

Committee(s): Epping Forest and Commons Committee	Dated: 23/01/2025
Subject: The Commons: Licences, wayleaves and produce fees and charges for 2025/26	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	<ul style="list-style-type: none"> • Flourishing public spaces
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	NA
What is the source of Funding?	
Has this Funding Source been agreed with the Chamberlain's Department?	NA
Report of: Katie Stewart, Executive Director Environment	For Decision
Report author: Geoff Sinclair, Assistant Director, The Commons	

Summary

This report presents proposals for an October 2024 Retail Price Index increase of 3.4 % in 2025/26 on charges levied for licensed activities produce sales and formal sports. This is forecast to generate additional income of £503 in 2025/26.

In 2023/24 the licensing of activities and product sales at the Commons raised a total of £191,634.09. This was a reduction of 7.8% on the income raised in 2022/23 with the difference due to the highly variable filming income being down by 22%. A one-off significant licensing charge offset some of the impact of the reduced filming income.

Car park charges raised a total of £154,048.89, a reduction of 1.3% on the income raised in 2022/23. Changes to car park charges are done periodically with the next uplift in charges proposed for April 2026.

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.

Decisions taken in relation to the recommendations in this report need to be made by the City of London Corporation in its capacity as trustee of each of the following charities: Burnham Beeches and Stoke Common, West Wickham and Spring Park Wood, Coulsdon and other Commons and Ashted Common. The trustee must be satisfied that the action proposed is in the best interests of each particular charity.

Recommendation

Members are asked, acting for and on behalf of the trustee of each of the charities listed in paragraph 21, to:

- Note the income generated in 2023/24 from charged activities in The Commons; and
- Agree the proposed licence fees and sports charges for 2025/26 as itemised in Appendix 2.

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 Corporation 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 Corporation of London 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 2023/24 with the previous year's figures provided for comparison. The charges for 2023/24 are given in Appendix 1.

Income Activity	2022/23	2023/2024
Licensing	£5,208.62	£31,073.93
Produce Sales	£19,923.67	£15,282.28
Filming	£174,485	£136,557.00
Wayleaves	£8,011.80	£8,720.88
TOTAL Excl Car parking charges	£207,629.09	£191,634.09
Car Parking Income	£155,937.66	£154,048.89
TOTAL Incl Car parking charges	£363,566.75	£345,682.98

5. The 7.8% reduction in the income, excluding car parking charges, generated in 2023/24 when compared to 2022/23 was largely due to a 22% reduction in the filming income at Burnham Beeches. Filming income is highly variable and can vary widely from year to year. Increased licence income at Ashted Common from a one-off large transport improvement scheme went some way to compensate for the reduced filming income.
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 for car parking) at a figure of 3.4 % as detailed in Appendix 2. **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. **This is not recommended.**

Proposals

8. Proposed charges for 2025/26 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 in October is normally used to set the increase percentage with a figure of 3.4% being used across the Epping Forest and the Commons charities.
 - b. The budget requirement to generate additional income and to reduce the requirement to make further expenditure savings in order to remain within each charity's local risk resource base.
 - 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 3.4% 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 2026 and work to progress this will be undertaken during 2025. A further report will be presented to Committee following the review.

Key Data

10. Overall earned income and grants raised £772,210.70 in 2023/24. The 3.4% increase is only applied to some categories as proposed in this report as some income such as grants cannot be altered.
11. During the period £340,120.22 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

12. These charges support the Corporate Plan Policy aims and priorities to promote flourishing public spaces.

Financial implications

13. 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.' It is estimated that the change to the standard fees of 3.4% will raise a further £503 of income from wayleaves and licences which will be credited to the relevant charity's local risk budget.

Legal Implications

- 14. Charity Law:** In its role as trustee of the Ashtead Common, Burnham Beeches & Stoke Common and West Wickham & Spring Park Wood and Coulsdon and Other Commons registered charities (numbers 1051510, 232987, 232988 and 232988-1) the City Corporation is under a duty to act in the best interests of the charity.
- 15. 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.
- 16. 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.
- 17. 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.
- 18. 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

- 19.** 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

- 20.** Ashtead Common (number 1051510), Burnham Beeches & Stoke Common (number 232987), West Wickham Common & Spring Park Wood (number 232988) and Coulsdon and other Commons (number 232988-1) are registered charities. Charity Law obliges Members to ensure that the decisions they take in relation to the Charity are 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

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

Risk Implications

- 22.** Raising fees by the proposed 3.4 % may attract negative publicity for the City of London Corporation possibly mitigated by the car park charges remaining unchanged.

Equalities Implications

- 23.** 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.
- 24.** 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

- 25.** 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

- 26.** 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.
- 27.** 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 – 2024/2025 charges

Appendix 2 - Proposed charges 2025/26

Background Papers

1. The Commons - Licences, sports, wayleaves and produce fees and charges
EF&CC Report 25 Jan 2024
2. Open Spaces Departmental Events Policy (Part One) undated
3. The Commons, Open Spaces Departmental Events Policy (Part Two) undated

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