

<b>Title of meeting:</b>	Cabinet
<b>Date of meeting:</b>	21 February 2023
<b>Subject:</b>	Draft Parks and Open Spaces Strategy
<b>Report by:</b>	Director of Culture, Leisure and Regulatory Services
<b>Wards affected:</b>	All
<b>Key decision:</b>	No
<b>Full Council decision:</b>	No

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### 1. Purpose of report

To inform Cabinet that the draft Parks and Open Spaces strategy is ready for wider consultation. To seek approval to share the draft strategy for public consultation.

### 2. Recommendations

- 2.1. That approval is given for the wider distribution of the draft Parks and Open Spaces strategy for consultation.
- 2.2. If approval is given, the strategy will be reviewed following receipt of any responses and brought back to Cabinet at a future date for adoption.

### 3. Background

- 3.1. The purpose of the Parks and Open Spaces Strategy is to consider how the open spaces of the city are planned, designed, managed, protected and maintained.
- 3.2. The strategy sets out several principles grouped around appropriate themes, to ensure the parks and open spaces are of a consistent standard. These principles will guide future development.
- 3.3. The strategy includes a review of up to date policy at a national, regional and local level.
- 3.4. Detailed studies are included regarding key sites in the city and a standalone chapter is focussed on the seafront.
- 3.5. The strategy also includes the results from an early stage public consultation both online and in person.

- 3.6. The strategy sets out the results of the following technical studies:
- 3.6.1. a sites quality audit
  - 3.6.2. a quantity and accessibility audit
  - 3.6.3. an independent play sites assessment
- 3.7. The Parks and Open Spaces Strategy meets the following priorities under the City Vision 2040:
- 3.7.1. A green city: protect and enhance our open spaces for future generations
  - 3.7.2. A healthy and happy city: enhance wellbeing for everyone in the city by offering support for physical and mental health, enabling people to thrive.

#### **4. Reasons for recommendations**

- 4.1. The Local Government Act 1999 sets out a general duty to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency and effectiveness. The discharge of that duty is based upon the initiation of focussed, relevant and meaningful consultation. This duty must involve representatives of persons who use or are likely to use the services provided by the authority.
- 4.2. It is clear that the appropriate statutory guidance is predicated upon the basis of the above premise (sec 3(1) LGA 1999).
- 4.3. The 'representatives of persons' does not refer exclusively to elected representatives but also includes service user groups and local third sector groups.
- 4.4. It should be noted that whilst a general duty is imposed under the 1999 Act who in the sense of what groups should be consulted is a subjective test, "who appear to the authority", this said the best advice is to consult on the basis that at common law many would argue that a legitimate expectation to consult exists. Engaging on the wider basis will afford a defence to a possible judicial review claim in that the local authority has acted in a reasonable and proportionate sense.

#### **5. Integrated impact assessment**

- 5.1. An Integrated Impact Assessment is attached at Appendix 2.

#### **6. Legal implications**

- 6.1. Legal comments are contained above in paragraph 4.

**7. Director of Finance's comments**

7.1. The recommendations contained within this report will be managed from within existing cash limits and/or Secured Capital or grant funding. If funding is not secured individual schemes will not go ahead.

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Signed by:  
**Stephen Baily**  
**Director of Culture, Leisure and Regulatory Services**

**Appendices:**

Appendix 1 - Draft Parks and Open Spaces Strategy

- Appendix 1.1 National & Regional Policy
- Appendix 1.2 Local Policy
- Appendix 1.3 Operational plans
- Appendix 1.4 Quality audit results
- Appendix 1.5 Quality audit criteria
- Appendix 1.6 Quantity and accessibility
- Appendix 1.7 Open space assessment
- Appendix 1.8 Play value assessment
- Appendix 1.9 Parks survey results

Appendix 2 - Integrated Impact Assessment

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Open Space Assessment 2018	<a href="#">development-and-planning-open-spaces-assessment.pdf (portsmouth.gov.uk)</a>

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

.....  
Signed by:  
**Cabinet Member for Culture, Leisure and Economic Development**