

Briefing 17/25 – July 2017

Running Free – Department for Communities and Local Government (DCLG) consultation on preserving the free use of public parks.

Key issues

- APSE has responded to The Department for Communities and Local Government (DCLG) regarding the National Parks Inquiry and has provided numerous reports, briefing notes and State of the Market reports to assist with current deliberations on the future of the UK's urban parks.
- The recent press coverage of a parish council's decision to charge for a parkrun event has led the DCLG to seek views on what events held in parks should be free and legislate to protect the decision to protect future events from charges.
- Although many support the view that public parks should remain free for public access there are concern that large and regular events, such as parkruns, can have significant maintenance implications, which in the current climate of significant cuts to parks and greenspace budgets could have serious financial implications
- This briefing note summarises the response of APSE to the consultation which it is hoped will help provide park managers and elected members with some helpful information.

Purpose of the consultation

Government's proposes to legislate that local authorities, including parish councils, cannot charge parkrun or junior parkrun for the use of public parks.

Included within the proposals are that the Secretary of State exercises his powers under section 151 of the Local Government and Housing Act 1989, to make regulations to **prohibit, limit or repeal** powers for a local authority to make a charge, which will also inform any future proposals to exercise his powers under section 5(3) of the Localism Act 2011 to prevent local authorities in England from using the General Power of Competence to charge parkrun or junior parkrun for the use of a public park.

In the consultation paper the Government are also consulting on whether the proposals should be extended beyond parkrun and junior parkrun, to other organisations or types of use of public parks.

These proposals relate to England only.

Government views

Government feels that the UK has a long tradition of the free use of public parks, such places providing individuals and groups spaces for exercise, to relax, to enjoy being part of a community, or to find peace and solitude.

In Parkrun, Government sees an organisation which organises free, weekly five kilometre runs in local parks which are excellent examples of communities organising events on a voluntary basis and enabling the wider public as individuals, families and groups to enjoy healthy exercise.

Parkrun is a not for profit company and relies on donations and sponsors.

In addition to Parkrun, Junior parkrun is an associated event for children aged 4 to 14 taking place every Sunday morning in local parks. Both events are organised by volunteers at a local level and are free to participate in.

In the consultation document, the Government makes it very clear that it supports the principles behind these events.

The reason the Government is proposing to legislate to protect the principles of Parkrun is because on 12 April 2016, Stoke Gifford Parish Council voted to impose a charge on Parkrun for the use of Little Stoke Park, a local park in the parish. Stoke Gifford Parish council stated that that two separate weekly events with over 300 runners was having a detrimental effect on paths within the park and that it,

".. cannot and will not stop people from using the parks for exercise and running but when it comes to an organisation with paid directors, fundraisers and sponsors it would be unfair to expect the residents to pay.(12.4.16).

Such a decision is entirely contrary to the objectives of the Government both in terms of its promotion of better public health and in terms of its support for voluntary community action.

Local authorities can quite legitimately charge for a variety of different events and specific activities that take place in local parks and Government considers that it is appropriate for the public to pay a reasonable sum for the exclusive use of a facility such as a tennis court or for the shared use of a facility such as a golf course. Government also considers it appropriate for charges to be made for special events such as outdoor concerts or other ticketed events that generate a profit for the local authority or the event organiser.

The argument for charging

There have been a number of supportive comments for Stoke Gifford's views about the potential for parkrun events to cause local authority park budgets to be put under additional strain. Dave Lambert of the Parks Agency said,

"It is perfectly reasonable for a local authority to require payment from operators whose activities have a financial impact on a park's management. In these straitened times, with so

called austerity sucking millions out of a local authority's budget, the principle is more important than ever."

Witnesses at the recent DCLG parks inquiry in 2016, although in favour of the events, also said they could be intimidating.

Finally, Greenspace in Wales, stated that although Parkrun was a great event, *"..experience has shown that there is almost always an extra cost for the authority afterwards. 200+ runners will leave a mess even if it's only mud on footpaths, which needs to be cleaned up to make the paths safe(and) these events always take place at weekends which require extra staff coming in."*

However, the Government does not consider it appropriate for a local authority to charge a volunteer community seeking to provide a free weekly event for the use of a public park, as this, overturns its long standing view that the public should have free access to parks for their everyday use. This is why the Government wants to legislate to prevent Parkrun and similar free events from being charged by local authorities both now and in the future.

Similar events/activities – free or chargeable?

Parks are valuable community assets and are often used for specific community events, such as local fetes or community days, and these events may involve a commercial element. Where an event is local in the sense it is unconnected with any national organisation, or where it is not a regular event, for instance an annual community event or annual organised sporting event, Government would expect the event organisers and the relevant local authority to mutually agree the arrangements for the event on an individual basis, including any charge that the local authority would, or would not, make in relation to holding the event in a public park.

Many parks also have traditional businesses such as cafes, either permanent or seasonal and these are quite rightly charged for their location, rents etc.

However, Government is looking for views about those individuals and organisations who make use of a public park in the course of their business, For instance, professional dog walkers who exercise their clients' dogs in a public park, or personal trainers who exercise with their clients in a public park and organisations that run fitness classes for groups of paying clients also make use of public parks. Although it can argued they do not require exclusive use of a part of a park, as does a tennis court, they still are charging clients for their services which they provide in a local authority park for which the local authority is responsible for, in particular, the stewardship and maintenance of. Therefore should such activities be chargeable or like Parkrun should they be protected from charging.

APSE Comment

APSE has considered the aims of the consultation and has responded to it accordingly. The response is as follows:

The Association for Public Service Excellence (APSE) <http://www.apse.org.uk/apse/> , is a not for profit membership organisation which has over 300 local authority members.

APSE offers advice on best practice and innovation, performance management services and training to help local authorities create effective, efficient and sustainable front-line services.

One of the service areas APSE takes a particular interest in is parks and open spaces and has recently responded on behalf of its local authority members regarding the DCLG'S Future of Public Parks Inquiry and to the findings of the DCLG'S Committee report on the impact of budget cuts on parks.

It is therefore relevant that APSE wishes to comment on Government's consultation '*Running Free – consultation on preserving the free use of public parks*' (April 2017).

As the document states, the UK has a long tradition of the free use of public parks, and the benefits associated with their use has multiple benefits, both from a health perspective and the wider public well-being. Therefore the recent move by Stoke Gifford Parish Council to charge for Park Run events has obviously caused a great deal of controversy, particularly as the event is a free event, open to all comers. However, equally understandable, is the concern that such events, which are now being held weekly across many of the UK parks do have the capacity to increase maintenance costs as a result of the wear and tear caused by potentially hundreds of runners taking part as well as potentially adding to staffing costs.

There is therefore a need to balance the benefits against costs in order to resolve the problems being encountered.

In response to the consultations questions:

Question 1: Do you agree that local authorities should not be able to charge parkrun or parkrun junior events for the use of public parks?

The crux of this question appears to be whether the parkrun participants will be facing an entrance fee, as currently parkrun puts on events free of charge through funding provided by sponsors. If parkrun were to be charged for putting on events, then it would need to recover some of these costs, most likely via a charge to participants which would go against the vision of the organisation, which is to provide free events for all to promote healthier lifestyles and well-being. If as seems to be the problem, designated parks are suffering additional wear and tear as a result of weekly runs then one solution may be that several parks and open spaces can be designated suitable for park runs, and the local authority can specify which park/open space should be used on a cyclical frequency and depending on seasonal ground conditions. In this way no one park would be consistently used to hold the event, and wear and tear would be spread more evenly.

However, where attributable damage can be shown to have occurred as a result of a park run e.g. a damaged gate, bridge, verge etc. then re-instatement charges could be made rather than adopting a blanket wear and tear charge (as some seem to be suggesting), which in itself would require a complicated formula to be established to distinguish what is wear and tear caused by parkrun events as opposed to general wear and tear caused by everyday park user use.

By adopting this approach park run would avoid a large annual charge which in reality it could probably ill-afford to meet.

Equally local authorities which do hold park run events could take the opportunity to develop greater opportunities to income generate through the one-off provision of catering facilities which could specifically for parkrun events e.g. mobile vendors and car parking etc.

Another consideration may be that Health and Wellbeing Boards could collectively identify corporate funds to cover maintenance cost caused by parkrun events, as such projects will help deliver a number of different corporate objectives than simply increasing exercise. There is even a case to argue that if Government is supporting the free provision of park run events, then it too could identify funding to help parks which accommodate such events.

Question 2: Is there any specific activity, in addition to parkrun or junior parkrun, that takes place in a public park, that does not require exclusive use of the park, or a part of the park, that should be considered for inclusion in provisions to prevent local authorities charging for that activity, and if so why?

Most community-led events are relatively small-in scale and any profits are usually ploughed back into community projects, and as such in the spirit of engaging and empowering our local residents it would seem somewhat churlish to charge for such occurrences, particularly when the local area is likely to be the main beneficiary.

Question 3 :Are there any activities that involve a financial charge to a client or clients by a professional or business, but do not involve exclusive use of the park, or a part of the park, that should be considered for inclusion in provisions to prevent local authorities charging for that activity, and if so why?

It is unrealistic to expect local authorities not to charge for such activities just because they occur in a park. If such activities took place indoors they would be charged on the grounds that the provision of a room has clearly defined maintenance costs, equally so do parks.

A recent response we had from one of our local authority members on this very issues stated that:

'The parks and gardens of the Borough are provided to be used by the general public in a casual /informal manner for their leisure activities. Where activities are more formally organised by groups / organisations with potential for an impact on other park users, where the host venue is mentioned in marketing / advertising of activity, and infrastructure is brought on site or there is a requirement to ensure health and safety measures are in place; a more formal booking would need to be completed. There would potentially be a fee for the use of the site to host activities. We also require evidence of qualifications and public liability insurance (minimum cover of £5 million).'

Dog –walking services undoubtedly have costs to the council in that where there is a large number of such users then additional bins may be needed, which means additional disposal costs, there have been cases of intimidation for park users where they feel the dogs are not fully under control and even impacts on local flora due to an increase in dog urine particularly along path edgeways which has required treatment. Finally, the

potential of the incidence of *toxocara canis* increasing cannot be overlooked as not all dog-walkers are as responsible as they should be particularly when they are walking numerous dogs.

Therefore as cuts continue to hit local parks budgets, wherever there is a legitimate case to charge those park users who are themselves making an income from using the parks assets, then this should be continued to be allowed.

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