

WINCHESTER CITY COUNCIL DECISION RECORD

VERSION 3. NOVEMBER 2020

Officer Completing the Form: Katie Morgans
Lead Director: Richard Botham
Subject: Review of management/maintenance of Open Space procedure

Details of Decision: *Please provide a brief explanation as to what decision was made, including any financial implications.. This should be done in easy to understand, non-technical language - as this wording will appear on the website for the public to read. Also please remember all staff will be able to see this document.*

Decisions about the future management of new open space, which is provided as part of housing development, and therefore who is responsible for the open space once delivered, is currently made on a case by case basis. This review allows for greater openness and understanding of the principles applied to who should take on the management responsibility post development. This will form part of the Open Space Strategy which is currently being updated/refreshed but in the meantime it was considered important that the council has a clear position regarding open space coming forward through the planning process in relation to the procedure followed to ascertain who will manage it in the future. Following consultation with the relevant cabinet members it has been decided that as this report is not a new procedure it is appropriate as an officer decision.

Type of Decision: (please tick. see reverse for definitions)

<input checked="" type="checkbox"/> Key Decision (Executive) & Subject to Call-In (see section 2A on reverse of this form)
<input type="checkbox"/> Significant Operational Decision (see section 2B (1) on reverse of this form)
<input type="checkbox"/> Other Decisions to be Published (see section 2B (2) on reverse of this form)
<input type="checkbox"/> Administrative Decision (see section 3 on reverse of this form)

Reason for the Decision: *A brief overview of your reasons for taking this course of action.*

A report written for ELB (attached at Appendix A) has been updated following comments from the 18th November 2020 ELB meeting. This report outlines the approach WCC is taking on continued management/maintenance of all open space provided within the district. Cllrs Porter and Murphy were briefed on 3rd February 2021 and agreed to the approach being advocated in the report.

There is an existing Open Space policy (CP7) in the Local Plan which states that developments of a certain size are required to provide open space and a table is included to help identify the area and type of space, but does not refer to future management once the development has been completed. , The provision of the open space forms part of the planning permission.

An updated Open Space policy will in time be included into the new local plan alongside the soon to be updated Open Space Strategy which will form part of the evidence base for the plan. It is proposed to ultimately include the procedure for deciding the maintenance responsibility for open space provided as part of new housing development within the updated Open Space Strategy. In the meantime, until the updated Open Space Strategy is produced, we have not got a written procedure in place relating to new open space management so the attached paper deals with this issue.

In summary the paper addresses what happens to the future maintenance/management of open space created as part of new housing developments. Often the developer retains responsibility and/or a management company is formed, at times the local parish council takes it on if they consider the space is suitable for wider community use and, on occasions (especially when within the Winchester Town boundary), such land is transferred to the Council. When land is transferred to the parish council or city council it involves the payment of a commuted sum by the developer.

The review is recommending that in most cases the council does not take on new areas open space but will exceptionally if the space is considered strategically important.

Alternative Options Considered & Rejected: *All alternative options considered need to be outlined here. Please include detail of any representations received. This will include your response to any alternatives suggested by those making representation and the reasons why these alternatives were rejected.*

The alternative is for Winchester City Council to take on all new open space in the District. This is not viable financially nor practically.

Supporting Information: *If your decision relates to delegated authority derived from a specific Committee resolution, please confirm the name of the Committee, the date of the meeting and paste the resolution into this box.*

Declared Officer and/or Member interests: *List any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision and, in respect of any declared conflict of interest, any note of dispensation granted by the Monitoring Officer.*

None

Departmental Review		
Legal review:	<i>Tick this box to confirm legal team have reviewed proposed decision</i>	<input checked="" type="checkbox"/> Advice sought and responded to via email 25.01.21 and 16.2.21

Finance review:	<i>Tick this box to confirm finance team have reviewed proposed decision</i>	<input checked="" type="checkbox"/>	<i>No comment via email 16.2.21</i>
Other review:	<i>Tick this box to confirm any other departmental review of proposed decision (and specify department)</i>	<input type="checkbox"/>	

Decision Taker (name): *This needs to be the specific Officer or Cabinet Member who holds the delegation within the constitution/or referred to by a Committee*

Decision Taker (Signature):
Simon Finch

Date: 19/3/2021

Simon Finch

Notes.

1) Why record officer decisions?

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require local authorities to produce a written statement of an executive decision made by an officer as soon as is reasonably practicable after the decision is taken (see Paragraph 13). This written statement must include the information requested in the questions of the pro forma on the previous page.

2) What sort of decisions are there?

- a) **Key decisions.** A key decision is defined by Regulation 8 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 as being an executive decision which is likely:
- To result in the local authority incurring expenditure, which is or the making of savings which are significant having regard to the local authority's budget for the service or function to which the decision relates; **(For Winchester City Council, the financial limit above which a decision is regarded as significant is £250,000 per year), or;**
 - To be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules, Access to Information Procedure Rules (Part 4) and the Officer Scheme of Delegation (Part 3) of this Constitution.

- b) **Non-Key Decisions.** Officers will usually take non-key executive decisions. A non-key decision is an executive decision that does not meet either criterion of a key decision as laid out above. These decisions are divided into significant operational decisions and administrative decisions.
- Significant Operational (Non-Key) Decisions.** This is a decision in relation to a Council or executive function which is not a key decision and results in one of the following:
 - Revenue expenditure or making savings (including the receipt or loss of income) between £100,000 and £250,000 per year;
 - Capital expenditure (i.e. if they involve entering into new commitments and/or making savings) and/or contract awards of between £100,000 and £250,000
 - When, in the opinion of the Chief Executive, the Section 151 Officer or Monitoring Officer, a published record of the decision is required to provide openness and transparency.
 - A significant decision should be recorded in order to comply with Regulation 13 (Recording of executive decisions made by individuals) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (No. 2089).
 - "Other" Decision.** Regulation 7 of the Openness of Local Government Bodies Regulation 2014 requires a written record to be produced as soon as reasonably practicable after an officer has made a decision under delegation which a) grants a permission or licence or b) affects the rights of an individual.
 - Administrative Decision:** *(these do not require recording on this form unless one or more of the following applies)*
 - There is a financial implication;
 - It is in conflict with the Budget and Policy Framework or other approved policies approved by full Council; and
 - It raises new issues of policy.

3) Which officer decisions need to be recorded on this form?

Officers need to record:

- any key decision, i.e., decisions that have a significant effect on 2 or more divisions, or have a cost/saving of £250,000 or more. (see 2A above)
- any Significant Operational Decisions. (see 2B (1) above)
- "Other" officer decisions regarding the granting of a permission or licence or that affect the rights of an individual (see 2B (2) above)
- Administrative decisions for which there is a financial implication.

4) What are the relevant processes to be followed?

For all decisions, the report author needs to complete the Forthcoming Decisions record in Sharepoint.

Establish which type of decision it is (see 2 A and 2B above.)

Most officer decisions require to be recorded on this form (see 3 above) Once completed, please ensure that it is reviewed by legal, finance and the relevant Director prior to signing. Once approved, the form should be forwarded to Democratic Services for adding to the Council's website where it can be viewed by members of the public on the decisions page (unless it is an Administrative decision).