



Growth and Development Scrutiny Group

Wednesday, 3 January 2024

Management of Open Spaces in New Developments

Report of the Director of Development and Economic Growth

1. Purpose of report

- 1.1. This report sets out the Council's position with regards to the management of open spaces on new developments within the Borough, with a particular focus on concerns reported by Councillors and residents about the practices of private management companies.
- 1.2. The report sets out the issues as the Council understands them and considers what role the Council can play in improving the situation for residents. The report also sets out what is happening nationally to improve management company practices.
- 1.3. This issue was considered by the Growth and Development Scrutiny Group in January 2021 and by Cabinet in March 2021. Cabinet recommended that a letter be written to the Secretary of State highlighting the issues raised. This was done. Cabinet also supported the inclusion of guidance within a Supplementary Planning Document (SPD) to provide consistency to future Open Space schemes. The outcome of this is detailed below in the body of the report.
- 1.4. A presentation will be delivered to the Group to expand on the key elements of this report. In addition, a management company operating in the Borough, Greenbelt, will also be in attendance and will provide a 10-minute presentation setting out their approach to building positive and transparent relationships with their customers.
- 1.5. The matrix prepared for this Scrutiny item can be viewed in Appendix A.

2. Recommendation

It is RECOMMENDED that the Growth and Development Scrutiny Group:

- a) Acknowledges the complexities of the management of open spaces and the multiple factors at play leading to no simple solution;
- b) Accepts the conclusions arrived at in section 5 regarding the financial risks to the Council in pursuing the adoption of open spaces or acting as the management company and supports the conclusion arrived at;

- c) Supports the proposal for the Council to take a more active role working with developers at the Planning stage to establish the Council's expectations regarding the service expected for its residents;
- d) Supports officers continuing to work through the emerging issues with developers, management companies and residents, with the aim of providing greater transparency and governance for future homeowners of new estates, whilst recognising the Council has no authority over the operation of management companies;
- e) Seeks to raise the general issues and concerns raised by residents on new housing estates with developers and management companies to raise the profile of the issues being experienced.

3. Reasons for Recommendation

- 3.1. As set out in the report, the practices of management companies and arrangements for the management of open space on new developments is a cause of concern for some residents and the Council has taken this on board in the thorough review of current practices. Rushcliffe Borough Council is not unique in the way open spaces are managed, with this approach adopted across the country.
- 3.2. The Council has explored a variety of options with regard to the future management of open spaces. Each of those options is detailed in the report, with an explanation as to the benefits and barriers to each.
- 3.3. While the Council historically adopted new open space, due to the increased complexity of open spaces and the risk to the Council's financial position, officers cannot recommend that the Council revert to adopting open spaces.
- 3.4. Since commencing this project, there has been a significant movement nationally to improve management company practices in the form of the forthcoming Leasehold and Freehold Reform Bill and the New Homes Quality Board. However, there is still a role for Rushcliffe to play in working with developers and management companies to promote good practice.
- 3.5. Recommendations c, d and e are supported by an actions table, see Appendix B.

4. Supporting Information

Background

- 4.1. Prior to 2000, the Council adopted all open space on housing developments with no cost to developers or residents of that development.
- 4.2. Between 2000 and 2011, the Council continued to adopt all open space on new housing developments but sought a commuted sum from the developer that covered the first 15 years of the costs associated with the maintenance

and management of the open space. After 15 years, the responsibility became a financial obligation for the Council.

- 4.3. In 2011, in consideration of the financial burden to the Council of increasingly complex and greater quantum of open space and associated infrastructure, the Council changed its position. Since 2011, developers have been required to submit an Open Space Scheme as part of the planning process which requires the method for securing the management and maintenance of the open space by an 'appropriate organisation' and that management and maintenance of the open space should be through a 'management company or by transfer to some other appropriate organisation', with suitable provision for funding the future management and maintenance. This process does not allow for the Council to have a say on who the management company should be. This process is now common practice among Local Authorities.
- 4.4. Since 2011, all new open space constructed as part of new housing developments has been the sole responsibility of the developer to provide, and then inspect and maintain post development. Most developers pass that maintenance responsibility onto a management company with the financial responsibility for paying the management company passed on to the residents of the new developments. Often the developer will retain a Director role on the Board of the management company.
- 4.5. In January 2021, the Council's Growth and Development Scrutiny Group reviewed a report which presented the findings of a review carried out by officers. The review sought to establish how many recently completed developments had a management company maintaining the open space. Fifteen developments were identified that had recently been occupied of a suitable size to require the maintenance of the open spaces and/or play areas and/or drainage facilities on them.
- 4.6. More recently officers have been working to better understand the operating practices of management companies, the concerns of Rushcliffe residents subject to them, the national picture and whether there is a greater role for Rushcliffe to play as part of this.

Residents' Concerns

- 4.7. Concerns have been reported, which can be broadly captured under the following three themes:
 - **Transparency and fairness** – While it appears that most residents are aware of a service charge upon buying their new home, a number have stated that they were not aware of the variety of charges they would be subject to which do not directly relate to the maintenance of open spaces. In some cases, homeowners are charged for external home improvements (e.g. erection of a shed, replacement windows, relaying the driveway). In other cases, permission of the management company is required, along with a fee, when a homeowner re-mortgages or sells their home, as a result of a covenant placed on the house deeds. It has been reported that

on one estate, the developer and management company removed this covenant after repeated requests from residents.

While all of this will have been included in contracts signed by the purchaser, it appears the information is not always presented in a sufficiently transparent and user-friendly way and that solicitors are not drawing attention to these fees and conditions as thoroughly as they could.

In addition, residents have reported dissatisfaction with the detail provided upon billing, with some bills being presented without a satisfactory breakdown of costs.

- **Quality of Maintenance** – A number of residents have reported dissatisfaction with the quality of maintenance work carried out, or reportedly not carried out in some cases. Examples have been shared of poor quality or careless work taking place, and also where work is not taking place in line with the agreed maintenance schedule.
- **Poor customer service with no right to challenge or hold to account** – Reports have been shared of poor customer service with regards to resolving complaints, however more significantly, residents have reported frustration that freeholders do not have the same rights as leaseholders, which means there is currently no access to redress schemes or mechanism for taking a case against a management company to tribunal or an ombudsman.

- 4.8. These concerns and reports are mirrored across the country and are being considered by Government with an intention to legislate to improve homebuyers' experience.

Rushcliffe Powers

- 4.9. From a planning perspective, the Council's powers are limited. As explained above, developers are required to secure the management and maintenance of an open space by an 'appropriate organisation'. This process does not allow for the Council to have a say on who that appropriate organisation should be. With regards to other planning powers, officers have considered the use of planning conditions and obligations.
- 4.10. A local planning authority should only grant permission subject to conditions where those conditions are required to make the development acceptable in planning terms. Most approvals have conditions relating to the time frame to start a development and materials to be used. Conditions must be fair, reasonable and practicable and tailored to tackle specific problems.
- 4.11. A planning obligation is a tool, in the form of a legal agreement otherwise known as a section 106 agreement which commits the developer to specific actions to minimise the impact of the development on the local community eg to carry out tasks which will provide community benefits and can include the payment of sums of money.

- 4.12. It is important to note that with either of these tools, there are tests to be met in order for it to be appropriate for officers/planning committee members to attach either a condition to a permission or impose a contractual requirement on the developer in the section 106 legal agreement. The National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following six tests: 1. necessary; 2. relevant to planning; 3. relevant to the development to be permitted; 4. enforceable; 5. precise; and 6. reasonable in all other respects.
- 4.13. It's important to consider how the Council would enforce any lack of compliance with a condition or obligation. The Council would have to pursue prosecution or a court injunction, action which the Council could not undertake lightly. The Council would be required to evidence a breach which would be a significant and costly undertaking which could be deemed disproportionate to the scale of the issue.
- 4.14. Neither conditions nor obligations are currently felt to be appropriate tools to bring to bear in response to concerns about management company practices.

Supplementary Planning Document (SPD)

- 4.15. While the Council's Planning powers are limited, in March 2021 Cabinet took the decision that guidance should be included within a Supplementary Planning Document (SPD) to provide consistency to future open space schemes. The intention is to include appropriate guidance on open space provision, management and maintenance within a Developer Contributions SPD that is currently being prepared.
- 4.16. The SPD's purpose is to provide guidance for the direct provision of, or financial contributions towards, the different types of infrastructure required to support new development and to mitigate its impacts. In addition to open space, the SPD will cover the provision of new education facilities, healthcare facilities, social and local community infrastructure, highways and transport, sports and leisure facilities, flood mitigation and water infrastructure, and Blue and Green Infrastructure. The SPD will add further details to relevant policies already included in the Local Plan and matters over which the Council can control as the Local Planning Authority, as it is restricted by national policy from going any further than this.
- 4.17. The intention is to take a draft of the SPD to the Local Development Framework Group in early 2024 in order for the Group to consider and comment on its contents. Following which, it would be published for a period of statutory public consultation. The draft SPD, including any appropriate post-consultation amendments, would then likely be in a position to go to Cabinet in mid-2024 for it to be considered for adoption. Once adopted, the SPD would be used in the determination of relevant planning applications.

UK Government Position

- 4.18. In 2017, the Government announced an intention to legislate in this area, particularly with regard to freeholder rights.
- 4.19. Leaseholders who pay service charges in England and Wales have a statutory right to challenge unreasonable service charges and the standard of work carried out. Freeholders do not currently have an equivalent statutory right.
- 4.20. In November 2023, the Leasehold and Freehold Reform Bill was introduced to parliament. The Bill seeks to grant freehold homeowners on private estates the same rights of redress as leaseholders by extending equivalent rights to transparency over their estate charges and to challenge the charges they pay by taking a case to a Tribunal, just like existing leaseholders.
- 4.21. In February 2023, the Competition and Markets Authority (CMA), an independent non-ministerial department, launched a market study into housebuilding in England, Scotland and Wales, a significant focus of which has been on private management of public amenities on housing estates. In November 2023 the CMA published for consultation a working paper on this topic. The paper can be viewed here - [CMA market study](#). The goal of the consultation is to provide greater protection to households living under current private management arrangements.
- 4.22. The working paper suggests that emerging concerns could potentially be addressed by one or both of:
 - (a) providing greater protection to households living under current private management arrangements; and
 - (b) reducing the prevalence of such arrangements (i.e. adoption by local authorities).
- 4.23. The CMA does acknowledge that: *“Although we consider that reducing the prevalence of private management arrangements would be the most direct route to address the root cause of our emerging concerns, we note that it could have a significant impact on local authority finances and resources at a time when local authority funding is already stretched”* (p75).
- 4.24. With regards to greater protection for households, the CMA suggests that in the complex landscape of *“housebuilders, local authorities, estate management companies, households and the legislative framework underpinning adoption and property law... only government action would enable additional consumer protection measures to be introduced as part of an overall coordinated action plan”* (p10).
- 4.25. The Council submitted a response to this consultation in support of providing greater consumer protection to households. The Council expressed concerns about the adoption of amenities by local authorities, as without additional

long-term funding, the burden is likely to impact on delivery of other services and could lead to severe financial strain. The Council's response did stress the importance of government legislation to regularise the management company market.

5. Options Considered

- 5.1. Any significant changes to management company practices will likely only come as a result of Government intervention. However, the Council is committed to exploring what can be done at a local level to improve the experience for residents affected and what the Council's role might be.

A. RBC Adoption of Open Spaces

- 5.2. Officers have considered whether the Council could reverse its position and revert to adopting public open spaces on new developments. This approach would provide the Council with control over the maintenance of open spaces. Residents would not be required to pay a fee to a management company and would have access to the Council's customer services and complaints procedure, which would likely be an improvement on private management company practices.
- 5.3. As stated above, historically the Council adopted public open spaces with a commuted sum agreed and paid by the developer. This commuted sum was intended to cover maintenance for 15 years, with the financial burden falling on the Council after this.
- 5.4. This commuted sum was calculated based on maintenance of hard and soft landscaping. This did not include a sum for sustainable drainage systems (SuDs), which introduces a significant additional cost and requirement for expertise which the Council does not currently have. This was also at a time when requirements for public open space were less extensive than they are now. National Planning Policy has led to an increase in the overall quantum of open space and complex nature of facilities on new housing estates than historically.
- 5.5. In exploring whether it would be appropriate for the Council to revert to adopting open spaces, officers have considered as an example the commuted sum that would be required were it to adopt the open space at the Fairham Development. Fairham will have 97ha of green infrastructure (excluding play provision, sports pitches, allotments). Based on the previous commuted sum calculation, taking into account the latest RPI index, the sum would be in excess of £11m. This is without the additional costs for watercourses and paths which would increase it further. This would be intended to cover maintenance for 15 years, after which time the Council would be responsible for maintenance which would present a significant financial liability.
- 5.6. To illustrate the challenge of raising the funds to be able to maintain public open space at Fairham once the commuted sum had run out – in 2022/23 if the Council were to raise Council Tax by 1%, this would generate an

additional income of approximately £77k pa. In order to maintain Fairham open space, the Council would need to generate approximately 10 times that sum. And this is just one example of the developments that are being completed across the borough.

- 5.7. It is important to note that while Fairham is currently the largest development forthcoming, Gamston SUE delivers a greater number of houses and combined, they only represent 50% of the housing growth expected across the borough by 2041. If the Council changed its position, it is difficult to see how this could be affordable.
- 5.8. The commuted sum for a smaller development of 180 homes would be in excess of £400,000. As above, this figure does not account for play provision, sports pitches or allotments, which would add additional cost.
- 5.9. It is important to note that the Council's commuted sum calculation is based on figures from when the Council did formerly adopt open spaces. Although the calculation does allow for RPI, it would need to be revised fully were the Council to decide to revert to adopting public space to allow for, among many things, the increased complexity of managing open spaces beyond grass cutting and hedge trimming, staffing and training costs associated with establishing a suitably qualified team. It's safe to say the above quoted numbers are a best-case scenario.
- 5.10. If the Council did decide to adopt open space, developers currently would be under no obligation to agree to this arrangement. Given that developers would be required to produce a significant commuted sum, it is unlikely that they would be willing to enter into an arrangement with the Council when they could hand the land over to a management company at no cost to the developer. Were the developer to agree to a commuted sum, it would affect viability of the scheme, offsetting other obligations, such as s106 and CIL contributions and affordable housing numbers being reduced.
- 5.11. As referenced at 5.4, the complexity of open spaces is far greater than maintaining soft landscaping and it would not be appropriate for the Council to consider accepting responsibility for key infrastructure that would better sit with other agencies, e.g., Local Lead Flood Authority, Severn Trent Water, NCC Highways.

RBC Establishing a Management Company or New In-house Department

- 5.12. Officers have considered whether RBC could adopt public open spaces on new developments by establishing its own management company or creating a new in-house service.
- 5.13. The Council could consider establishing its own management company to take on open space from developers. This model would remove the requirement for a commuted sum, as the Council would charge residents directly (as management companies currently do).

- 5.14. This approach would provide the Council with control over the maintenance of open spaces and also billing. This would also provide residents with access to the Council's customer services and complaints procedure, which would likely be an improvement on private management company practices.
- 5.15. Setting up a company would involve additional administration and cost in having a company structure and it being integrated as part of the Council's accounts and recruitment of appropriately skilled staff. Streetwise as a company and now in-house service has demonstrated the challenges of creating an appropriately skilled workforce to deliver services.
- 5.16. Streetwise Environmental Ltd was dissolved as a company and returned to an in-house model of delivery by the Council in September 2022. Many factors contributed to this decision, but a significant consideration was a number of high-profile reports into Council-owned companies which gave rise to concern in government and the Chartered Institute of Public Finance Accountants (CIPFA) regarding the risks that council-owned companies can pose to the stability of a local authority. For example, Croydon and Slough are two councils where company failings were factors that contributed towards the issuing of s114 Notices. Whilst the Council is not in the same position as these authorities, these reports led to a shift in approach to local authority commercialisation and a change to CIPFA guidance which contributed to the decision to dissolve the company.
- 5.17. Management companies operate nationally and therefore benefit from economies of scale, unlikely to be accessible to a Council company or internal department. The Council would incur additional costs in establishing a company and due to the scale is likely to be more expensive to operate than the private sector. This could be balanced if the company did not seek to generate a profit. It's unlikely this model will provide a cost saving to residents, either for a company structure or internal department and this is provided in more detail later in the report.
- 5.18. The Council would have to accept the inherent financial risks involved with running a company, which would effectively result in transferring the risk from the private sector to the RBC taxpayer.
- 5.19. As with the above option, if the Council did decide to adopt open spaces, whether as an inhouse service or a management company, developers currently would be under no obligation to enter into an agreement with the Council. The Council would need to demonstrate that it had the skills and resources in place to maintain the open spaces to the required standard. The developer is likely to conduct a procurement exercise, so the Council would have to be competitive on price.
- 5.20. Some of the disadvantages would fall away if the Council created a new in-house department, such as the risks of creating a new company outlined above, along with the financial and administrative burden. And there are clear benefits, such as creating robust governance arrangements and a fair approach to extra charges. Whilst some risks fall away, others remain, such

as shifting the financial burden from the private sector to the Council. The non-recovery of fees, which could be over £2m pa poses a significant risk. In context, this is more than the income received from the Council's property portfolio.

- 5.21. As explained above, an old method of calculation has been used to provide a working example of the required commuted sum for Fairham for open space maintenance. This breaks back to £250 payable per household per year. However, this does not include the cost to maintain SuDS, watercourses, paths, play areas, allotments or woodlands, as the Council has historically not maintained these things. It has not been possible to calculate these elements for a variety of reasons, including not having a specification to review nor means to accurately assess the costs, not just for calculating the resources that would be required to carry out the works, but also the cost to establish this new department, the skilled workforce recruitment, purchase of appropriate equipment and premises location search and cost (Streetwise's depot is unlikely to be large enough to cater for the additional requirements). It's therefore likely that the costs incurred by the Council would lead to a higher recharge cost than most residents are currently charged, as it is likely to be significantly higher than the £250pa estimate calculated for Fairham. Anecdotally, one management company has told the Council their average bill to residents across the country is circa £260 pa.
- 5.22. The alternative to only charging the residents on new housing estates would be to redistribute the cost across the borough, this would in effect at least double most residents' Council Tax Contribution for borough services (which is currently just under 7% of the total council tax bill).
- 5.23. On balance, it's difficult to conclude that the Council should pursue setting up a company or inhouse department to deliver the function of the management company. Although there are very clear advantages to the residents in ensuring proper governance, quality of work, transparent costs and a clearly defined complaints procedure, the financial risk is too significant to ignore or suggest outweighs the benefits.

Alternative role for RBC

- 5.24. Consideration has been given to where the Council might more effectively use its influence to improve the situation for residents, where it lacks planning powers, or the finances to take a more active approach.
- 5.25. Officers have met with both management companies and developers this year to better understand their perspective in relation to the concerns raised by residents. This has been a constructive experience, with management companies and developers alike both keen to build good relationships with the Council and our residents to ensure they have a positive experience in their new homes.
- 5.26. Officers have been pleased to learn that the majority of developers are registered with The New Homes Quality Board (NHQB), an independent body

set up to create a framework to ensure new homes are built to a high standard and good customer service is provided by developers. Registered Developers agree to follow the New Homes Quality Code (NHQC) and to be subject to a New Homes Ombudsman Scheme. The NHQC replaces the previous Consumer Code for Home Builders and has a new emphasis on after-sales service for two years after a home is purchased. The NHQC is particularly relevant to transparency of estate management arrangements. Under the NHQC developers are required to:

- In describing the new home, properly inform and not mislead consumers including in relation to management services and service charges and any agreements or restrictions that may affect the consumer if they want to sell the property in future.
- Provide an affordability schedule of any costs that are likely to be directly associated with the tenure and management of the new home over the 10 years following the sale, and which the developer can reasonably be expected to be aware of. This information should bring to the customer's attention any service charges that may increase or be charged in the future as more facilities become available or sinking fund charges that may be introduced for repairs or maintenance.

5.27. While non-statutory, 90% of all large and medium housebuilders are signed up, and up to the 80% of all new builds in England, Scotland and Wales will be delivered under the requirements of the NHQC. By signing up to the Code, developers are also signing up to the New Homes Ombudsman Service – a new route for disputes.

5.28. The protections set out under the NHQC go a long way to addressing concerns raised from residents about transparency and access to an ombudsman service. The Council will be speaking to developers at planning stage and encouraging them to register with NHQB if they are not already.

5.29. As a result of this scrutiny project, the Council recognises historic practices in relation to management charges has been a mixed picture, with some poor services being delivered. The Council intends to work more proactively with developers and management companies at a much earlier stage than has been done historically, to establish our expectations regarding the service expected for our residents to receive. With regards to the Fairham development, the primary management company (subject to signing of contracts) has already accepted the Council's invitation to join the Fairham Growth Board. This will ensure that the Council can work collaboratively with the management company to ensure the best possible arrangement for residents. The Council will also be able to use its communication channels to improve residents' awareness of the arrangements and their obligations before they purchase their new home at Fairham. The management company for the Bingham development will also be invited to join the Bingham Development and Community Board.

5.30. While not all developments have growth/development boards, the Council intends to establish a similar approach for future developments; working

positively with developers and management companies at the outset rather than retrospectively.

- 5.31. Where the Council builds positive relationships with a management company in the context of a new development, it would expect to see benefit and improved service for existing Rushcliffe developments within their portfolio.
- 5.32. With regard to the concerns raised by existing residents, the Council intends to work with developers and management companies to highlight the issues that are being raised in order to seek better services for residents. Lessons can and are being learned from experiences across the borough where management companies have been in place for longer.
- 5.33. Appendix B highlights proposed actions the Council is looking to progress in the next phase of this project to seek to support the recommendations of this report.

Conclusions

- 5.34. Concerns around the management of public open spaces on new developments have been reported to the Council in recent years. It appears that the service received by residents is a mixed bag, although where issues have been reported, it is clear that they are having a significant impact on individuals.
- 5.35. This is a subject that is also being considered nationally. The Leasehold and Freehold Reform Bill clearly sets out an intention to legislate to provide freeholders on new estates greater powers and protections which would address many of the concerns reported by Rushcliffe residents.
- 5.36. Government has also indicated that the Levelling Up and Regeneration Act will address regulating the management company industry and the Council has responded to the recent CMA consultation that this is now imperative.
- 5.37. Whilst regulation and legislation need to come from Central Government, through undertaking this scrutiny project, the Council recognises it has a role in improving outcomes locally. Whilst the recommendations do not support the Council adopting open space at this time, it is clear the Council can play a much more active role at the outset of proposed developments to influence and encourage management companies to adopt fair and transparent processes and arrangements. Encouraging developers to register with NHQB will be a key part of this, as will encouraging management companies to join relevant development boards and forums, such as the Fairham Growth Board.
- 5.38. With regard to existing residents, the Council can raise the concerns to the developers and management companies in order to seek a better service for these residents.
- 5.39. Officers are continuing to work to understand exactly what the Council's role can be moving forward and what can be done locally to have the most impact

for residents. The recommendations set out in the report give a clear sense of the direction of travel, but there is clearly much more work to be done to determine what precise actions the Council will be taking. A number of actions have been set out in appendix B which give a high-level overview of the work that officers will be carrying out over the next 12 months. The scope of work will continue to grow and evolve as officers work more closely with developers and management companies and as greater changes occur nationally.

6. Risks and Uncertainties

- 6.1. The risks to the Council setting up a company or in-house department to act as the management company has been set out in the body of the report. Similarly, the financial risks of adopting the open spaces and infrastructure with a commuted sum. Due to the level of risk, these options have not been recommended.
- 6.2. Taking an approach to work with parties involved to improve the future arrangement of management companies aims to improve the outcome for residents. The risk to the Council of becoming more involved in a matter which is technically not its responsibility, is managing expectations in how much the Council can influence going forward and retrospectively.

7. Implications

7.1. Financial Implications

Given the information contained within the report (particularly paragraphs 5.2 to 5.23) the Council's S151 Officer cannot currently support the Council pursuing the adoption of open spaces with a commuted sum, nor setting up a company or new inhouse department to manage the open spaces of new developments due to the significant financial and operational risks they pose to the Council.

7.2. Legal Implications

The recommendations do not have any known legal implications.

7.3. Equalities Implications

The recommendation aims to improve the experience of new home owners in relation to management companies.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

Not applicable.

7.5. Biodiversity Net Gain Implications

Not applicable.

8. Link to Corporate Priorities

The Environment	Well-managed open spaces on new developments have a positive impact on the environment, increasing the amount of green space in the Borough and improving biodiversity.
Quality of Life	The improvement in management company practices will have a significant positive impact of the quality of life of Rushcliffe residents living on new estates.
Efficient Services	Were the Council to adopt open spaces, this would have a significant impact on the Council's ability to deliver efficient services. By taking a more active role in working with developers and management companies, the Council will work to improve the experience for our residents without impacting on existing Council services.
Sustainable Growth	Ensuring the management companies operate fairly and transparently on new development is key to our commitment to sustainable growth.

9. Recommendations

It is RECOMMENDED that the Growth and Development Scrutiny Group:

- a) Acknowledges the complexities of the management of open spaces and the multiple factors at play leading to no simple solution;
- b) Accepts the conclusions arrived at in section 5 regarding the financial risks to the Council in pursuing the adoption of open spaces or acting as the management company and supports the conclusion arrived at;
- c) Supports the proposal for the Council to take a more active role working with developers at the Planning stage to establish the Council's expectations regarding the service expected for its residents;
- d) Supports officers continuing to work through the emerging issues with developers, management companies and residents, with the aim of providing greater transparency and governance for future homeowners of new estates, whilst recognising the Council has no authority over the operation of management companies;
- e) Seeks to raise the general issues and concerns raised by residents on new housing estates with developers and management companies to raise the profile of the issues being experienced.

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Background papers available for Inspection:	Growth and Development Scrutiny Group - Jan 2021 - Management of Open Spaces in New Developments Cabinet - March 2021 - Management of Open Spaces in New Developments
List of appendices:	Appendix A – Scrutiny Matrix, Management of Open Spaces Appendix B – 2024 Actions