales were poor due to bad weather or poor marketing. The Council would need resources to engage in joint marketing to ensure high ticket sales.
4. Recalculate the charge based on the total cost to the Council of all its public open spaces: all sites would be charged out at the same cost resulting in higher income from site such as French Weir. No figures are available for this option as it needs further research

Recommendation

Members are requested to consider if any alterations to the charging framework are necessary and if so to request Health and Leisure Panel to develop options for consideration.

APPENDIX 1: REPORT TO HEALTH AND LEISURE PANEL 30th SEPTEMBER 2005

APPENDIX 2:REPORT TO EXECUTIVE 8th MARCH 2006

APPENDIX 3: MINUTE 22 FROM EXECUTIVE 8th MARCH 2006

APPENDIX 4: EXTRACT FROM CHARITIES WEBSITE

To be a charity an organisation must have purposes all of which are exclusively charitable; a charity cannot have some purposes which are charitable and others which are not. The Charities Act states that a charitable purpose is one that falls within the list of thirteen descriptions of purposes contained in the Charities Act and is for the public benefit. Public benefit is the legal requirement that all charities must have charitable purposes which benefit the public.

The nature of the benefit provided to the public may look very different depending on what the charity is set up to achieve.

The Charities Act sets out the following descriptions of charitable purposes:

- a) the prevention or relief of poverty;
- b) the advancement of education;
- c) the advancement of religion;
- d) the advancement of health or the saving of lives;
- e) the advancement of citizenship or community development;
- f) the advancement of the arts, culture, heritage or science;
- g) the advancement of amateur sport;
- h) the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;
- i) the advancement of environmental protection or improvement;
- j) the relief of those in need, by reason of youth, age, ill-health, disability, financial hardship or other disadvantage;
- k) the advancement of animal welfare;
- l) the promotion of the efficiency of the armed forces of the Crown or of the police, fire and rescue services or ambulance services;
- m) other purposes currently recognised as charitable and any new charitable purposes which are similar to another charitable purpose.

APPENDIX 1
HEALTH AND LEISURE REVIEW PANEL – 29 September 2005

Report of Leisure Development Manager

This matter is the responsibility of Councillor Bradley, Executive Member for Culture, Leisure and arts

CHARGING FOR THE USE OF PUBLIC OPEN SPACE BY THIRD PARTIES WHO EXCLUDE THE GENERAL PUBLIC

1. **Executive Summary:**

Public Open Space is provided by the Council and is freely accessible to all residents and visitors for the purposes of recreation and leisure and to enhance the environment of the Borough. The report briefly sets out why public open space is provided, the benefits it brings, the reasons for subsidising it, and the value placed upon it.

When an organisation is allowed to hold an event on public open space it prohibits free access by the public and the organisation may also raise money from the activity. The principle of charging for hiring of public open space for events was therefore accepted by the panel in the March meeting.

The panel now needs to consider what should be taken into account when calculating and imposing such a charge:

- What types of organisation should not be charged
- Should all organisations be charged the same
- Should charities be treated differently
- Should the charge reflect whether or not an event includes commercial trading or fund raising
- Should there be a discount if the event contributes to the delivery of the Council's Priorities
- Should there be a charge during the setting up and taking down of the event structures
- Should first time events have a discount

The report also sets out the original proposal for a basis for calculating the charge for debate and the results of officer's research into the limited into the charging policies operated by other Councils.

2. **Purpose:**

To decide what organisations it is reasonable to charge for using public open space to hold events and what should be taken into account when calculating such a charge.

3. **Background**

- 3.1 In December 2002 it was agreed that a detailed review be undertaken of Parks and Sports Services charges in order to establish an effective and equitable policy, which contributes to the Council's vision and service priorities.

- 3.2 In July 2003 an Issues Paper was submitted that outlined the background to charging policies. In 2003 the Leader of the Council and Portfolio Holder agreed the following principles with regard to a charging policy for leisure of which 1,3 and 5 are relevant to this part of the review: -
- 3.2.1 Adopt policies to **maximise accessibility for all sections of the community**, irrespective of income and ethnicity;
- 3.2.2 Charges should be subsidised on the basis of (in)ability to pay rather than status.
- 3.2.3 **Charges for clubs and organisations that use Council facilities should be set on the basis of the activity fulfilling corporate objectives.**
- 3.2.4 Promote services in terms of healthy lifestyles particularly for older people and the financially disadvantaged. In those areas where there is a preponderance of these groups seek to improve access by providing facilities within these communities.
- 3.2.5 Whenever possible **maximise the commercial opportunities** of the Council's services with a view to investing any surpluses to improve services.
- 3.2.6 Develop partnerships with agencies in order to share resources and expertise.
- 3.3 In March 2005, a proposal was discussed by this Panel which suggested that all users except those described in paragraph 5.1 should be charged for holding events on public open space. It based the calculation on the area of land made unavailable to the public due to the event and the cost to the Council Tax Payer for its maintenance during the event. Discounts were suggested to reflect whether the hirer was a commercial or "not for profit" organization, whether there was trading or fund raising on site during the event and also the degree to which they delivered Corporate Priorities.
- 3.4 This approach has the benefits of being:
- simple to administer, with no need to see accounts or count tickets.
 - transparent so hirers would know prior to the event how much they would have to pay
 - directly related to the cost to the Council Tax payer
- 3.5 The Panel agreed that charging was acceptable in principle, but asked that officers look into how other Councils charge for use of public open space and bring the proposal back for further discussion on the principles of how the charge might be calculated and the resulting cost to event organisers.
4. **Context of the Review**
- 4.1 Parks and public open spaces are provided at public expense. They are freely available at all times to everyone to use. Or are they?
- 4.2 At times the council, as land owner, allows areas of public open space to be used by organisations to run events eg Proms concert or Circus, or to be used as part of a larger event eg start of the cross Exmoor charity bike ride or as part of the Marathon route.

4.3 These events prevent the public from having unhindered use of the public open space in question either by fencing them out and demanding a ticket be purchased for entry, or by having infrastructure on the site that restricts the use of the public open space eg there may not be space to safely play ball games or the event may be noisy thus preventing quiet enjoyment of a park. Some people may choose to attend the event, but not all

4.4 The basis of the Review of all charges for Sport and Leisure has been to investigate and respond to the following key issues, posed by the Audit Commission, affecting the provision of services and the resulting charges.

- 4.5
- **Why does the Council provide the service?** - The Service in this instance is the provision of public open space
 - **Who benefits from the service?**
 - **Why does it subsidise the service by making it free to users and what is the Council trying to achieve by subsidising it?**
 - **How much do residents and businesses value the service - how willing are they to pay for it?**

4.5.1 **Why does the council provide public open space?** – The provision of open space fulfils several Corporate Priorities as it provides opportunities for improving health through activity or relaxation, it creates a more attractive environment by creating areas of green in otherwise densely built up areas, it adds value to the local economy by making the area attractive to businesses. Our surveys tell us that people use our open spaces in order of priority for:

walking,	45%
playing	38%
enjoying the trees and plants	37%
relaxation	35%
a safe way to walk to work etc	31%
enjoyment of the environment	23%
dog walking	19%
attending events	14%
sport	12%
other reasons include socialising with friends informal sports etc	27%

Note: respondents chose as many options as they wished therefore the percentages do not add up to 100% (source: biannual parks survey 2003).

4.5.2 **Who benefits from the service?** - Almost the entire community benefits from the service – in 2003, 80% of over 1100 respondents to our biannual survey said that they used public open spaces and their responses work out to an estimated 8 million visits a year to our parks and open spaces. Allowing for the fact that the questionnaire was completed in the summer, this estimate could be halved to around 4 million visits a year. This is comparable with the 3million visits a year found nationally for rural district council parks services.

4.5.3 **Why is the service subsidised?** - The cost of the service is £1.2million a year (or 30 pence a visit based on 4 million visits). The parks service currently has no income streams of any great significance. The scale of subsidy is acceptable because it

affects so great a proportion of the community, attracts visitors and is a valuable and integral part of the character and environment of the Borough.

4.5.4 **Is the service valued?** - We know that people value the service by the reaction and interest to any hint of change or development and the scale of response to consultation on issues affecting parks and open spaces.

4.5.5 **Issues for Members in their scrutiny role:**

4.6 Issue for debate: **the broad principle of charging was accepted at the last meeting in March, but in what circumstances should the council not levy a charge on an organisation for holding an event that earns money on its land and which prevents the public from accessing the land for a period of time?**

It is recommended that community groups organising an event on the council's behalf or an event which will directly raise funds for the park should not be charged. It is also recommended that low level activities which contribute to the ambience and enjoyment of the park eg band concerts, morris dancing etc should not be charged. Are there other categories of event which should not be charged?

4.7 Issue for debate: **Should every event be charged the same and what should the charge be based on?**

Although it would be simplest to charge all events the same, it would not be very equitable. Charges could reflect some or all of many things eg the number of tickets sold; income generated; profit made; length of time the park is unavailable for unhindered public use; the number of units in the event trading commercially; the number of vehicles kept on the site etc. It is recommended that the fairest system is to base it on the area of land used and its cost to the Council Tax Payer for the duration of the event.

4.8 Issue for debate: **Should all charities be automatically exempted from or have reduced charges?**

Some charities exist to run events (eg Taunton Carnival) and others to raise money for good causes or to educate the public. Should a lower charge be levied on those whose Objects the Council supports, which are locally based or which support delivery of the Corporate Priorities?

4.9 Issue for debate: **What about events that may include commercial traders and operators, or which is fund raising, should they pay a higher charge?**

The issue here is that third parties are making money from the Council's land without any overt agreement. It is recommended that small-scale refreshment providers incidental to the main event be ignored, but events which have significant trading or who levy a charge on other parties for taking part in the event should be charged more by the Council. In some instances traders attending events are charged extra for keeping vehicles on the site which also costs the Council in lost revenue in its car parks.

Charges for use of the site could be waived in lieu of taking a share from all commercial traders, but this would require the checking of accounts and takings by staff. Some events charge for parking and again this revenue is lost to the Council

- 4.10 ***Issue for debate:* Should there be a discount when an event is delivering the Councils Priorities, promoting its services or to reflect the importance of certain events which are unique or special to the local area?**

If an event can be demonstrated to be assisting the Council in some way it is recommended that this is reflected in a lower charge.

- 4.11 ***Issue for debate:* Should any charge be made during the setting up and taking down part of the event?**

Some events take a considerable time preparing the site and vehicle movements and construction activity mean that parts of the site need to be fenced to prevent public access on safety grounds. The land in these circumstances is effectively unusable for recreation and so a charge could be levied, but perhaps to a lesser extent than for the event days, to reflect the fact that no money is being earned

- 4.12 ***Issue for debate:* Should there be a discount in the first year of an event?**

Commercial events that we hope will attract visitors to the town, may have additional costs in marketing and face a greater risk in their first year, which could be acknowledged by giving a one-off discount. They could pay the basic site fee in year one and pay an additional per ticket levy in subsequent years.

5. The approach of other Local Authorities

There seems to be little structure to decisions on charging for events on public open space in most Councils. The exception is Bexley Council one of the nation Beacon Councils showing Best Practice and adopting a method similar to that proposed. Set out below is Bexley's charging structure, and those of other Somerset Districts and a few other Councils for comparison.

- 5.1 BEXLEY (a national Beacon Council of best practice for parks) has many parks and operates a system that distinguishes between fundraising and non-fundraising charities, and also commercial hirers. Commercial hirers are negotiated on a case by case basis except for funfairs which are charged £400 a day and £100 per day for set up/take down.

For charities the charges are set out below and exclude setting up/take down day charging:

Non-fundraising			charities	
<i>20% discount for organisations based in the Borough</i>				
Hours hired (min. of 4)	Less than ½ hectare	½ to 2 hectares	2	More than 2 hectares
First 4 hours	£39.00	£78.00		£156.00
5	£49.00	£98.00		£197.00
6	£58.00	£117.00		£234.00
7	£69.00	£137.00		£273.00
8	£78.00	£156.00		£312.00

Rate per additional hour:	£10.00	£20.00	£40.00
---------------------------	--------	--------	--------

Fundraising		charities	
<i>20% discount for organisations based in the Borough</i>			
Hours hired (min of 4)	Less than ½ hectare	½ to 2 hectares	More than 2 hectares
First 4 hours	£80.00	£160.00	£320.00
5	£99.00	£199.00	£398.00
6	£120.00	£240.00	£480.00
7	£139.00	£279.00	£558.00
8	£160.00	£320.00	£640.00
Rate per additional hour:	£20.00	£40.00	£80.00

- 5.2 BANES: The Recreation Ground in Bath has a policy of charging large scale non sports events on a case-by-case basis using attendances, duration, set up/take down time, fees charged for admission and parking, area used, expenses for event. Large scale sports events are charged £500 a day for the event and for set up/take down days. Charities are charged a reduced or nil fee where the charity has related Objectives and the charge is on the same basis as large non sports event.
- 5.3 EXETER: charges £2000 for a commercial circus, £175 for charities and nil for community groups, but all pay for expenses incurred by the Council on their behalf.
- 5.4 MENDIP: Circuses £376 deposit plus £282 per day. Events over 5000 attendances are negotiated fees, 1-5000 attendances £282, 500-1000 attendances £180, under 500 attendances £113, charities £69 or £34.
- 5.5 SOUTH SOMERSET: over 300 attendances £162 a day, 100-300 attendances £108 a day, under 100 attendances £32 a day
- 5.6 TORBAY all events charged £25 plus £25 per vehicle
- 5.7 WESTMINSTER Events usually cost between £800 and £2,570 per day depending on size of event and location. local groups such as Residents and Community Associations who hold events for their local communities (Fun Days, Garden Parties etc are charged a nominal sum.
- 5.8 WEST SOMERSET no charges levied.

6. Conclusions

- 6.1 There is no simple model operated by another Council which could be readily adopted. If the Panel can propose answers to the questions posed in section 5 of this report, a framework can be developed and tested with the organisations most affected by the proposal and a final report brought back to a later meeting for discussion together with the results of these consultations.

7. Recommendations

It is recommended that the Panel:

- 7.1 Agrees which categories of organization should be charged for the use of public open space for events;
- 7.2 Agrees the basis for calculating any charge;
- 7.3 Approves further development of the charging calculation framework;
- 7.4 Approves consultation with organisations which will be significantly affected by the introduction of charging

APPENDIX 2
TAUNTON DEANE BOROUGH COUNCIL

EXECUTIVE 8th March 2006

PROPOSAL TO CHARGE FOR HOLDING EVENTS ON PUBLIC OPEN SPACES

(This is responsibility of Executive Councillor D Bradley)

Report of Leisure Development Manager

EXECUTIVE SUMMARY

A logical method for calculating hire charges for the use of public open space for events will ensure that all event organisers are treated fairly. By basing the calculation on the area of land used, the length of time of occupation and the nature of organisation hiring the land, the Council is able to generate income for the parks service whilst reflecting community involvement.

1. PURPOSE

To set out the proposals for a charging framework to determine the amount to be paid to the Council for hiring public open space to hold outdoor events.

2. BACKGROUND

2.1 Members will recall that a report concerning a charging framework for events hiring public open spaces was taken as a policy development item to the Health and Leisure Panel on 30th September 2005. This followed a discussion on a charging proposal to the March 2005 meeting. In September the Panel RESOLVED that:-

(1) the Executive be recommended to approve:-

- a) the further development of the charging calculation framework;
and
- b) consultation with organisations which would be significantly affected by the introduction of charging.

(2) it be agreed that no formal recommendation be made in relation to the categories of organisation that should be charged for the use of public open space for events and the basis for calculating any such charge, pending the receipt of further information.

2.2 The officer's interpretation of the Panel's conclusions is as follows:

- o The proposed exclusions for charging were agreed as: community groups organising an event on the council's behalf or an event which will directly raise funds for that park (usually run by the Friends of the Park); low level activities which contribute to the ambience and enjoyment of the park eg band concerts, morris dancing etc.

- The basis used to calculate the charge will be the most operationally efficient, which is the method originally proposed in February 2005 using the cost to the Council of maintaining the area occupied by the event
- Charities will not receive an automatic discount
- A discount will be given for events serving the Council's Corporate Priorities
- Additional charges will be levied on events which are earning money from the Council's asset eg those charging exhibitors for car parking, those allowing more than the minimum of catering concessions, etc but incidental catering will be exempted
- Time taken to set-up and take-down the event infrastructure will be charged

3. THE REVISED PROPOSAL

3.1 The basis of the proposal is that whilst an outdoor event is occupying public land, members of the public are unable to use it for recreation and the event organiser should therefore compensate for this by way of a hiring fee. This can sensibly be based on the cost to the Council of maintaining the area of land occupied by the event.

3.2 The proposal also applies the exclusions, inclusions, discounts and levies outlined in section 2.2 of this report.

3.3 The hiring fee has two different elements to it: operating days and set-up/take down days:

Operational Days	On the days when the event is operational, the hiring fee will reflect whether the show is trading and whether it is run by a commercial or voluntary organisation.
Set-up Days	On the days when the event is being set up and taken down, the hiring fee will reflect the degree of obstruction to the public.

3.4 The original proposal included two additions to the operational day charge: one if the event was ticketed and the second if the event had on-site trading. Following discussions with stakeholders, it is now proposed to only make one addition to the charge, subject to the level of reserves held by the event not exceeding that necessary to cover possible liabilities and the ability to demonstrate that the double levy would hinder the event's viability.

3.5 Set up and Take Down Charge

The calculation for set-up and take-down days is equal to the daily cost to the Council of those areas that are inaccessible to the public during set-up and

take-down. This is not necessarily the entire event area, but the working areas used during the set-up and take-down.

3.6 Operational Days' Charge:

The calculation for those days on which the event is operating is calculated as follows:

- a) The cost to the Council of the area occupied by the event. This is the Basic Daily Charge (BDC)
- b) If the event is run entirely by volunteers, the BDC is reduced to half to give a Voluntary Sector Daily Charge. (VDC)
- c) If the event is run by a commercial organisation BDC is multiplied by 2 to give a Commercial Sector Daily Charge (CDC).
- d) If the event is allowing significant commercial trading on site and/or charging for entry, the VDC or CDC is doubled for one of these and doubled if both apply. Significant means more than suitable catering provision for the event audience
- e) If the event can prove it is contributing to corporate priorities, VDC or CDC can be reduced by up to 15%

3.7 Examples to illustrate how the system will charge for fictitious commercial sector and voluntary sector events of a similar scale, both using 20% of Vivary Park for a 5 day event are in Appendix 1. The result is that the commercial event would pay 3-4 times as much as the community event.

5. CONSULTATION AND RESEARCH

5.1 Other Councils' Charges

Many Councils were contacted for examples of best practice in charging for events. There was little consistency and only one example of a framework for charging, at Bexley. The details are in appendix 2

5.2 The Moscow State Circus

The charge for a circus over 5 days, using the framework, is likely to be around £3,470. This compares to an equivalent of £5,540 charged for a site in the city by Plymouth City Council.

5.3 Taunton Town Centre Company

The Town Centre Manager currently organises the May Fair in Vivary Park with the Taunton Carnival Committee, and the Christmas events which this year include the ice rink on Goodlands Gardens. The Town Centre Manager is not in favour of being charged a site fee for events which she holds on Council land, but appreciates the Council's need to do so.

Officer response: community events could be held in less prestigious sites which are a cost less for the Council to maintain such as Goodlands Gardens or French Weir Park. A Community Organised event such as the May Fair in

Vivary Park held in 2005 which was set up and operated all in one day such would be charged £174 under the proposals.

5.4 Taunton Flower Show

5.4.1 The Taunton Flower Show membership objects to being charged for the use of Vivary Park. The Chairman of Taunton Flower Show has accepted that some level of charge will be levied, but has expressed an objection to the charge for having traders at an event in addition to that made for selling tickets as both are elements essential to funding the event.

5.4.2 It is recommended that this objection is accepted and the calculation adjusted accordingly for 2006. This should be reviewed for future years in the light of the level of financial reserves held by the Taunton Flower Show which in 2004 were £37,218 against a target reserve of £40,000.

5.4.3 The Show also requests a reduction to reflect its charitable objectives in furthering the education of the public in horticulture and in contributing to the economy of Taunton Deane.

5.4.4 Proposed Flower Show Charge

Taunton Flower Show occupies 57% of the park, is organised by volunteers and is both trading and charging for entry.

Calculation information	Flower Show
Total cost to the Council of the whole park	£585
Cost of area used by the event (57%)	£333
Daily charge for voluntary organisation	£167
Levy for on-site trading	£167
Levy for charging for entry	£167 (waived)
Total charge per day	£334
Charge for operating period (2 days)	£668
Set-up/Take-down (11 days) *	£772 *
TOTAL CHARGE FOR EVENT (before corporate priorities discount)	£1,440

** The Flower Show takes 8 days to set up and 3 days to take down. The Council and Flower Show have identified the precise areas that will be out of public use on each of these 11 days and the total charge for this is £772.*

5.5.5 If the Show is allowed the full 15% discount for its contributions towards the Council's Corporate Priorities the final sum charged would £1,224.

6. RECOMMENDATION

Members of the Executive are recommended to approve the adoption of the framework, outlined in this report, to determine charges for outdoor events held on its land.

APPENDIX 1
 EXAMPLES OF THE DIFFERENT CHARGE RESULTING FOR COMMERCIAL
 AND COMMUNITY EVENTS

These examples illustrate how the charge will be calculated for commercial sector and voluntary sector events of a similar scale, both using 20% of Vivary Park, for a 5 day event.

It has been assumed that during the 2.5 days set-up and take-down time the whole event area will be unavailable to the public on 1 day, half of it on the second day and quarter of it on the final half day.

Calculation information	Commercial event	Sector	Voluntary Sector event
Total cost to the Council of the whole park	£585		£585
Cost of area used by the event (20%)	£117		£117
Daily charge	£234		£58
Levy for on-site trading	£234		£58
Levy for charging for entry	£234		£58
Total charge per day	£702		£174
Charge for operating period (5 days)	£3,510		£870
Set-up/Take-down (2.5 days)	£205		£205
TOTAL CHARGE FOR EVENT (before corporate priorities discounts)	£3,715		£1075

APPENDIX 2

EXAMPLES OF THE SUMS CHARGED FOR EVENTS BY OTHER COUNCILS

BEXLEY

(a national Beacon Council of best practice for parks)

Bexley Council in Kent has many parks and operates a system that distinguishes between fundraising and non-fundraising charities, and also commercial hirers.

Commercial hirers are negotiated on a case by case basis except for funfairs which are charged £400 a day and £100 per day for set up/take down.

For charities the 2005 charges are set out below and exclude setting-up/take-down day charging:

Non-fundraising charities			
<i>20% discount for organisations based in the Borough</i>			
Hours hired (min. of 4)	Less than ½ hectare	½ to 2 hectares	More than 2 hectares
First 4 hours	£39.00	£78.00	£156.00
5	£49.00	£98.00	£197.00
6	£58.00	£117.00	£234.00
7	£69.00	£137.00	£273.00
8	£78.00	£156.00	£312.00
Rate per additional hour:	£10.00	£20.00	£40.00

Fundraising charities			
<i>20% discount for organisations based in the Borough</i>			
Hours hired (min. of 4)	Less than ½ hectare	½ to 2 hectares	More than 2 hectares
First 4 hours	£80.00	£160.00	£320.00
5	£99.00	£199.00	£398.00
6	£120.00	£240.00	£480.00
7	£139.00	£279.00	£558.00
8	£160.00	£320.00	£640.00
Rate per additional hour:	£20.00	£40.00	£80.00

- 6.2 BANES: The Recreation Ground in Bath has a policy of charging large scale non sports events on a case-by-case basis using attendances, duration, set up/take down time, fees charged for admission and parking, area used, expenses for event. Large-scale sports events are charged £500 a day for the event and for set up/take down days. Charities are charged a reduced or nil fee where the charity has related Objects and the charge is on the same basis as large non sports event.
- 6.3 EXETER: charges £2000 for a commercial circus, £175 for charities and nil for community groups, but all pay for expenses incurred by the Council on their behalf.
- 6.4.1 MENDIP: Circuses £376 deposit plus £282 per day. Events over 5000 attendances are negotiated fees, 1-5000 attendances £282, 500-1000 attendances £180, under 500 attendances £113, charities £69 or £34.
- 6.5 SOUTH SOMERSET: over 300 attendances £162 a day, 100-300 attendances £108 a day, under 100 attendances £32 a day
- 6.6.1 WESTMINSTER Events usually cost between £800 and £2,570 per day depending on size of event and location. local groups such as Residents and Community Associations who hold events for their local communities (Fun Days, Garden Parties etc are charged a nominal sum.
- 6.6.2 WEST SOMERSET no charges levied

APPENDIX 3

22. Proposal to charge for holding events on public open spaces

Submitted report previously circulated regarding proposals for a charging framework to determine the amount to be paid to the Council for hiring public open space to hold outdoor events.

Previous reports on this matter had been submitted to the Health and Leisure Review Panel on 31 March 2005 and 30 September 2005 when it was agreed to further develop a charging calculation framework and consult with organisations which would be significantly affected by the introduction of charging.

The basis of the proposal was that whilst an outdoor event was occupying public land members of the public were unable to use it for recreation and the event organisers should therefore compensate for this by way of a hiring fee.

It was intended that the calculation should be based on the area of land used, the length of time of occupation and the nature of organisation hiring the land.

Details of the proposals were submitted which included certain exclusions, inclusions, discounts and levies and a hiring fee based on operational days and set-up/take down days. The calculation for set-up and take down days was equal to the daily cost to the Council of those areas which were inaccessible to the public during set-up and take down. This was not necessarily the entire event area but the working areas used during the set-up and take down.

As far as the charge for operational days was concerned the calculation for those days on which the event was operating would be calculated as follows:-

- (a) The cost to the Council of the area occupied by the event. This was the Basic Daily Charge (BCD).
- (b) If the event was run entirely by volunteers the BCD was reduced to half to give a Voluntary Sector Daily Charge (VDC).
- (c) If the event was run by a commercial organisation the BCD would be multiplied by two to give a Commercial Sector Daily Charge (CDC).
- (d) If the event permitted "significant" commercial trading on site and/or charging for entry the VDC or CDC would be doubled for one of these and doubled if both applied. Significant meant more than suitable catering provision for the event audience.
- (e) If the event could prove it was contributing to corporate priorities the VDC or CDC could be reduced by up to 15%.

Taunton Flower Show occupied 50% of the Park, was organised by volunteers and was both trading and charging for entry. The Flower Show Organisation had objected to being charged for the use of Vivary Park. Its Chairman had accepted that some level of charge would be levied but had expressed an objection to the charge for having traders at an event, in addition to that made for selling tickets as both were elements essential to funding the event.

It was felt that this objection should be agreed and the calculation adjusted accordingly for 2006. This would be reviewed for future years in the light of the level of financial reserves held by the Taunton Flower Show which in 2004 was worth £37,218.

The Show had also requested a reduction to reflect its charitable objectives in furthering the education of the public in horticulture and in contributing to the economy of Taunton Deane. Details of a calculation were submitted which showed that if the Flower Show was allowed the full 15% discount for its contribution towards the Council's corporate priorities the final sum charged would be £1,224.

RESOLVED that the charging framework outlined in the report be adopted and used to determine charges for outdoor events held on the Council's land.