

Committee(s): Epping Forest and Commons Committee – For decision	Dated: 25/01/2024
Subject: The Commons: Licences, sports, wayleaves and produce fees and charges for 2024/25	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	2,3,4
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain’s Department?	N/A
Report of: Bob Roberts Interim Executive Director Environment.	For Decision
Report author: Geoff Sinclair, Assistant Director The Commons	

Summary

This report presents proposals for an October 2023 Retail Price Index based increase of 6.1% in 2024/25 on charges levied for licensed activities, produce sales and formal sports and this is forecast to generate additional income of £826.

In 2022/23 the licensing of activities and product sales at the Commons raised a total of £207,949.09

Car park charges raised a total of £155,937.66. Changes to car park charges are done periodically with the next uplift in charges proposed for April 2025

All income from produce, licences and charges is fully reinvested in the management of The Commons with all income credited to the relevant charity’s local risk budget.

Recommendation

Members are asked to:

- Note the income generated in 2022/23 from charged activities in The Commons and
- Agree the proposed licence fees and sports charges for 2024/25 as itemised in Appendix 2
- To Delegate Powers to the Superintendent to make minor variation to these fees in respect of filming and other licensing where it appears to the Superintendent that the scale of activity and impact upon the Forest indicates that a different fee is required in order to ensure an appropriate contribution towards the costs incurred by the Conservators in connection with the Commons.

Main Report

Background

1. This report encompasses several different activities on the portfolio of sites across The Commons for which a charge is levied. The charges are made to record the use and to reflect the costs incurred by the City of London in administering and enabling the activity and (where relevant) an appropriate contribution towards the costs incurred by the Corporation in connection with The Commons. All income is reinvested into the management of The Commons in accordance with the City Corporation financial regulations. These charges are separate to income received from donations.
2. The use of The Commons for siting of equipment or for certain activities requires a licence. Licences are administered through a small steering group of officers pursuant to delegated authority and in some circumstances, staff are consulted before a decision is made to ensure there is an equitable and transparent decision-making process
3. All activities are regulated with due regard to the Open Spaces Acts of 1878 and 2018 and any other relevant statutory provisions and, where relevant, the adopted Schemes and Policies.

Current Position

4. Below is listed the income raised from the various chargeable activities at The Commons in 2022/23 with the previous year's figures provided for comparison. The charges for 2023/24 are given in Appendix 1.

Income Activity	2021/22	2022/23
Licensing	£4,620.20	£5,208.62
Produce Sales	£642.17	£19,923.67
Filming (COVID affected)	£67,848	£174,485.00
Wayleaves	£8,291.16	£8,011.80
Room Hire	£700	£320
TOTAL Excl Car parking charges	£83,525.70	£207,949.09
Car Parking Income	£198,514.53	£155,937.66
TOTAL Incl Car parking charges	£282,040.23	£363,886.75

5. The difference in income between the two periods is down to greater than expected income from filming at Burnham Beaches which helped to make up a shortfall in car parking income which has been down due reduced numbers of visitors during a wet autumn.

6. All the licencing information, pricing, terms, and conditions are publicly available, and this process ensures appropriate licences and charges are administered in a fair and transparent manner.
7. Wayleaves are currently charged for private motorgate, and commercial premises access across The Commons.

Options

- a. Option 1 – To increase licence, sports and produce charges (Excluding locally benchmarked charges of filming and car parking) at a figure of 6.1% as detailed in Appendix 2 and to Delegate Powers to the Superintendent to make minor variation to these fees in respect of filming and other licensing where it appears to the Superintendent that the scale of activity and impact upon the Forest indicates that a different fee is required **This is recommended.**
- b. Option 2 - To keep charges as they are. This would be in effect a real terms price cut whilst inflationary increases would still apply to our own expenses and would need to be absorbed by the relevant local risk budget. **This is not recommended**

Proposals

8. Proposed charges for 2024/25 are itemised in detail in Appendix 2. The list of charges has been made as complete as possible to ensure all areas of charging are included. When setting fees and charges, officers in the natural environment charities considered the following:
 - a. The RPI rate is normally used to set the increase percentage. Given current inflationary levels and cost of living, a figure of 6.1% has been settled on across Epping Forest and the Commons charities.
 - b. The budget requirement to generate additional income and to reduce the requirement to make further expenditure savings.
 - c. The benchmarking of the charges and quality of provision with those of neighbouring facilities, which in many instances are our competitors. In some instances, we will therefore not benchmark against our own properties.
 - d. Work towards attaining full cost recovery, recognising that staffing, equipment, and material costs may have increased greater than 6.1% in some cases.
9. Car parking charges are revised periodically due to the cost of changing signage and other similar operational needs. The next revision is scheduled for April 2025 and work to progress this will be undertaken during 2024. A further report will be presented to Committee following the review.
10. Filming charges are benchmarked to similar local providers and will remain the same pending future reviews of charges by local providers.
11. To Delegate Powers to the Superintendent to make minor variation to these fees in respect of filming and other licensing where it appears to the Superintendent that the scale of activity and impact upon the Forest indicates that a different fee

is required in order to ensure an appropriate contribution towards the costs incurred by the Conservators in connection with the Commons.

Key Data

12. Overall earned income and grants raised £675,940.40 in 2022/23. The 6.1% increase is only applied to some categories as proposed in this report as some income such as grants cannot be altered.

13. During the period £264,696.91 was raised from local development to cover a 5-year Section 106 funded project. A further £479,297.05 was raised via Buckinghamshire Council and mitigation charges made on development within 5.7 km of Burnham Beaches Special Area for Conservation

Corporate & Strategic Implications

Strategic implications

14. These charges support the Corporate Plan Policy aims and priorities

- Contribute to a flourishing society
- Support a thriving economy
- Shape outstanding environments

Financial implications

15. City Corporation financial regulations provide that 'When determining fees and charges to persons or external organisations, all departments should recover full costs, or submit reasons to the appropriate service Committee when that objective is not met. The Duty to recover costs must be subject to any other overriding statutory provision.' The change to the standard fees of 6.1% will raise a further £826 of income from wayleaves, licences and room hire

Legal Implications

16. **Charity Law:** In its role as trustee of the Ashted Common, Burnham Beeches & Stoke Common and West Wickham & Spring Park and Coulsdon Commons registered charities (numbers 1011510, 232987, 232988 and 232989) the City Corporation is under a duty to act in the best interests of the charity.

17. **Produce Sales:** The City Corporation's charity trustee duty will normally mean obtaining the best price for produce that can be achieved in the market. However, it may be appropriate in some cases to donate produce, or sell it at a discount, where this is an effective way of using the charity's resources to further its charitable purposes or is otherwise in the charity's best interests.

18. **Events and Filming:** Section 7 of the City of London Corporation (Open Spaces) Act 2018 provides additional powers to hold and charge for events (including filming) on The Commons having regard to an agreed events policy.
19. **Sports Pitches:** Section 76 of the Public Health Acts Amendment Act 1907 (applied to the Commons by Section 4 of the City of London (Various Powers) Act 1933) allows for areas for cricket, football and games to be set apart. Section 56 of the Public Health Act 1925 (applied to the Commons by Section 4 of the City of London (Various Powers) Act 1933) allows for reasonable sums to be charged for their use.
20. **Car Parking:** Section 9(2) of the City of London (Various Powers) Act 1977 allows for areas of parking to be provided for the purpose of providing or improving opportunities for the enjoyment of the open spaces by the public. Under section 9(4) of the 1977 Act, reasonable charges may be made for any facilities under section 9

Property Implications

21. Licensing various third-party temporary activities that the City Corporation is willing to permit across The Commons should ensure that the City Corporation retains full and proper control of the sites and able to prevent misuse or damage.

Charity Implications

22. Ashtead Common, Burnham Beeches & Stoke Common and West Wickham & Spring Park and Coulsdon Commons are registered charities (numbers 1011510, 232987, 232988 and 232989). Charity Law obliges Members to ensure that the decisions they take in relation to the Charity must be taken in the best interests of the Charity. However, it may be appropriate in some cases to donate produce, or sell it at a discount, where this is an effective way of using the charity's resources to further its charitable purposes or is otherwise in the charity's best interests.

Resource Implications

23. Fees and charges reflect the whole cost to the charities and seek as a minimum to achieve whole cost recovery.

Risk Implications

24. Raising fees by the proposed 6.1 % may attract negative publicity for the City of London Corporation possibly mitigated by the car park charges remaining unchanged.

Equalities Implications

25. Charitable and not for profit organisations receive a 50% discount on most fees and charges. This allows smaller and large charitable organisations and community groups to use The Commons at a lower cost whilst still meeting the core costs to The Common's charities from the impact of that activity.
26. Providing consistency in charging and decision making through the licencing of activities provides equality of opportunity to individuals and groups applying to use The Commons.

Climate implications

27. Licences seek to control the number, location and suitability of activities on The Commons to protect its environment. Sustainability criteria is included in heads of terms for larger events.

Security implications

28. Licences ensure that activities held on The Commons comply with all health, safety and other relevant legislation and enables basic due diligence to be undertaken on the licensee.
29. The Natural Environment Department Events Policy does not allow:
 - i. Events which could be damaging to community relations
 - ii. Events associated with extremist organisations or proscribed organisations
 - iii. Events which are considered discriminatory or offensive
 - iv. Illegal activities

Conclusion

43. The City Corporation's The Commons charging proposals ensure that as a charity where possible our expenses incurred due to third party use of our land are recouped and reinvested into the maintenance of The Commons and that activities can be checked to ensure relevant safety and legislative measures are met.

Appendices

Appendix 1 – 2023/2024 charges
Appendix 2 - Proposed charges 2024/25

Background Papers

1. The Commons - Licences, sports, wayleaves and produce fees and charges
EF&CC Report 26 Jan 2023
2. Open Spaces Departmental Events Policy (Part One) undated
3. The Commons, Open Spaces Departmental Events Policy (Part Two) undated

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