

Committee:	Date:	Item no.
Open Spaces and City Gardens	13 th October	
West Ham Park	13 th October	
Epping Forest and Commons	3 rd November	
Hampstead Heath, Highgate Wood and Queen's Park	24 th November	
Subject: Open Spaces Legislation	Public	
Report of: Remembrancer Director of Open Spaces	For Decision	
<u>Summary</u>		
<p>This Report outlines officer discussions which have taken place concerning possible modifications to the legislation governing the Corporation's Open Spaces. The aims of the changes would be to clarify the management powers available to the Corporation, to increase opportunities to receive revenue for the benefit of the Open Spaces, and to strengthen enforcement powers against wrongdoers. If Members agree that such changes should be further considered, it is proposed that the views of local interest groups be canvassed. It is anticipated that more detailed proposals would then be drawn up for evaluation by Members with a view to the promotion of a City of London Bill (if appropriate) in the autumn of 2015.</p>		
Recommendation:		
<p>It is recommended that officers be instructed to test the views of local interest groups on possible modifications to the legislation, as described in this Report.</p>		

Report

1. The legislation governing the Corporation's Open Spaces has in most cases served its purpose well for many years. Its age and complexity mean,

however, that it is not always easy to operate in practice. Moreover, it arguably fails to reflect the full range of problems and opportunities which arise in the modern-day management and use of the spaces. Following preliminary internal discussions, officers have formed the view that there may be considerable merit in seeking amendments to the legislation. This could be achieved through the promotion of a private bill in Parliament, the usual method by which such changes are made. The bill would be directed to operational management of the Open Spaces rather than to constitutional issues relating to specific spaces.

2. Members will be aware that issues concerning the management of the Open Spaces can give rise to a range of keenly felt views. It is important, both in practice and as a matter of policy, to engage with local communities and interested parties at an early stage in any process of change. The approval of Members is therefore sought at this point to canvass views about the potential shape of the proposals from users of the Open Spaces and other local interest groups. Such parties would of course have a formal opportunity to put across their views on the detail of the eventual proposals as part of the parliamentary processes applicable to private bills, if such a bill were to be promoted.
3. The proposals as presently envisaged would be based upon three main objectives:
 - to provide a clearer and more consistent set of management powers applying across the Open Spaces, while putting on an express footing activities currently carried out in reliance on implied powers;
 - to increase the opportunities to receive revenue for the benefit of the Open Spaces from activities undertaken on them, provided that any such use is compatible with the preservation of the Open Spaces and their use for public recreation; and
 - to provide stronger enforcement powers to deal with those making illegal or harmful use of the Open Spaces.
4. Examples of potential measures under the first objective might include a general power of land husbandry (so as expressly to permit, for instance, the grazing of livestock and the control of vegetation); powers to enter into agreements with highway authorities (for instance for the provision of cattle-

grids or fencing) and utilities providers (so as to permit the installation of underground pipes and cables); and an express power to dispose of unlawfully abandoned objects (such as camping paraphernalia).

5. Examples of potential measures under the second objective might include greater flexibility to let buildings (so that, for instance, cafés could be let for more than three years and surplus staff lodges could be let as residential accommodation); an express power to provide facilities for private events (such as conferences and weddings); and the introduction of licensing schemes for commercial activities (such as fitness instruction and paid dog-walking).
6. Examples of potential measures under the third objective might include the adoption of the standard scale of fines for offences against byelaws; the introduction of fixed penalty notices; a power to exclude wrongdoers from the Open Spaces (currently applicable in Hampstead Heath but not elsewhere); and (subject to the work of the Land Registration Steering Group) bringing unregistered land contiguous to Epping Forest but for which no owner can be identified within the Epping Forest Acts.
7. Once local views had been sought and considered, officers would expect to draw up and present to the relevant Committees a detailed set of proposals. Members would then have a full opportunity to consider and decide on these proposals. The earliest date for depositing a bill in Parliament would be in November 2015.

Recommendation

8. It is recommended that officers be instructed to test the views of local interest groups on possible modifications to the legislation, as described in this Report.

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