PRIVATE SERVICE PROVIDERS CONDUCTING BUSINESS IN CITY RECREATION FACILITIES POLICY

Stakeholder Engagement Summary

May 2020

Background

The City of Winnipeg (City) is developing a policy that will direct the use of City-owned or City operated facilities by Private Service Providers (PSPs), such as personal trainers and swimming instructors, to conduct for-profit business activities. The City values the service provided by Private Service Providers in augmenting and complementing City programs and services and needs to ensure that Private Service Providers operating in City recreation facilities do so according to rules that protect both the City and others using recreation facilities. The policy will provide a framework to address allocation and usage, safety, risk mitigation, and fees.

Engagement

PSPs were invited to stakeholder sessions to learn about the policy and how it may impact their operations. Input gathered at the sessions helped inform the development of the policy. Two sessions were held: one for for fitness PSPs and one for aquatic PSPs. The stakeholder sessions began with a presentation (see Appendix C) followed by a group discussion on two topics regarding the application process, and the prioritization and allocation of recreation facility space. More details are in the table below.

Date	Activity	Participation
February 19, 2020	Stakeholder Session - Fitness	9 attendees
February 19, 2020	Stakeholder Session - Aquatic	8 attendees

What We Heard

The following are key themes that were shared by fitness and aquatic stakeholders at the two sessions. Please refer to Appendices A and B for a more detailed list of input gathered at the stakeholder sessions.

What We Heard	How It Was Considered*
Fitness PSPs are unable to predict their hours at the beginning of each year because of cancellations and fluctuating workloads. It would be easier to report actual hours at the end of the year.	The City will consider the unpredictably hours when developing the intake process for fitness PSPs.
Fitness PSPs support the City verifying qualifications and tracking which PSPs are using City recreation facilities.	Qualifications and criminal record checks will be a requirement in the PSP Agreement. PSP Agreements will allow the City to better understand which PSPs are using City recreation facilities.
Fitness PSPS are concerned that an hourly fee would negatively impact their business and would prefer an annual flat rate fee.	While the City understands that an annual flat rate is preferred by PSPs, an hourly rate will ensure that fees reflect the actual usage of City recreational facilities and are proportional to the size of PSP operations.
Aquatic PSPs would like the City to confirm pool space allocations earlier in the year so PSPs know the number students they can accept for lessons in advance of registration.	The City will confirm the allocation of pool space with PSPs after space is allocated to City programs and services.
Aquatic PSPs would like the policy to be flexible and allow for adjustments to space allocations throughout the year.	A process for PSPs to make adjustments to space allocations during the operating season will be considered in the development of the PSP Agreement.
Aquatic PSPs would like improved communication from the City. This includes notification of available hours for PSPs prior to applying for pool hours and more consistent notification of pool closures.	The City will determine a consistent and ongoing communication mechanism to provide PSPs with updates on the availability of specific pools and times prior to the intake period and other information relevant to their business needs, subject to information availability at that time.
Priority should be given to applications of PSPs that have a long history of operating in City recreation facilities.	Consideration will be given to long-standing PSP businesses when allocating hours of access to City recreation facilities, in addition to other factors identified in the policy.
Timing the implementation of the policy is important to minimize disruption to businesses. PSPs will need time to adjust their fees and operations.	The City understands that adequate time is required for PSPs to adjust to the policy and will incorporate recommendations that reflect timing the implementation so that disruptions to operations are minimized.

*Subject to Council approval

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Next Steps

Input received from the stakeholder engagement process will help guide the development of the Private Service Providers Conducting Business In City Recreation Facilities Policy. The policy will be presented to the Standing Policy Committee on Protection, Community Services and Parks in spring 2020. The policy is expected to go before Council for their consideration later this spring.



Appendices

Appendix A – Fitness Stakeholder Session Notes
Appendix B – Aquatic Stakeholder Session Notes
Appendix C – Presentation

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Appendix A – Fitness Stakeholder Session Notes

Private Service Providers Conducting Business in City Recreation Facilities Policy

Fitness Stakeholders

Location: Pan Am Pool
25 Poseidon Bay

Date: February 19, 2020
Time: 12:30 p.m. – 2 p.m.

Meeting Notes:

- The Manitoba Fitness Council (MFC) needs to be consulted as part of the policy development.
- Winnipeggers pay a lot of taxes on tobacco, alcohol, and other activities that have costs to the health care system.
    - Winnipeggers that are involved in healthy activities should be rewarded.
    - PSPs help Winnipeggers live healthy and active lifestyles.
    - The City should be subsidizing fitness opportunities.
- Private Service Provider (PSP) patrons have City of Winnipeg (City) memberships just like the other facility users.
    - These patrons will likely be using the facilities regardless of the PSP.
    - PSPs pay memberships like other facility users.
    - PSPs are not using the equipment so paying the City membership fees should already be enough.
- PSPs are a value added commodity.
    - PSPs improve increase City memberships and ensure facilities are not underutilized.
    - PSPs reduce wear and tear on equipment because they ensure their patrons are using the equipment properly.
    - Regular facility users often approach PSPs and ask for advice.
    - The City Recreation Technicians do not do an adequate job provide instruction and advice to regular facility users.
    - The City needs to empower the Recreation Technicians.
- Most PSPs are very professional and respectful.
    - There are a few non-reputable PSPs that are not respectful to other facility users and the equipment
    - Complaints are likely caused by the few non-reputable PSPs.
    - It would be unfair to penalize all PSPs because of a few non-reputable PSPs
    - Non reputable PSPs will likely just wear gym clothes and workout beside their patrons if the Policy is adopted
- PSPs are not able to provide with City with the number of hours they expect to use City facilities are the start of every year.
    - It is too difficult to predict.
    - Cancellations are too common. Sometimes patron will cancel while the PSP is driving to the facility.

- The number of patrons changes throughout the year.
- It would be easier for PSPs to report on the number of patrons and hours at the end of the each year.

- There are never space or capacity issues at City facilities.
  - PSPs are able to work with the flow of the gym when facilities are busy.
  - PSP have the knowledge to adapt and change workout routines on the fly if they see a piece of equipment is already in use.
- If there were added fees, many patrons would move on because they cannot afford more.
  - It will be more difficult to attract patrons.
  - Fees could put PSPs out of business.
  - PSPs feel like to Policy is about increasing City revenues rather than improving operations at City facilities.
- There is preference for an annual flat rate fee at the start of the year for permission to conduct business in the facility instead of an hourly rate.
  - PSPs would like an ID card once they pay the annual fee.
  - There could be a sliding scale based on the volume of business.
- PSPs are overall supportive of a Policy.
  - The Policy is long overdue.
  - The City should know what PSPs are using their facilities.
  - The City should know what certifications the PSPs have obtained.
  - However, the Policy must ensure that PSPs are not pushed out of City facilities.
- The City could administer a questionnaire similar to a fitness readiness test to PSPs.
- The City should limit PSPs to four or less patrons at a time.
- Restricting PSP patrons to specific timeslots is discriminatory
  - How can one user that pays membership be denied during certain hours simply because they have a PSP with them while other users are permitted?

Appendix B – Aquatic Stakeholder Session Notes

Private Service Providers Conducting Business in City Recreation Facilities Policy

Aquatic Stakeholders

Location: Pan Am Pool
25 Poseidon Bay

Date: February 19, 2020
Time: 2:30 p.m. – 4 p.m.

Meeting Notes:

- Private Service Providers (PSP) already own and bring their own equipment to the pool.
    - Could there be a reduction in fees for PSPs that bring their own equipment?
    - However, this would be difficult for lifeguards to enforce.
    - The City of Winnipeg (City) recently made PSPs purchase their own equipment and now wants to make PSPs rent City equipment again after the equipment has already been purchased.
    - The equipment only lasts so long. By the time the Policy in adopted, it could be time for PSPs to buy new equipment again anyway.
- Aquatic PSPs provide no wear and tear on equipment because they need to bring their own equipment.
- Rates based on the number of approved instructional hours are more applicable to fitness PSPs than aquatic PSPs.
- PSP hours change throughout the year. For example, it is busy around the Christmas break.
    - PSPs want flexibility to make adjustments to their allocations.
    - Even the flexibility to make seasonal adjustments would help.
    - It would be beneficial for the City to include cancellation terminology in the Policy.
- Could the hourly rate include room rentals?
    - Sometimes PSPs need to rent a room at the facility if there is a pool fouling.
- There is a concern that the City will implement the Policy halfway through the year.
    - PSPs need time to make operational changes.
    - PSPs need time to update their fees.
- PSPs receive their pool allocation after they need to collect swimming registrations from patrons.
    - There is a strong preference for earlier pool allocations (before June) so PSPs know how much pool time they received before patrons register for lessons.
    - In the past, PSPs would receive confirmation from the City much earlier in the year.
    - This year, confirmation wasn't received until August for pool time that begins in September. PSPs need to start registrations in June for September swimming lessons.
- PSPs would like the City to provide pool locations, days, and hours that are available to PSPs before applications are made.
    - PSPs understand that pool hours are subject to change; however, it is difficult to find information on when pools are available.

- PSPs have been approved for hours that aren't even available.
- PSPs do not like June 15th as the end of the annual operation season.
  - Could the annual operating season end on a weekend in June, as June 15th often lands during the middle of the week.
- The City needs to better communicate closures with PSPs.
  - While some closures are unpredictable, there have been times where they City has not communicated closures for scheduled maintenance to PSPs.
- PSPs would prefer if they could apply for pool time in locations other than the Community Services office Downtown.
- PSPs would appreciate if the City called to discuss why applications were denied.
- The City should consider different instructor to student ratios for different types of courses.
  - A 1:5 ratio might be suitable for swimming lesson but other programs could have a higher ratio.
- PSPs indicated that applications could be prioritized by:
  - Order and date applications are received.
  - The number of years operating with the City.
  - Consideration for PSPs affected by facility closures.

Appendix C – Presentation

Private Service Providers Conducting Business in City Recreation Facilities Policy

Stakeholder Session

Pan Am Pool

February 19, 2020

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Background

On October 2, 2019 , the Standing Policy Committee on Protection, Community Services and Parks concurred in the recommendation of the Assiniboia Community Committee, and directed the Winnipeg Public Service to report back on the following:

1. The status of private service providers using City of Winnipeg recreation facilities to conduct for-profit business activities.

2. A policy recommendation with respect to private service providers using City of Winnipeg recreation facilities to conduct for-profit business activities including recommendations that:

    A. May or may not include a fee for access

    A. Protect City of Winnipeg assets from risks and the impact if any to Winnipeg taxpayers.

Background

- Private Service Providers (PSPs), such as personal fitness trainers or swimming instructors, provide a service directly to facility users for a fee within City of Winnipeg (City) owned and/or operated public recreation facilities.
- The City values the service of PSPs but needs to ensure that PSPs operating in civic facilities do so according to rules that protect both the City and the rights of other Winnipeggers using those facilities.
- A Council approved policy will contribute to providing Winnipeggers with high-quality personal training services that are accessible, while continuing to support private businesses within the community.

Why is the City considering a new policy?

- The City has received complaints from the public about PSPs operating their businesses in City public use recreational facilities.
- The City has received complaints from PSPs about allocation and usage of facilities.
- The City is at risk of being liable for the actions of PSPs and their customers in City owned and/or operated facilities.
- The City needs to determine a fee structure and parameters that are fair and reasonable and that reflect the commercial nature of the use and the costs incurred by the City, including maintenance, insurance, utilities, debt cost, capital maintenance.

The Policy

- The policy is intended to provide general standards for PSPs conducting their business in City owned and/or operated recreation facilities.
- The policy framework will address:
  - Allocation and usage;
  - Safety;
  - Risk mitigation; and
  - Fees.



Allocation and Usage

- City programs and services take priority in the allocation of public recreation facilities and equipment.
- PSPs may be allocated access to a recreation facility and equipment as per pre-approved availability during public access hours only.
- PSPs cannot use a recreation facility and its equipment unless they are approved annually in accordance to the Community Services Department's application process.
- The annual operating season for fitness PSPs will be Jan 1 – Dec 31 and for swimming PSPs September 1 – June 15.
- Approvals will be considered on the basis of a number of factors: number of applications received, time requested, facility capacity, and previous compliance.
- The Director of Community Services determines final annual PSP allocation decisions.

Safety

Safety considerations include:

- PSPs must abide by and comply with all laws, by-laws, rules and regulations relating to the occupancy and use of the recreation facility.
- The City is not responsible for any damage to or loss of any equipment.
- The City makes no representations or guarantees as to the suitability or condition of the recreation facility or equipment.
- The Director of Community Services or designate shall have the right to eject or refuse admittance to anyone who is creating a disturbance or behaving in an unacceptable manner.

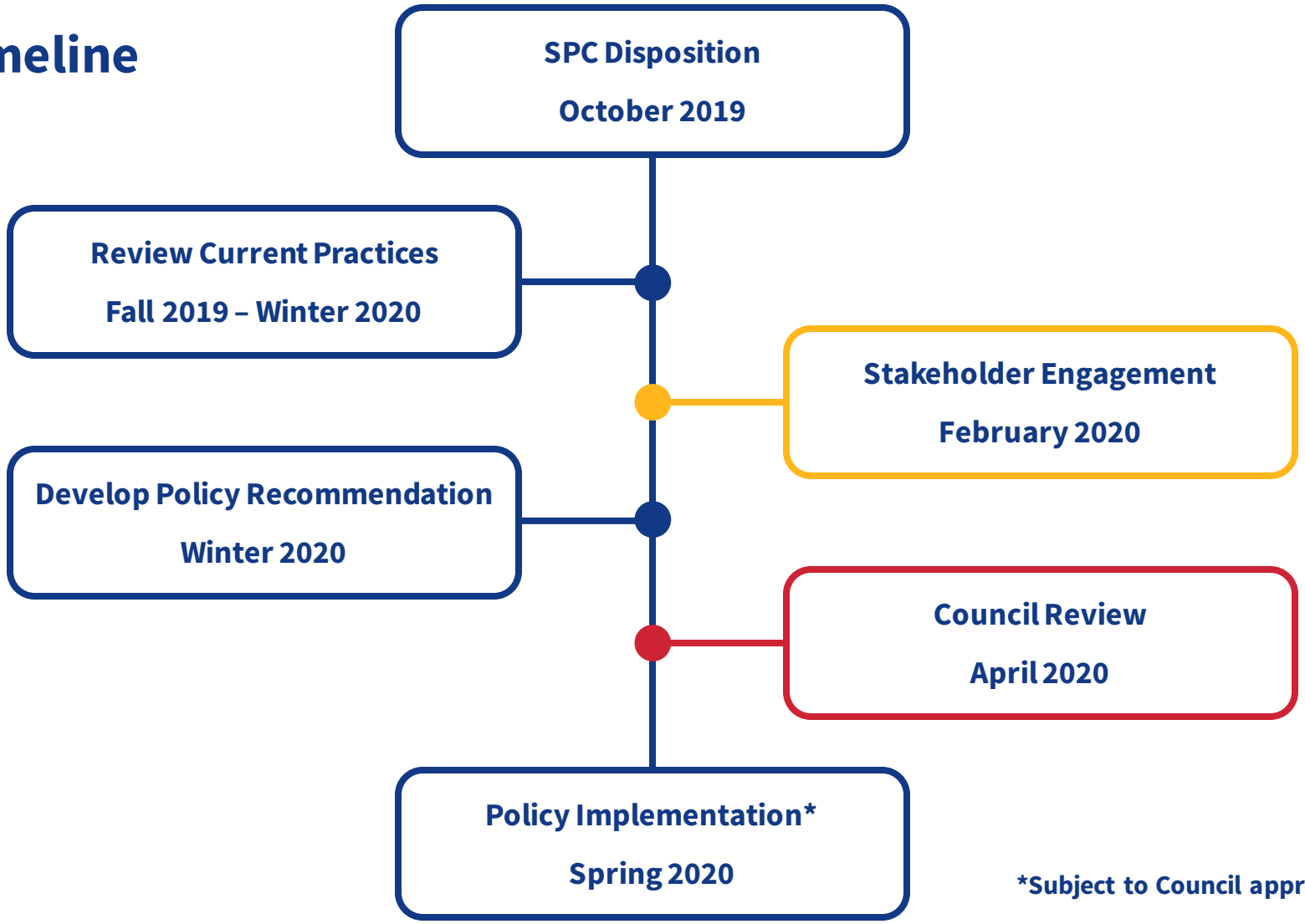
Risk Mitigation

- PSPs will maintain a general liability insurance policy in respect of the use of the recreation facility named in the agreement.
- PSPs will provide evidence of all applicable qualifications and clearances more specifically set out in the PSP Agreement.
- The PSP Agreement will also cover claims arising out of any act or omission of the PSPs or their patrons and loss or damage to the recreation facility or equipment.

Fees

- In determining the fees for PSPs, Council should consider costs incurred by the City associated with PSPs using a recreation facility including:
    - Maintenance
    - Utilities
    - Debt Cost
    - Capital Maintenance
- An hourly instructional rate for PSPs is being considered, based on ratios relevant to the fitness and pool areas, City services being provided, facility capacities, time and day.
- Regular facility admission rates for PSPs and their clients also apply.
- The PSP fee is proposed to be calculated based on the number of approved instructional hours and included in the PSP agreement, payable prior to use.

Timeline



*Subject to Council approval

Questions?

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Discussion Topic #1 (20 min)

What would make the application process convenient for you?

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Discussion Topic #2 (20 min)

What factors would you like to see the City consider when prioritizing applications?

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