

OFFICER DELEGATED DECISION 15 NOVEMBER 2021

Report title: Deeds of Dedication for Lambeth Parks

Wards: Gipsy Hill, Herne Hill, Larkhall, Oval, Vassall

Portfolio: Councillor Sonia Winifred, Cabinet Member for Equalities and Culture

Report Authorised by: Bayo Dosunmu: Strategic Director for Resident Services

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REPORT SUMMARY

Lambeth has previously agreed to sign Deeds of Dedication for Brockwell Park and Holmewood Gardens, in order to demonstrate a desire to ensure these parks are protected in perpetuity. This report recommends working with Fields in Trust to secure further Deeds of Dedication for five of Lambeth's largest parks.

FINANCE SUMMARY

There are no financial implications arising from this report.

RECOMMENDATIONS

1. To sign Deeds of Dedication for Kennington Park, Norwood Park, Larkhall Park, Myatt's Fields Park and Ruskin Park with Fields in Trust.

1. CONTEXT

- 1.1 The Labour administration's manifesto promises to continue to protect and champion our parks and open spaces. A Deed of Dedication provides tangible evidence of this commitment. Although our parks currently enjoy protection through the Local Plan, this protection could be watered down or removed at some point in the future if local circumstances changed significantly.
- 1.2 Fields in Trust (FIT) is a charity established over 90 years ago, which has worked with local authorities and other organisations to protect 2,882 green spaces in perpetuity. Originally championing the permanent protection of sports fields, it has since broadened its scope to include all parks and open spaces.
- 1.3 A Deed of Dedication ensures protection for parks in perpetuity – permission from Fields in Trust is required for disposal of the park or for the construction of buildings which are not ancillary to the function of the park.
- 1.4 The Deed would not alter the management of these parks in any way and would not prohibit the installation of temporary structures, e.g. for community events.
- 1.5 The Deed would not in any way affect the current legislative protections in place for the park; or those protections afforded through regional and Lambeth specific planning policies.
- 1.6 The five parks proposed within this report are Lambeth's five largest parks currently without Deeds of Dedication and therefore significant assets in need of protection. Securing Deeds of Dedication is a fairly lengthy process which can be complicated, so it is felt that five is the maximum that can be progressed at any one time. As commons are more complicated legislatively, the implications of seeking Deeds for them will be examined in more detail before proposals are made.
- 1.7 A few examples of local parks protected by Deeds of Dedication are listed below:
 - Brockwell Park
 - Burgess Park (Southwark)
 - Charlton Park (Greenwich)
 - Dulwich Park (Southwark)
 - Norbury Park (Croydon)
 - Peckham Rye Park (Southwark)
 - Southwark Park (Southwark)
 - Wandle Park (Croydon)
 - Well Hall Pleasaunce (Greenwich).

2. PROPOSAL AND REASONS

- 2.1 It is proposed that Deeds of Dedication are signed for Lambeth's five largest parks currently without a Deed: Kennington Park, Norwood Park, Larkhall Park, Myatt's Fields Park and Ruskin Park. This will provide a tangible demonstration of the Council's commitment to protect Lambeth's parks and open spaces.
- 2.2 The choice of these sites follows discussions held at the Lambeth Parks and Green Spaces Forum, and are backed by the relevant ward councillors.

- 2.3 The Deed restricts use of the park to recreational purposes without the consent of FIT; and does not allow Lambeth to dispose of the park without the consent of FIT.
- 2.4 The Deed would not allow Lambeth to construct any buildings or structures which fall outside of the definition of recreation within the Deed, without the consent of FIT.
- 2.5 Signing Deeds of Dedication is considered to be a contributory factor in demonstrating a well-managed local authority parks service by Parks for London and is one of the assessment criteria within the Good Parks for London report.
- 2.6 Deeds of Dedication support the Lambeth Borough Plan objective of making Lambeth a place people want to live, work and invest in. Specifically, the goal of: 'Parks and green spaces: maintain Lambeth's award-winning parks and investing in a network of green spaces to support physical activity and wellbeing.'

3. FINANCE

- 3.1 There is no cost associated with applying for a Deed of Dedication via Fields in Trust. The Parks team hold updated copies of the title deeds which Fields in Trust require. Otherwise, there are no financial implications arising from this report.
- 3.2 The Council continues to hold individual parks and open spaces at a nominal value, usually £1. They are defined as community assets which the authority intends to hold in perpetuity, that have no determinable useful life, and which may, in addition, have restrictions on their disposal.

4. LEGAL AND DEMOCRACY

- 4.1 Section 10 of the Open Spaces Act 1906 places a duty on any council which has acquired open space, subject to any conditions under which the estate was acquired, to hold the open space in trust to allow, and with a view to the enjoyment thereof by the public as an open space and under proper control and regulation and for no other purpose.
- 4.2 The Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 secures uniformity in the law applicable in respect of parks and open spaces in Greater London, including amongst other matters, the powers and restrictions on local authorities providing facilities for public recreation, granting of licences to provide facilities and letting of land and buildings for public recreation, restriction of public rights, charges etc.
- 4.3 The Deed of Dedication will require the Council to register restrictions on its title at the Land Registry that will prevent any disposition of the land without a certificate signed by the Fields in Trust consenting to the disposal. The Deed will provide such consent cannot be unreasonably withheld provided the Council, at the request of Fields in Trust, agrees to replace the park with a piece of freehold land approved by Fields in Trust of equivalent or better quality, facilities etc.
- 4.4 In reaching decisions on this matter, the decision makers are bound by the general principles of administrative law. Lawful discretions must not be abused or fettered and all relevant considerations must be taken into account. No irrelevant considerations may be taken into account, and any decision made must not be such that no reasonable authority, properly directing itself, could have reached.

- 4.5 Before making this decision, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not. The Equality Duty must be complied with before and at the time a policy/decision is made.
- 4.6 The Council's Constitution requires that issues of an important or sensitive nature will be published on the Council's website for five clear days prior to the decision being taken (Constitution, Part 2, Section 3), where this is required by the Cabinet Member or Director concerned. It is suggested that this proposed decision is published on Officer Decisions in the interests of transparency. Any representations received during this period must be considered by the decision-maker before the decision is taken.

5. CONSULTATION AND CO-PRODUCTION

- 5.1 The proposals for these Deeds of Dedication have been raised with the relevant ward councillors, with no concerns raised. The proposals were also discussed at the Lambeth Parks Forum and separately with the appropriate stakeholder groups. There is broad support for adopting this method of protection.

6. RISK MANAGEMENT

- 6.1 The main risks that impede on the successful delivery of this proposal are:

Table 1 – Risk Register

Item	Risk	Likelihood	Impact	Score	Control Measures
1	Lambeth is prevented from installing small-scale buildings in the future, ancillary to the recreational use of the park	1	2	2 (Low)	The Deed allows this to happen
2	There is a risk that the Council may have a valid requirement to undertake a development in the park in the future, which does not relate to recreational use. This is considered unlikely, but in such a case that decision will be outside the Council's control	1	4	4 (Low)	The site has other legislative protections; however, if such a situation arose, the Deed does allow for compensatory provision to be made

Key

Likelihood	Very Likely = 4	Likely = 3	Unlikely = 2	Very Unlikely = 1
Impact	Major = 8	Serious = 4	Significant = 2	Minor = 1

7. EQUALITIES IMPACT ASSESSMENT

- 7.1 Equalities impact assessments were completed for the decision reports recommending Deeds of Dedication for Brockwell Park and Holmewood Gardens. These reports recommend a method of legal protection for parks only, do not affect service delivery in any way and have no potential for discrimination against the protected characteristics. As such, a further EIA has not been completed for this report.

8. COMMUNITY SAFETY

- 8.1 No implications, the report relates purely to a legal method of protection and there is no impact on management or operation of the park.

9. ORGANISATIONAL IMPLICATIONS

Environmental

- 9.1 Protecting the parks in perpetuity will ensure the environmental benefits they provide will not be lost.

Health

- 9.2 Protecting the parks in perpetuity will ensure the health and wellbeing benefits they offer our residents will not be lost.

Corporate Parenting

- 9.3 None.

Staffing and accommodation

- 9.4 None.

Responsible Procurement

Good Quality Jobs with Fair Pay and Decent Working Conditions

- 9.5 Not applicable.

Quality Apprenticeships, targeted Employment for Lambeth residents and Lambeth Priority Group

- 9.6 Not applicable.

Reduce Emissions: Lambeth Council has a commitment to being Zero Carbon by 2030

- 9.7 Not applicable.

Single Use Plastics

- 9.8 Not applicable.

Positive Health and Wellbeing

- 9.9 Not applicable.

Other Offers (Innovation)

- 9.10 Not applicable.

10. TIMETABLE FOR IMPLEMENTATION

10.1 The table below details the stages and deadlines for implementing the recommendations.

Activity	Proposed Date
Publication on Decisions online	05 November 2021
Officer Decision	15 November 2021
Signing of Deeds	January 2022

Audit Trail				
Name and Position/Title	Lambeth Directorate	Date Sent	Date Received	Comments in paragraph:
Cllr. Sonia Winifred Cabinet Member for Equalities and Culture	Cabinet Member	14.07.21	13.09.21	Approved
Bayo Dosunmu Strategic Director	Resident Services	14.07.21	14.07.21	Cleared
Venetia Reid-Baptiste Director of Environment and Streetscene	Resident Services	14.06.21	14.07.21	Cleared
Raman Dale Senior Property Lawyer	Legal and Governance	08.06.21	08.06.21	4
Marianna Ritchie, Democratic Services	Legal and Governance	08.06.21	11.06.21	4
Kay Chalmers Assistant Head – VSPS	Finance and Property	08.06.21	09.06.21	-

Report History	
Original discussion with Cabinet Member	07.06.21
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	No
Date first appeared on forward plan	N/A
Key decision reasons	4. Not applicable
Background information	None
Appendices	Appendix 1 – Brockwell Park Deed of Dedication Appendix 2 – Equalities Impact Assessment

APPROVAL BY OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION

I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board, and taken account of their advice and comments in completing the report for approval:

Signature: _____ **Date:** _____

Post: Kevin Crook, Assistant Director Neighbourhoods

I approve the above recommendations:

Signature: _____ **Date:** _____

Post: Bayo Dosunmu, Strategic Director for Resident Services

Any declarations of interest (or exemptions granted): none

Any conflicts of interest: none

Any dispensations: none