



Department for  
Communities and  
Local Government

# Running Free

Consultation on preserving the free use of public parks



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# Scope of the consultation

Topic of this consultation:	This consultation paper sets out the Government's proposals to legislate to put it beyond doubt that local authorities, including parish councils, cannot charge parkrun or junior parkrun for the use of public parks.
Scope of this consultation:	The Department for Communities and Local Government is consulting on proposals to legislate to put it beyond doubt that local authorities, including parish councils, cannot charge parkrun or junior parkrun for the use of public parks. In particular the proposals are for the Secretary of State to exercise 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. We 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.
Geographical scope:	These proposals relate to England only.
Impact Assessment:	No impact assessment has been produced for this consultation.

## Basic Information

To:	This consultation is open to everyone. We particularly seek the views of individual members of the public, of local authorities, of organisations that use public parks, of individuals who use public parks, of those bodies that represent the interests of local authorities at all levels, of those bodies that have an interest in public health, and of those bodies that have an interest in public parks.
Body/bodies responsible for the consultation:	The Efficiency and Productivity team at the Department for Communities and Local Government is responsible for conducting this consultation.
Duration:	The consultation will begin on 12 April 2017. The consultation will run for 12 weeks and will close on 5 July 2017. All responses should be received by no later than 5 July 2017.
Enquiries:	During the consultation, if you have any enquiries, please

	<p>contact</p> <p>Jim Jobe  email: <a href="mailto:jim.jobe@communities.gsi.gov.uk">jim.jobe@communities.gsi.gov.uk</a>  TEL: 0303 44 42556</p> <p>Or</p> <p>Carol Whale  email: <a href="mailto:carol.whale@communities.gsi.gov.uk">carol.whale@communities.gsi.gov.uk</a>  TEL: 0303 44 41769</p> <p>How to respond:  Please respond by email to:</p> <p><a href="mailto:runconsultation@communities.gsi.gov.uk">runconsultation@communities.gsi.gov.uk</a></p> <p>Alternatively, please send postal responses to:</p> <p>Jim Jobe/Carol Whale  Department for Communities and Local Government  2<sup>nd</sup> Floor, NE, Fry Building  2 Marsham Street  London  SW1P 4DF</p> <p>Responses should be received by close 5 July 2017.</p>
<p>How to respond:</p>	<p>You can respond by email or by post.</p> <p>When responding, please make it clear which questions you are responding to.</p> <p>When you reply it would be very useful if you could confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:</p> <ul style="list-style-type: none"> <li>- your name</li> <li>- your position (if applicable)</li> <li>- the name and address of your organisation (if applicable)</li> <li>- an address, and</li> <li>- an email address (if you have one)</li> </ul>

# Introduction

1. The Department for Communities and Local Government is consulting on proposals to legislate to put it beyond doubt that local authorities, including parish councils, cannot charge parkrun or junior parkrun for the use of public parks. In particular the proposals are for the Secretary of State to exercise 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. We 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.
2. We have a long tradition of free use of public parks. Our public parks and green spaces are, at once, places where individuals and groups can go to for exercise, to relax, to enjoy being part of a community, or to find peace and solitude.
3. Parkrun organise free, weekly five kilometre runs in local parks every Saturday morning. Junior parkrun is an associated event for children aged 4 to 14 taking place every Sunday morning in local parks. Parkrun and junior parkrun take place every weekend, are organised by volunteers at a local level and are free to participate in. Parkrun is a not for profit company and relies on donations and sponsors.
4. We as a government support the principles behind these events, which provide a great way to use our parks, are excellent examples of communities organising events on a voluntary basis and enable the public as individuals, families and groups to enjoy healthy exercise.
5. 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. Such a decision is entirely contrary to the objectives of this government both for health and for voluntary community action.
6. Local authorities quite legitimately charge for a variety of different events and specific activities that take place in local parks. The 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. It is also considered 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.
7. 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, overturning our long standing convention of free access to parks for their everyday use.

8. The government considers it important that action be taken to prevent other local authorities following Stoke Gifford Parish Council's example.

# Preserving the free use of public parks

9. Our parks and green spaces are precious. They are valuable community assets and provide a place for people to exercise, to come together, to enjoy nature, and to play sports in a pleasant recreational space. It is entirely right that local authorities, who are entrusted to look after these valuable community assets, take their stewardship of them seriously. But this should not be at the expense of the communities who enjoy them. Public parks must always be free for everyday use.

10. Local authorities have the power to make a charge for the use of certain facilities in specific circumstances. The government considers that it is legitimate for local authorities to charge for exclusive use of a facility, such as a tennis court, or to charge for a ticketed event such as a concert held in the grounds of a park.

11. Parkrun and junior parkrun share the park with other park users. Although a course may be marked out and may be the same course every week, and volunteer marshals line the route, there is no exclusive use of the park. Parkrunners share the park with other members of the public during the parkrun. This is quite different to the use of a facility in a park that is subject to exclusive use such as a tennis court, or even a facility such as a football pitch that is exclusively used by groups of players at certain times of the week.

12. The government appreciates that there may be other community groups that use public parks on an everyday basis, and other organisations that consider that any prohibition on charging for the use of a public park should apply to them also. We are particularly proposing measures to ensure that local authorities cannot charge parkrun or junior parkrun for the use of public parks because, although these are ultra-local events on an individual basis, there are hundreds of parkruns nationally, and it was parkrun particularly that Stoke Gifford Parish Council chose to charge for the use of a public park.

13. Specific provisions exist in legislation to enable local authorities to make charges. In particular, section 19(2) of the Local Government (Miscellaneous Provisions) Act 1976 provides that local authorities can provide, and charge for, recreational facilities. The list of facilities includes for instance pitches for team games, tennis courts, golf courses and bowling greens, but does not refer to parks. The legislation also allows a local authority to provide, and charge for, facilities in connection with recreational facilities, listing parking spaces and places at which food and drink may be bought. Again, that list does not refer to parks.

14. In addition to the powers in the Local Government (Miscellaneous Provisions) Act 1976, local authorities, including some parish councils, have the General Power of Competence, enabling them to charge for the provision of services. Section 1(1) of the Localism Act 2011 provides that “a local authority has power to do anything that individuals generally may do”. To exercise the General Power of Competence, a parish council must be one in which at least two-thirds of the members have been elected (i.e. not co-opted), and in which the clerk has completed one of a specified range of training courses. The power does not permit local authorities to do anything that is specifically prohibited in legislation.



15. Provisions exist giving the Secretary of State powers to act in relation to local authorities making a charge. Section 151 of the Local Government and Housing Act 1989 provides that the Secretary of State may make regulations, subject to the affirmative resolution procedure, to prohibit, limit or repeal powers for a local authority to charge. Extending any such prohibition, limitation or repeal to parish councils will require a further, negative resolution, instrument under section 152(4) of the Local Government and Housing Act 1989.

16. In addition, section 5(3) of the Localism Act 2011 provides that the Secretary of State may legislate to prevent local authorities from exercising the General Power of Competence in a particular way. The Secretary of State has previously exercised these powers in a narrow, specific manner, by preventing local authorities charging for residents to use tips.

17. We propose to legislate to limit local authority powers to charge parkrun or junior parkrun for the use of public parks, which will inform any future proposals to prevent local authorities using the General Power of Competence to charge parkrun or junior parkrun for the use of public parks.

18. The government has no intention of preventing local authorities making reasonable, legitimate charges for the use of recreational facilities such as tennis courts or golf courses. The government appreciates that local authorities quite rightly generate revenue from charging for, for example, exclusive use of certain facilities, and would not wish to prevent this.

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

# Beyond parkrun

19. The government is consulting on proposals to put it beyond doubt that local authorities cannot charge parkrun or junior parkrun for the use of public parks. Parkrun and junior parkrun have been specifically identified because although parkrun and junior parkrun are hundreds of individual local events, they comprise a national community that embodies principles that the government supports.

20. The government fully recognises that parkrun and junior parkrun are just two of a multitude of ways in which members of the public enjoy our public parks. Our parks are used by individuals for exercise and recreation, to walk in, to run or cycle through, or simply to relax in a peaceful environment. They are the place to walk the family dog. They are the place that families go to spend time together.

21. Our parks are a place where groups and organisations meet and recreate. Hobbyists use public parks for activities as diverse as flying model aeroplanes or horse-riding. They are also the home to regular, organised local sport. Every weekend one can see football matches being played in parks, for instance with children playing little league matches.

22. There are also more formal organised sporting events that happen less frequently, such as fun runs or races organised by local running clubs where, unlike parkrun or junior parkrun, an entrance fee may be charged.

23. Individuals and organisations may choose to make use of a public park in the course of their business. This might include, 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. Organisations that run fitness classes for groups of paying clients also make use of public parks. These activities do not require exclusive use of a public park by those individuals or organisations.

24. Parks are valuable community assets and can be used for community events, such as local fetes or community days, and these events may involve a commercial element. And of course our parks are the home of traditional businesses such as cafes, either permanent or seasonal, and may even be the temporary home of a visiting funfair.

25. 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, we 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.

26. We recognise that local authorities can legitimately charge for the use of certain facilities. Local authorities are responsible for the stewardship and maintenance of public parks and, where appropriate, it is not unreasonable that park facilities be used to raise revenue.

27. It is right that the use of public parks by the public for everyday use is, and should remain, free. It is for that reason that we are proposing to legislate to ensure that local authorities cannot charge parkrun or junior parkrun for the use of public parks. We recognise that there may be other groups and organisations that also provide community services in public parks who consider that their activities should also be protected. We would welcome views on this.

28. We would also welcome views on local authorities charging professional dog walkers, personal trainers and other individuals and organisations that use public parks in relation to business, particularly where that activity does not involve exclusive use of a public park or part of a public park.

**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?**

**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 a public park or part of the park, that should be considered for inclusion in provisions to prevent local authorities charging for that activity, and if so why?**

# About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Communities and Local Government will process your personal data in accordance with DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).