

Committee:	Date:
Hampstead Heath Consultative Committee	9 March 2015
Subject: Open Spaces Legislation	Public
Report of: Superintendent of Hampstead Heath	For Information

Summary

This Report advises the Consultative Committee of an informal consultation concerning possible modifications to the legislation governing the City Corporation's Open Spaces. The main aims of such changes would be to clarify the Corporation's management powers, to provide greater flexibility to generate revenue for the benefit of the Open Spaces, and to strengthen enforcement powers. The Management Committee has agreed that the views of local interest groups should be informally canvassed before any such proposals are advanced, and to this end a public briefing paper (appended to this Report) has been produced. Subject to the views received, it is anticipated that more detailed proposals will be drawn up for consideration by the relevant Committees, with a view to depositing a private Bill in Parliament in November 2015.

Recommendation

Members are asked to:

- Receive this Report, and to contribute views on the legislation as set out in Appendix 1.

Main Report

1. The legislation governing the City 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, the Remembrancer and the Director of Open Spaces 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).
2. It is thought important, both in practice and as a matter of policy, to engage with local communities and interested parties at an early stage. The Management Committee has therefore agreed that, prior to any steps to draw up a Bill, the opportunity should be taken to canvass views about the potential shape of the proposals from users of the Open Spaces and other local interest

groups. To this end, officers have produced a public briefing paper to explain the possible nature of the changes and to invite views. The paper is appended to this Report. The exercise is informal in nature, as interested parties would 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.

3. The proposals as presently envisaged would be based upon three main objectives: clarifying the general management powers available to the City Corporation in the Open Spaces; providing greater flexibility to generate revenue for the benefit of the Open Spaces, in a way that does not undermine their use for public recreation and enjoyment; and providing more efficient and effective tools to deal with crime, anti-social behaviour and nuisance in the Open Spaces. Further details under each of these heads may be found in the Appendix.
4. Members will note that the proposals are presently framed in general terms relating to the City Corporation's Open Spaces as a whole. Accordingly, not all of the suggestions will necessarily have the same practical relevance to Hampstead Heath. The extent to which the drafting of legislation needs to reflect differences in the circumstances of individual Open Spaces (and in the legal regimes under which they operate) will be considered as the proposals are developed in detail, taking into account the views expressed in response to the consultation.
5. Subject to the views received, it is anticipated that officers will draw up and present to the relevant Committees detailed proposals. If agreed, a private Bill would be prepared for deposit in Parliament in November 2015.

Appendices

- Appendix 1 - Public briefing paper: 'Changing Legislation: A brief explanation of proposed changes to legislation governing the City of London's Open Spaces'

Background Papers

- Report of the Remembrancer and the Director of Open Spaces on Open Spaces Legislation:
 - Open Spaces and City Gardens Committee, 13 October 2014
 - Epping Forest and Commons Committee, 3 November 2014
 - Hampstead Heath, Highgate Wood and Queen's Park Committee, 24 November 2014

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