

Written Evidence Submitted by the Clapham Society

Introduction

The Clapham Society is a civic amenity society with 802 members, and a registered charity. Since its foundation in 1963, its aims have been to protect and enhance the local environment and foster a sense of community. The care of Clapham Common is a vital concern of the Clapham Society and the main focus of the work of its Common and Open Spaces Sub-committee. This submission will use Clapham Common as a case study and provide factual evidence to shed light on the questions raised by the terms of reference of the inquiry.

Clapham Common is one of the largest and most historic open spaces in metropolitan London, measured at just over 81 hectares or 200 acres.¹ It is a metropolitan common, owned and managed since 1971 by the London Borough of Lambeth (“LBL”), although approximately half the land falls within the London Borough of Wandsworth. It was purchased by the Metropolitan Board of Works in 1877 under legislation aimed at protecting and preserving open spaces in danger of exploitation by private owners. This legislation (the Metropolitan Commons Supplemental Act 1877) provided that the Common was “hereby dedicated to and for the use and recreation of the public as an open and unenclosed space for ever.” The Board was given powers of maintenance, and an obligation to “maintain the Common ... free of all encroachment ...”. Clapham Common has passed through a succession of local authorities since that time and is subject to various more recent Acts of Parliament.

Executive Summary

This submission was written on behalf of the Clapham Society by an appointed sub-committee.

Section 1. describes the usage of Clapham Common by a wide range of people for recreation and enjoyment, and suggests that this is incompatible with usage of the same land by the local authority for a completely different purpose: hiring it out to commercial organisers as a venue for very large-scale events. It is an important asset for the community which is being overused in a damaging and inappropriate manner in order to supplement funding for other services.

Section 2. notes the known health benefits of physical exercise including walking, and points out that there is no alternative open space in the area large enough for these activities.

Section 3. quantifies the extent of local authority budget reductions and describes their impacts insofar as they can be readily observed.

Section 4. demonstrates in some detail the lack of correlation between revenue and expenditure when Clapham Common is considered on a standalone basis, and calls for more effective legislation to protect such open spaces from commercial exploitation.

¹ Based on the Lambeth GIS asset mapping system

Section 5. argues that a local authority given custody of an open space should act as a trustee on behalf of the public, and should be legally required to maintain the open space to a reasonable standard.

Section 6. recommends local authorities as the right bodies to manage parks and open spaces on behalf of the public because they are accountable to the public. Management models may vary in individual cases and are less important than an overarching obligation to protect open spaces for public use and maintain them to a reasonable standard.

Section 7. concludes that open spaces must be funded from the public purse and that the government should carry out cost benefit analysis to evaluate their upkeep. It also argues that abolishing the Lee Valley Levy would significantly alleviate the problem of underfunding in Lambeth and other contributing boroughs.

Our recommendations are set out in sections 1.7, 4.10, 4.11, 5.2, 6.3 to 6.5 and 7.4 to 7.11.

1. Who uses parks and open spaces, how often and for what

- 1.1. Clapham Common is one of the most intensively used open spaces in London – anecdotally, second only to the royal parks. Who uses it and for what are largely evident from the activities that take place on it but some relevant data comes from a detailed survey.²
- 1.2. Clapham Common is highly valued and frequently used by people living in the immediate locality, and is also visited by a much wider range of occasional users for sports and events. The survey found that the majority of visitors live within 5-10 minutes walk and visit either daily or a few times a week; most users walk to the Common but the proximity to the Underground and other public transport facilitates visits from further away, particularly at weekends. Walking and jogging are the most popular activities, followed by informal and organised sports, visiting a café or playground, attending an event, observing wildlife, and relaxing.
- 1.3. The Common has facilities for a wide range of sporting activities, including:
 - Angling
 - Model boating
 - Football
 - Tennis
 - Skate boarding
 - Bowling
 - Rugby
 - Netball
 - Rounders
 - Australian rules football
 - Outdoor fitness training

² “Clapham Common, the next 50 years” Appendix 1. Produced by Land Use Consultants for London Borough of Lambeth and the Clapham Common Management Advisory Committee (2007)

The range of users is as wide as this range of activities and facilities implies, whether in terms of age, social position, gender or ethnicity.

- 1.4. Two areas are available for hire by commercial organisers of large-scale, ticketed events. One is an area of hard standing, regularly used for fun fairs and circuses. The other is approximately 20 acres of open grassland, allocated by LBL as an 'events site' which can be temporarily enclosed for large-scale concerts and other forms of entertainment, with capacity for a maximum of 40,000 people.
- 1.5. LBL defines as 'major events' only those that are expected to attract more than 20,000 visitors per day. Current LBL policy is that 'major events' should take place in Clapham on up to eight days per year. However, rigging and de-rigging extends the duration of an enclosure necessitated for a two-day event to 10 – 15 days, and longer if re-seeding of the grassy area is needed. In practice, a large part of the Common is closed to the public for many weeks between May and September, when most events take place.³
- 1.6. In a recent Clapham Society survey,⁴ of 136 respondents 101 said the area closed off by the events was too large and 29, the right size. LBL proposed to close off the 'events site' for 94 days in 2016. 111 respondents said this was too many days and 9, neither too many nor too few. Not only the extent of use but also the type of use are constant causes for concern. LBL is seeking to attract increasingly commercial events that involve ever greater temporary structures.
- 1.7. **Recommendation:**

Legislation should be enacted to prescribe the uses to which metropolitan open spaces can be put and define more clearly the limits to the uses that are permitted. It should distinguish between commercialism and public benefit and clarify what temporary structures, if any, are permitted.

2. The contribution of parks to the health and well being of communities
 - 2.1. The benefits of open spaces to the health of city dwellers were noted as early as the 1860s by campaigners such as Octavia Hill. More recent medical research demonstrates that even moderate physical activity, such as a brisk 30 minute walk 5 days a week, reduces the risk of major health conditions including heart disease, Alzheimer's and some cancers. Some local GPs treating patients with depression encourage them to walk on the Common.
 - 2.2. Clapham Common is the only local public open space large enough for running and sports and also for moderate exercise by people who might otherwise stay at home: according to the Land Use survey⁵ most visitors to Clapham Common stay for between half an hour and an hour.
3. The impact of reductions in local authority budgets on parks

³ 40 days in 2015, plus re-seeding time

⁴ Events on Clapham Common: 2016 Survey by the Clapham Society

⁵ See footnote 2

- 3.1. Reductions in expenditure on parks need to be seen in context. Because of cuts in central government funding and the 2% limit on council tax rises, LBL is expecting to lose over half its core funding between 2010 and 2018. Since 2011 it claims to have identified £182m of savings, with a further £55m to be found by 2020.⁶
- 3.2. Much of LBL's spending is in areas where it is statutory, demand led or there is little discretion to make savings. The latest deprivation data (from 2015) ranks Lambeth as the 8th most deprived borough in London. Over half of LBL's spending is on adult and social care, children's services and education. Cultural services take up only 4% but it is in this area, where there is no statutory obligation to maintain services, that LBL has found scope for particularly drastic reductions.⁷ In a consultation document released in 2015, it proposes to reduce the budget for cultural services from £10.493m in 2014/15 to £6.573m in 2017/18.⁸ Within this, the parks and open spaces budget is to be reduced from £4.459m in 2014/15 to £2.259m in 2017/18, i.e. halved over four years.

3.3. The following table is taken from the same consultation document:-

Service Area	2014/15	2015/16	2016/17	2017/18
Libraries and Archives	£3.796m	£3.796m	£2.996m	£2.996m
Heritage (Black Cultural Archives)	£220k	£200K	£180k	-
Parks and Open Spaces	£4.459m	£3.559m	£2.259m	£2.259m
Sports and Physical Activity	£1.953m	£1.953m	£1.253m	£1.253m
The Arts	£65k	£65k	£65k	£65k
Budget	£10.493m	£9.573m	£6.753m	£6.573m

- 3.4. Observable negative impacts resulting from LBL's budget reductions include the following:
- The Parks Ranger service has been abolished (a false economy, in view of the contribution the rangers made to protecting the open spaces they patrolled);
 - The sports pitches and infrastructure on Clapham Common (buildings, paths, railings) are in poor condition;
 - Toilet facilities have been closed and those remaining are inadequate;

⁶ love.lambeth.gov.uk/toughchoices/budget-figures/

⁷ love.lambeth.gov.uk/toughchoices/budget-figures/

⁸ www.lambeth.gov.uk/sites/default/files/cultural-services-by-2020.pdf

- There is no budget for planting or replacing trees;
 - Parks maintenance, formerly contracted out, has been brought in-house, enabling the maintenance schedule to be reduced when lack of resources necessitates it; maintenance such as grass cutting is now visibly reduced.
4. What additional or alternative funding is available and what scope is there for local authorities to generate revenue from park users
- 4.1. It is very difficult to find figures on a consistent basis to show the cost of maintaining LBL's parks and revenue from them, with a comparable sub-set for Clapham Common. Those that follow, which are extracted from various LBL reports and FOI requests by our members, may be treated as broadly indicative.
- 4.2. The principal contributions from chargeable activities are from sports facilities and rents from cafes and concessions such as ice cream vendors. Fitness groups are also charged for using the Common but LBL has some difficulty collecting the charges theoretically due from them.
- 4.3. In addition, income is generated by letting areas for events. This is controversial because it has been argued that the enclosure of the land and the erection of structures on it for this purpose contravene the legislation intended to protect commons. The events range in size but most of the income comes from very large pop and rock concerts that attract London-wide audiences who are not regular users of the Common. For 2016/17, LBL's Events Service has an expenditure budget of £687k and is expected to raise income of at least £780k, giving a net income of £97k.⁹ This would be a 15% return on expenditure, but in practice the Service is likely to generate a great deal more. In 2015/16, the Service exceeded its income target by £222k, and a similar outcome is expected this year.
- 4.4. More than half of LBL's gross income from parks and open spaces throughout the Borough accrues from Clapham Common. Income from events fluctuates from year to year. In the last few years it has ranged from £252K to £455K; current estimates are in the middle of that range.¹⁰ Income from chargeable activities excluding charges for sports facilities is fairly stable at about £123K per annum.¹¹
- 4.5. By contrast, maintenance of Clapham Common accounts for only about a tenth of LBL's total parks expenditure. The cost of repairs and maintenance in 2012/13 was £521K, but is now significantly less following budget reductions. Lambeth has no fixed capital sum set aside to be spent on Clapham Common. Funding for capital expenditure has come from different sources, such as heritage lottery funding (restoration of the bandstand) and section 106 developer obligations (fitness equipment stations). The Environment Agency has funded ecology projects.

⁹ modern.gov.lambeth.gov.uk/documents/s82614/Cabinet_Report_-_EventLambeth_MASTER.pdf

¹⁰ £378,420.65 in 2015/16 and £377,351.80 in 2016/17

¹¹ No figures are available for revenue from sports facilities because the company that collects them does not break down by source the amounts it pays to LBL from facilities throughout the Borough but it is clear from the heavy usage of these popular facilities that they should be making a significant contribution relative to the cost of maintaining the Common. Café rents are about to be significantly increased.

- 4.6. LBL's published events strategy provides that the first calls on income from events are the core staffing costs of its events department and the net costs of the Lambeth Country Show, which takes place in Brockwell Park.¹² The net cost of this show in 2015 was £382k, roughly equivalent to the revenue raised from all the major events on Clapham Common in that year. In our view, the Lambeth Country Show should not be financed in this way. Income from open spaces should be reserved for their maintenance and enhancement.
- 4.7. LBL regards itself as free to spend events income in any of its open spaces, irrespective of where the money was raised, and uses only a tiny proportion of the revenue it raises from the Common for its direct benefit.¹³ We think this unreasonable: users of Clapham Common and people living nearby suffer inconvenience and annoyance from money-making events on the Common; they have every reason to expect the revenue raised to come back to the Common.
- 4.8. What more can be done to raise income from Clapham Common is constrained by practicalities.
- The 2007 Masterplan concluded that for sports use the Common was already saturated.
 - There is a practical limit to the number of large-scale commercial events which can take place in any year, irrespective of the nuisance they cause to users of the Common and local residents and the damage they cause to the grassland, because of the time they take to set up and take down. (See para 1.5 above.)
 - LBL has considered many other proposals to raise additional income. Some are feasible but small-scale, such as charging schools for using the Common for games and selling angling permits. Others are ruled out by legislation protecting commons from commercial exploitation unconnected with their true purposes. Examples have been letting a plot of land for a Christmas tree concession, hiring out rooms in buildings on the Common, and selling permits for car parking on a recreational area of hard standing.
 - Other sources of funding such as the Heritage Lottery Fund are difficult to access as Clapham Common does not have Green Flag status. Moreover, external funding is generally for new capital projects, while the great need for Clapham Common is good quality maintenance.
- 4.9. We conclude that while there may be some limited scope to raise more money, there is no crock of gold. The principal source of funding for Clapham Common and other LBL open spaces will be public revenue.

Recommendations:

¹² [modern.gov.lambeth.gov.uk/documents/s82614/Cabinet Report - EventLambeth MASTER.pdf](http://modern.gov.lambeth.gov.uk/documents/s82614/Cabinet%20Report%20-%20EventLambeth%20MASTER.pdf).

¹³ LBL's "Environmental Impact Fund" that uses revenue from events on the Common to contribute to funding items on the Common (such as repairs, bins and bollards) was only £10k in 2014/15, £40k in 2015/16 and is expected to be £20k in 2016/17.

- 4.10. Government should restrict the rights of Local Authorities to raise income from amenities such as commons and ensure that any sums so raised are expended only on the amenities that produced them.**
- 4.11. Metropolitan open spaces, in particular, consist of valuable real estate. Legislation is needed to prevent them from being milked by local authorities strapped for cash.**
5. What the administrative status of parks should be in light of declining local authority resources for non-statutory services
- 5.1. Clapham Common enjoys a special legal status conferred by various Acts of Parliament¹⁴ that protect the Common from enclosure and development and require its use to be limited to public recreation (including sport) in perpetuity and limit encroachment by means of development to facilities essential to enable public recreation¹⁵. Accordingly, LBL is subject to some legal restrictions on how and for what purposes the Common may be utilised, although they have not been effectively enforced. LBL is correspondingly empowered to take actions that ensure the maintenance of the Common. LBL is not, however, statutorily obliged to maintain the fabric of the Common to any standard. This legal shortcoming needs to be remedied.

Recommendations:

- 5.2. A local authority given custody of an open space should act as a trustee on behalf of the public and maintain the open space to a reasonable standard. New legislation is needed to make this a legal requirement.**
6. What the advantages and disadvantages are of other management models, such as privatisation, outsourcing or mutualisation
- 6.1. It is crucial that the legislative structure governing the management and use of common land is robust and appropriate to ensure that the land is maintained and protected for its original purpose by its owner. With that legislation in place, the advantages and disadvantages of other management models could be weighed and decided upon in individual cases, as areas of common land have different circumstances that weigh in favour of one model or another.
- 6.2. We cannot see that alternative management models will tackle the problem of underfunding, and it is not safe to assume they will bring better management. Critics of LBL's management of Clapham Common have sometimes suggested that the Common should be handed over to a Trust. We see no reason to suppose that a trust would have access to funds that have eluded the Council, and it would lack access to the Council's back office services. But in our view the decisive argument is that a trust would lack democratic accountability.

Recommendations:

¹⁴ Metropolitan Commons Act 1866; the Metropolitan Commons Amendment Act 1869; the Metropolitan Commons Supplemental Act 1877

¹⁵ Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967; the Greater London Council (General Powers) Act 1984 and the Commons Act 2006

- 6.3. Local authorities are the right bodies to manage parks and open spaces on behalf of the public because they are accountable to the public. Public assets should be managed by accountable bodies, whatever their competence.**
- 6.4. The legislation governing the management and usage of common land must be strengthened so that it is robust enough to ensure that the owners of the land both protect it for public use and maintain it to a reasonable standard.**
- 6.5. This will allow a degree of flexibility in selecting management models, which may differ in individual cases.**
7. How new and existing parks can best be supported
- 7.1. A simple measure which would benefit Lambeth and many other boroughs would be abolition of the Lee Valley Regional Park levy. This charge, little known or understood, was authorised by the 1966 Act of Parliament which set up the Lee Valley Regional Park Authority, tasked with the creation and management of the 26 mile long regional park. The Authority sets the rate, which is chargeable on the Council Tax bills of all the councils in Greater London, and some in Essex and Hertfordshire. For 2016/17, it will bring in £10.8 million and Lambeth's share will be £287,964.84.
- 7.2. The benefit of the Lee Valley Park to South Londoners has never been self-evident. The Authority's huge gains from the Olympics have removed any justification for the levy, which should be abolished forthwith. The contributing councils should be able to spend the money on their own open spaces. That would increase Lambeth's Parks budget by over 10%.
- 7.3. However, the more fundamental problem cannot be solved by a quick fix. None of the measures described in this submission will be enough to solve the basic underfunding of our open spaces. Open spaces of a satisfactory quality in the end need funding from the public purse.

Recommendations:

- 7.4. Local taxation is the best way of funding new and existing parks. Other sources of revenue are not an adequate substitute because they come with strings attached.**
- 7.5. The government should carry out cost benefit analysis to evaluate the upkeep of parks and open spaces.**
- 7.6. Care of parks and open spaces should be made a statutory service, in order to ensure that maintenance is properly funded.**
- 7.7. The Lee Valley Levy should be abolished so that local authorities can spend the significant sums it currently consumes inside their own jurisdictions, where the money is raised through local taxation.**