

## MOTIONS TO COUNCIL

<b>Date of Council Meeting</b>	20 July 2023
<b>Title of Motion</b>	<p><b>Open Spaces and Amenities in New Residential Developments</b></p> <p>Protecting our residents, strengthening, and securing the vital role of our Parish and Town Councils by providing a first-refusal option on any open spaces and amenities delivered on new developments in their communities, and ensuring step-in rights for any management company approved by Stroud District Council on new developments.</p>
<b>Proposer</b>	Cllr Mark Andrew Ryder
<b>Seconder</b>	Cllr Lindsey Green
<b>Recommendation for Council to vote on</b>	<p>Council asks the Chief Executive to work with officers and members to explore potential options and approaches concerning the management of open spaces and amenities on new residential developments.</p> <p>The scope of work should explore, but not necessarily be limited to, the topics raised in the context section of this motion.</p> <p>Findings and recommendations to be reported to the appropriate committee by no later than December 2023.</p>
<b>Context for the motion (i.e. why is the motion being submitted – what is the proposer aiming to achieve)</b>	<p>The recommendation in this motion is guided by a number of objectives which would be explored further in the recommended follow-up work. These include:</p> <ul style="list-style-type: none"> <li>• To better support the role of our Parish and Town Councils in their communities by: <ul style="list-style-type: none"> <li>○ providing them first-refusal (along with the District Council) for any open spaces and amenities delivered on new residential developments in their community.</li> <li>○ In the event that a developer management company scheme is approved by the District Council, that legal agreements established during the planning application protect step-in rights for the District, Town, Parish Council should they wish to manage at a later date.</li> </ul> </li> <li>• To protect freehold residents from the financial and legal liabilities afforded management companies / agents. <ul style="list-style-type: none"> <li>○ A provision that the use of Private Management companies would only be agreed in exceptional circumstances, which the developer would need to justify at the time.</li> <li>○ A provision that in the event that a developer management company scheme is approved by the District Council, that legal agreements established</li> </ul> </li> </ul>

	<p>during the planning application protect step-in rights for the District, Town, Parish Council should they wish to manage at a later date.</p> <ul style="list-style-type: none"> <li>• To improve the quality, delivery, and sustainability of open spaces and amenities to adoptable standards on new developments across the district. <ul style="list-style-type: none"> <li>○ A provision that the developer to design and implement the Public Open Space scheme to adoptable standards (design and specification agreed by the Council)</li> <li>○ A provision that the public open space / amenities to be transferred to the Council or by agreement, to a Parish Council once it is in an adoptable condition, after an agreed initial period of maintenance.</li> <li>○ A provision that upon adoption or transfer (whichever is the soonest), a maintenance contribution will be required to cover the first 15 years of maintaining the POS.</li> </ul> </li> </ul>
<p><b>Motions must be about matters for which the Council has a responsibility or which affect the District – please confirm how this criteria is met</b></p>	<ul style="list-style-type: none"> <li>• The District Council as the local planning authority is responsible for considering any management company proposal submitted by a developer.</li> <li>• There is a demonstratable need to improve delivery of open spaces on new developments and improve the quality and local control of maintenance.</li> <li>• Management companies impact the lives of thousands of residents across Stroud District, leaving them with financial and legal liabilities that they are not able to control or dispute under current Rentcharge legislation. They are unable to question fees charged or control the quality and services offered by Management companies.</li> </ul>
<p><b>Which Council Plan Priority does the Motion support? (select all that apply)</b></p> <p>This motion primarily concerns the Council Plan priority “Community Resilience and Wellbeing – Strengthening and supporting our communities so people feel included and connected”</p> <p>However, it also has relevance to “Environment and Climate Change – Protecting our environment and leading the district to carbon neutrality in 2030”</p> <p><b>Does the motion have potential financial or resource implications for the Council – if yes advise what these might be</b></p> <p>The motion does have implications on officer time, as the exploratory work envisaged is not currently under way or scheduled.</p> <p>No financial and legal implications are identified at this stage. These would be identified through the exploratory work.</p> <p>Any other resource implications would be advised through the further exploratory work.</p>	

**Does the motion have potential legal or constitutional implications for the Council – if yes advise what these might be**

None identified at this stage. Any legal or constitutional implications would be advised as part of the further exploratory work.

**Are there any Environmental or Climate Change Implications that the Council should be aware of – if yes advise what these might be**

None identified at this stage

**Are there any equalities impacts associated with the motion? If yes an equalities impact assessment will be required**

None identified at this stage

**Does the motion require further background information to enable the Council to make a decision– if yes advise what might be required**

No further information required.

**END**

## OFFICER IMPLICATIONS

<b>Officer Name</b>	Brendan Cleere
<b>Officer Title</b>	Strategic Director of Place
<b>Officer Contact Details</b>	<a href="mailto:brendan.cleere@stroud.gov.uk">brendan.cleere@stroud</a> .gov.uk
<b>Has the Council or is the Council doing any work at the current time in relation to this motion or any associated issues? If yes please add details</b>	<p>No work is being carried out in relation to this motion at present.</p>
<b>Does the motion support any of the priorities set out in the Council Plan?</b>	<p>The motion links primarily to the Council Plan priority - “Community Resilience and Wellbeing – Strengthening and supporting our communities so people feel included and connected”</p>
<b>Does the motion have potential financial or resource implications for the Council – if yes advise what these might be and confirm whether budget is available</b>	<p>Officer time will be needed to carry out the exploratory work required by this motion.</p> <p>Any further financial and/or resource implications will be advised as part of the further exploratory work</p>
<b>Does the motion have potential legal or constitutional implications for the Council – if yes advise what these might be</b>	<p>None at this stage. Any legal or constitutional implications would be advised as part of the further exploratory work.</p>
<b>Are there any Environmental or Climate Change Implications that the Council should be aware of – if yes advise what these might be</b>	<p>None at this stage. Any environment or climate change implications would be advised as part of the further exploratory work.</p>
<b>Should an equality impact assessment be completed before the deliberation of this motion?</b>	<p>Not necessary at this stage</p>
<b>Does the motion require further background information to be carried out to enable the Council to make a decision – if so advised what might be required</b>	<p>No further information required.</p>

**END**