



Title of meeting:	Culture, Leisure and Sport Decision Meeting
Date of meeting:	18 March 2016
Subject:	Fitness Trainers on the Seafront and Parks and Open Spaces
Report by:	Director of Culture and City Development
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1 To seek approval of the Cabinet Member for Culture, Leisure and Sport to issue Permits for appropriate fees and charges for Fitness Trainers carrying out this service on city council owned land held within the Culture, Leisure and Sport portfolio.

2. Recommendations

- 2.1 **The Cabinet Member for Culture, Leisure and Sport approves the formalisation of fitness training on PCC land held within the portfolio.**
- 2.2 **The Cabinet Member for Culture, Leisure and Sport approves the charging of fees based on the matrix (Appendix A).**
- 2.3 **The fees proposed to be paid by the Fitness Trainers will be based on a matrix covering the number of those being trained and the number of sessions the trainer carries out per week.**
- 2.4 **In addition to any Permit fee, an application fee will be charged and a deposit payable in the event of the trainer causing physical damage to the land and this will be retained for the duration of the Permit (Appendix A).**
- 2.5 **The Cabinet Member for Culture, Leisure and Sport approve the application process to ensure that trainers are suitably qualified, insured and are issued Permits once a fee has been applied (Appendix B).**

3. Background

- 3.1 Portsmouth City Council is committed to sport and physical activity but must ensure that all those who offer training opportunities on council land are properly qualified, correctly insured and are using the land in safe and considerate

manner. The Trainers must also ensure they have carried out risk assessments for the land they are using and in consideration of those being trained

- 3.2 There has been an increase in the number of fitness trainers wishing to operate fitness classes along the seafront and in parks and open spaces in the city.
- 3.3 The target audience is those who need greater motivation than joining a gym in a more sociable environment than training on their own, with targets and goals set by a professional. This type of training is usually quite intensive and the expectations of participants high.
- 3.4 The operators are either personal trainers operating on a 1-2-1 basis with an assessment tailored to their individual client, or trainers operating a fitness class for a number of clients. This report relates to the trainers who make a charge to clients and are operating fitness classes on city council land (green space) held within the Culture, Leisure and Sport portfolio.
- 3.5 The majority of personal and fitness trainers are qualified and registered members of REPS (Register of Exercise Professionals), but unless an operator has formally approached the city council for a Permit, there is currently no assurance that members of the public are being coached by a suitably qualified trainer.
- 3.6 The city council have had a concessionary agreement with British Military Fitness since 2006, for which they pay an annual fee. This operates successfully and it is not proposed to change the basis of this agreement.
- 3.7 There are currently 3 individuals operating fitness classes with the approval of the city council, one at Alexandra Park and two at Bransbury Park and charges have been set at a level that has enabled the licensee to establish and operate a class successfully.
- 3.8 It is known there are many other classes operating across the city and seafront without permission. This has resulted in no compensation to the city council for wear and damage to land, undermined the principles of having approved operators and gives no assurance these operators have any relevant qualification.
- 3.9 The range of prices thought to be applied for operating both licensed and unlicensed classes is £1 per occasion to £20-25 month for group sessions and £35-45 for 1-2-1 sessions (subject to quality and client reference of the trainer).

4. Reasons for recommendations

- 4.1 The recommendation of the report is to formalise the relationship between any personal trainer or fitness trainer who charges clients and operates outdoors on city council owned land. In doing so the city council will:

- review the current arrangement that is currently managed by the city councils Property Team to ensure the process is as simplified as possible for the issuing of new Permits
- allow the issue of new Permits to be determined by the Seafront Manager and Parks Manager, in consultation with the Cabinet Member for Culture, Leisure and Sport, so that these are introduced accordingly and evenly across the city
- regulate the level and quality of fitness education that is provided, with all applicants being required to demonstrate they are suitably qualified with accreditation to a recognised awarding body such as Active IQ or CYQ and be registered with Registry of Exercise Professionals
- ensure applicants hold copy of relevant liability insurance and risk assessments
- ensure all operators have signed up to a code of conduct with the purpose of avoiding conflict between the various open space users, including special events and to protect the land.
- introduce a one-off application fee to cover the cost of processing new Permit applications and a fee for processing Permit renewals
- enable the calculated Permit fee to be payable in advance of operation, with the Permit holder also paying a deposit, refundable on termination or expiry of the Permit provided there have been no operational issues identified during the term
- investigate the publishing of a list of licensed operators on the city council website for the information available to residents and the public

5. Equality impact assessment (EIA)

- 5.1 An equality impact assessment is not required as the recommendations to not have a negative impact on any of the protected characteristics as described in the Equality Act 2010.

6. Legal comments

- 6.1 As the owner of the land upon which the trainers carry out their sessions the Council has the power to regulate access to that land. These charges will allow the Council to ensure that funds are available to repair any damage caused to the land by these activities. The Council does not have any powers to regulate personal trainers as such and this scheme cannot be used in that way.

7. Director of Finance comments

- 7.1 Approval of the recommendations contained in this report will provide a formalised structure for use of PCC land in the Culture, Leisure and Sport portfolio and this is the main objective of the report.
- 7.2 It is anticipated that the issue of permits will generate a small income for the service. The demand for permits is uncertain at this time therefore no provision for the income has been included in the 2016/17 budgets. T
- 7.3 The charge of £100 for issuing a permit covers the council's full cost of providing this service.

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Signed by:
Stephen Baily
Director of Culture and City Development

Appendices:

- Appendix A - Fitness trainer charges 2016-17**
- Appendix B - Permit application form (draft)**

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by Cabinet Member for Culture, Leisure and Sport on 18 March 2016.

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Signed by:
Cabinet Member for Culture, Leisure and Sport