

## Town Clerk | Swaffham Town Council

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**From:** #BreakingRecords Fitness <info@breakingrecordsfitness.co.uk>  
**Sent:** 28 July 2020 14:50  
**To:** Town Clerk | Swaffham Town Council  
**Subject:** Re: Use of Swaffham Recreation Ground

Dear Richard

Thank you for your reply. I sincerely appreciate you have experienced a high volume of vandalism and anti-social behaviour in the area, I can confirm we wouldn't do anything to cause any trouble.

I also appreciate it is common courtesy to ask for permission and a very clear example you have mentioned on why it's there for a reason (i'm also aware of the community centre and other venues I do hire for use before the lockdown) - however i didn't think this would be an issue considering the limit numbers of up to 5 people at first since the ease of the restrictions from end of May and then gradually increasing numbers since this was permitted. I did check on the Government guidelines with regards to large gatherings of up to 30 people in section 4 which is a very grey area on whether we need permission or not to do a group activity at the rec? I did check with insurance and we are still covered as outlined in the previous email! Obviously whoever from the public decided to complain about us to you at the Town Council, should have really made an internal complaint first before they decide to take it further, as this could have been dealt with in house.

I hope this helps and apologies if I am causing any trouble (which I am not)...

Every Inch Counts!



Liam O'Dell  
Founder of #BreakingRecords Fitness  
REPs Level 4 Strength and Conditioning Coach  
British Athletics Event Group Development Coach

"A good coach can change a game. A great coach can change a life"

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You can also find us on social media too!

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On Tue, 28 Jul 2020 at 08:51, Town Clerk | Swaffham Town Council <[townclerk@swaffhamtowncouncil.gov.uk](mailto:townclerk@swaffhamtowncouncil.gov.uk)> wrote:

Dear Liam,

I acknowledge your request to use the Recreation Ground for your fitness sessions and thank you for the background information. Until your e-mail was received, we had no idea of your arrangements regarding Covid-19, whether you had public liability or indeed who you are. As we are just coming out of a lockdown period from a global pandemic, we are currently experiencing high levels of vandalism and anti-social behaviour at the Recreation Ground, so any unauthorised use of the Rec is of interest to the Town Council.

It is surely common courtesy to enquire/notify the property owners i.e. the Town Council regarding your potential use of the Recreation Ground. With respect, you cannot just turn up and run a business in a public place. We hold a Premises Licence for the Rec, which allows public events to be held, under strict guidelines. Our weekly Market is an example of using a public place in the Town Centre, for which we pay non-domestic rates to Breckland Council. The Community Centre is also available to the public, but you do have to book and pay a hire fee to Icen Partnership, you can't just turn up.

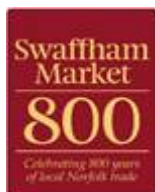
Until our attention was drawn to this by a member of the public, we had no idea that your fitness sessions were taking place. Free access and usage of the Recreation Ground is available to the general public, who are covered by our public liability insurance. Business activity organised by a third party without permission is not. I would check with your insurance company regarding your public liability, as using public facilities without prior permission would certainly invalidate our policy.

I will be in touch again after the Town Council have considered your request on 12<sup>th</sup> August, but in future I would encourage you to communicate with the Town Council at the earliest possible opportunity – many thanks.

Best regards,

Richard Bishop

**Town Clerk**





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**From:** #BreakingRecords Fitness <[info@breakingrecordsfitness.co.uk](mailto:info@breakingrecordsfitness.co.uk)>  
**Sent:** 27 July 2020 22:24  
**To:** Town Clerk | Swaffham Town Council <[townclerk@swaffhamtowncouncil.gov.uk](mailto:townclerk@swaffhamtowncouncil.gov.uk)>  
**Cc:** Deputy Clerk | Swaffham Town Council <[deputyclerk@swaffhamtowncouncil.gov.uk](mailto:deputyclerk@swaffhamtowncouncil.gov.uk)>  
**Subject:** Re: Use of Swaffham Recreation Ground

Dear Richard

Thank you for your rather interesting email from this afternoon, I would like to clarify a few points to clear up for your attention...

1 - As requested, please find attached my Public Liability Insurance and COVID-19 risk assessment, which I can assure you with the council that we are taking precautions doing group exercise classes outdoors etc, and not that we are interfering with other members of the public. I don't see how this would be a problem if we are already complying with the advice and guidelines from the Government?

2 - I would like to note that the Swaffham Recreation Ground is classed as you have mentioned as public and you are saying that I need permission to use a public park to do some form of sessions? Well what about other members of the public that use to socialise or kids using the skatepark (even on mopeds for that matter!), surely it's a free country to use a public park to do anything these days as long as you're within socially distanced from each other?

3 - I can see that you have viewed my prices online? Well between £5-6 I charge is only if people book and pay early online, however should there be any spaces available I do charge a late booking fee of £7.50-10 which they still have to book and pay online with 2 hours before I won't be able to take on more people thereafter for the session to begin. Recently I have only changed from 5 people to 20 people for bookings is to try and increase more spaces being available and as the clarification from DCMS and Insurance regarding the larger gatherings of 30 people says that I can be permitted on business use for group exercise classes (as I am a sole trader) as long as advice and guidelines are followed, i'm covered! Besides, you would need to look at the teenagers that aren't in a group of 6 which already have more teens that gather together, including a couple that ride their mopeds on the Rec.

4 - Well in fact to use the Recreation Ground free of charge as you have put it, well yes! - Mainly because I cannot guarantee on how many people I do get book on for classes as in the last few weeks of monitoring I have made bookings of between 1-4 people per class - all I can do is my best to advertise and promote to encourage more people to attend group exercise as you may know most of the gyms are on restricted bookings for gym session slots and reduced class timetable at the moment. Plus people are still wary with the COVID situation and them having financial circumstances to not make it, it is harder for us to outreach others in the public about our fitness activities that go on in this current climate. Secondly I'm not sure if you did read our bookings, including the terms and conditions that should there be any adverse weather conditions on the day of session, I can give customers 2 hours notice to transfer the class online remotely on a one off basis for the safeguarding and wellbeing of customers and instructor overall as the session to conduct outside wouldn't be safe to do.

In all honesty, we are using the Recreation Ground temporary until at least mid September and I have been liaising with the Swaffham Community Centre for communication on our return to indoors full time from 23rd September onwards (when National Fitness Day happens) - which i'll be sorting out the bookings for this coming week or next week to do for classes with them which I'm working on a new indoor timetable to encourage more people to do more on physical activity and exercise.

I hope this helps with my application being put forward as requested. Thank you!

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On Mon, 27 Jul 2020 at 15:51, Town Clerk | Swaffham Town Council <[townclerk@swaffhamtowncouncil.gov.uk](mailto:townclerk@swaffhamtowncouncil.gov.uk)> wrote:

Dear Breaking Records,

We have noted that you are advertising various classes at Haspall's Road Recreation Ground in Swaffham and have commenced using these public facilities, without prior notice or permission.

I therefore invite you to make a retrospective application to use our Recreation Ground. If you could also forward a copy of your public liability insurance and Covid-19 risk assessment to ensure social-distancing, as we have many other uses of this facility, we have to ensure that what you are doing is safe and does not clash with other users, or the public use of the Rec.

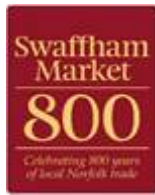
Your classes are also costing between £6 and £10 per person for groups of up to 20 people, do you expect to use our Recreation Ground free of any charge? If you could make this clear in your application, as you appear to be promoting yourselves as a professional organisation, if you could clarify whether this is a business or a voluntary community group, I would be grateful.

The Town Council next meet on 12<sup>th</sup> August, when this matter will be discussed, if you could get back to me by replying to this e-mail ASAP – many thanks.

Best regards,

Richard Bishop

## Town Clerk



**Swaffham Town Council**, Town Hall, 4 London Street, Swaffham, Norfolk, PE37 7DQ

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