

**SHOULD LOCAL COUNCILS HAVE A STATUTORY
DUTY TO PROVIDE PLAY AREAS AND WHETHER
LOCAL COUNCILS WOULD BE WELL PLACED TO
DELIVER SUCH A DUTY?**

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Abstract

The focus of this research is to examine if local councils¹ are well positioned to hold a statutory duty to provide play areas. Play is defined by the United Nations (1989) as ‘fundamental and not extra’ but in England there is no accountability to deliver this statement which is taken from the Convention on the Rights of a Child, Article 31 (United Nations:1989).

The literature review found numerous articles which supported play as essential for children’s development and that Scotland and Wales are already recognising the value of play through legislation and statutory guidance. However, no such statutes or codes currently exist in England.

The findings of this study showed an overwhelming appreciation of the importance of play and backing for the delivery of play for be formalised. However, support for the statutory duty being placed on local councils was inconclusive.

The results of the study were from a sample of local councils in the east of England. A recommendation is made that this study is revisited with all local councils in England to ascertain if the key findings are similar across the county and if any conclusions could be submitted to the National Association of Local Councils (NALC) to support Play England’s manifesto and to lobby central government on considering how a statutory duty to deliver play could be enacted.

In concluding the study, it is evident that play is recognised by local councils and whilst a large majority of local councils engaging in the study were owners of open space, there was concern for how budget provision could be increased to deliver any duty to provide play, when local councils had conflicting expenditure priorities and were mindful of any cost of living increases on their electorate.

About the Author

Sarah Foote has been a local council clerk since 2008. Starting with one small council in the village where she lived, she amassed six parish councils before taking the leap to join the 10th largest² town council in England, when Lowestoft Town Council was first formed in 2017. Sarah has also been a recognised trainer for local council clerks working with County Associations of Local Councils in both Norfolk and Suffolk. Sarah currently works as Acting Town Clerk at Lowestoft, still clerks two of the smaller parish councils, and is a Principal Member of the Society of Local Council Clerks.

¹ Local Councils are town and parish councils in England.

² Lowestoft Town Council serves an electorate of 55,500 and has a budget of £2.1m.

Acknowledgements

This work is dedicated to the children in Lowestoft, Britain's most easterly town, where I am Acting Town Clerk. These young people, and their parents³, living in a socially deprived town inspire the Town Council to continue to deliver quality, free to access play.

My wonderful staff team are tired of hearing about my dissertation, but they never tire of putting their upmost into delivering for the people of this coastal town. Our parks and open spaces within which our children's play areas are located are maintained by a grounds maintenance team who are second to none. My quest in this research was to highlight the need for play to be a priority not just for our town but across England as a whole.

My thanks to the teaching team on the BA Community Governance course for all their support and advice and to the councillors at Lowestoft Town Council for the financial support, and true interest, in my studies over the past six years.

My work is not possible without the support of my peer group of students on the Community Governance course. Every one of my fellow students is an exemplar in our field and I am proud to have studied with each and every one of them for the last six years.

Finally, to my children Harriet and Samuel who have journeyed with me. Harriet graduated with a BA Hons in Global Development at the UEA earlier this year and Samuel is in his third year of reading Chemistry at Bath. Who knew that 21 years on from first becoming a mother and making play a fundamental part of their young lives, I would complete a degree at the same time as my first born.

Sarah Foote

October 2024.

³ The electorate of Lowestoft is 55,000

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GLOSSARY and LIST OF ABBREVIATIONS AND ACRONYMS

API – Association of Play Industries

CALC – County Association of Local Councils

CIL – Community Infrastructure Levy

DLUHC - Department of Levelling Up, Housing and Communities

DMU – De Montfort University

Early years is defined as birth to five years

Local Authorities are Borough Councils, County Councils, District Councils and Unitary Authorities and are also referred to as Principal Authorities

Local councils are defined as Town and Parish Councils in England

NALC – National Association of Local Councils

NDP – Neighbourhood Development Plan

Principal Authorities are also referred to as Local Authorities – see above

SLCC – Society of Local Council Clerks

UN – United Nations

CHAPTER ONE – INTRODUCTION

1.1. Introduction

Local Councils have a range of legal powers they can selectively use to provide services and facilities for their communities. However, there are a limited number of statutory duties placed on local councils and many of these duties are embedded in legislation which is centuries old. A statutory duty means a council must comply with the requirements of the relevant legislation. A statutory power means a council has discretion over whether or not to exercise the power (Taylor:2020).

1.2. Aims

The overall aim of this study is to determine:

If a statutory duty should be placed on local councils to provide play areas and whether local councils would be well placed to deliver such a duty?

The study will focus on local communities in Essex, Norfolk and Suffolk (east of England), the age group for play is the Early Years which in England is defined as birth to five years (HM Government: 2024) and the play provision being explored is outside play areas freely accessible to all.

1.3 Hypothesis

The author's hypothesis when commencing this study was that there would be empathy for the need for play provision, but concerns raised for a duty to be placed on local councils and this would primarily be due to budget demands.

1.4 Objectives

The objectives to inform the aim of the study are to:

- i. **Assess** the importance of play in local communities
- ii. **Explore** the extent a sample of local councils already consider play in their strategic planning and budgeting.
- iii. **Identify** if local councils, as owners of open spaces, are suitably placed to provide play through their existing asset portfolio.
- iv. **Formulate** recommendations on if there should be a statutory duty.

1.5. Structure

1.5.1. Literature Review

Conducting a literature review establishes familiarity with current research in a particular field enabling the researcher to summarise and analyse previous research and theories and highlight any gaps that may exist in research to date (University of Edinburgh:2019). The literature review contains secondary research from academics, sector professionals and practitioners and forms chapter two.

1.5.2. Methodology

Research methods are the common language that allow working together to explore and try to address social issues (Bryman⁴:2021). The methods used in this study are online questionnaires and one to one interviews as detailed in chapter three.

1.5.3. Results and Analysis

An examination of the responses and results from the primary data collected and an analysis of the findings. The results and analysis are contained in chapter four.

1.5.4. Conclusion and Recommendations

The conclusion assesses the effectiveness of the chosen research methods, summarises the findings and analysis and makes recommendations for further study resulting from this research.

1.6. Author's positionality

The author saw first-hand the overwhelming and positive feedback when the council they were working for providing its first new play park. As a mother, former pre-school chairperson and pre-school learning alliance member, the author already understood the importance of play, however, had not considered how opportunities for play were created and if there was a responsible statutory body. Public reactions to the first play area provided by the new town council the author was working for, led the author to question further how such facilities could be guaranteed for all communities. Researcher bias, due to positionality, would be an early ethical consideration when constructing the research questions. Researchers should not allow personal preferences to cloud judgement or get in the way of providing a dispassionate interpretation of their findings (Denscombe⁵:2014).

The study now commences with a Literature Review as detailed in the next chapter.

⁴ Alan Bryman is a professor of Organisational and Social Research and author of Social Research Methods.

⁵ Martyn Denscombe is Social Research professor at De Montfort University and author of the Good Research Guide.

CHAPTER TWO - LITERATURE REVIEW

2.1. Introduction

This review aims to examine secondary research⁶ in the form of published literature on the role of local councils and inform an understanding of the extent of the statutory duties⁷ of these councils. The review will define play and the importance of play in early years development. In so doing, the review will seek evidence in the literature to assess if local councils are well placed to hold a statutory duty to provide play provision for the benefit of their local communities. The review will look to identify key themes that link local councils, local communities and the provision of play and provide criteria for the study's primary research.

2.2 Local Councils

Local Councils were established by legislation in 1894⁸ and are the oldest type of local authority in England (Tharmarajah⁹:2013). Town and Parish Councils are the first tier of government and over 30% of England is 'parished' (NALC:2024).

Principal authorities¹⁰ have many statutory duties to deliver services such as education, housing, environmental health, planning and building control, traffic regulation and transport (NALC:2017). Whilst there are very few statutory duties that a local council must discharge, there are range of specific yet discretionary powers. (NALC:2017). Jones¹¹ (2020) cites that local councils are a fundamental part of English local government being the most local aspect, engaging directly with local communities and are an essential feature of local democracy.

The Local Government Act of 1972 redefined the procedures, structures, duties and geographies of all English Councils (Sandford:2020) and strengthened the range of powers available to local councils as listed in schedule 12¹² of the 1972 Act. Latterly, the Localism Act 2011 set to devolve greater powers to local councils and introduced the General Power of Competence (2012)¹³.

⁶ Secondary research is defined by Dawson (2019:34) as the collection of information from studies that other researchers have had on the subject and by analysis of publications, historical events, biographies and documentaries.

⁷ A statutory duty is a duty which is conferred on a council through legislation.

⁸ The Local Government Act of 1894 reformed local government at a parish level particularly in England and Wales.

⁹ Meera Tharmarajah is a solicitor and former Head of Legal Services at the National Association of Local Councils.

¹⁰ Principal authorities are District, Borough or County Councils and Unitary Authorities.

¹¹ Alistair Jones is an Associate Professor at De Montfort University and a lecture in British Politics and Government specialising in English parish councils.

¹² <https://www.legislation.gov.uk/ukpga/1972/70/schedule/12/part/II>

¹³ The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 enables eligible councils to do anything that an individual might do as long as other legislation does not forbid it.

<https://www.legislation.gov.uk/ukdsi/2012/9780111519868>

The Working with Town and Parish Councils Handbook (Local Government Association:2012) describes local councils as providers and supporters of services and how each can make a unique contribution to their community. The writers also suggest as well as directly running services in communities, local councils can engage with a full range of public, private and third sector organisations and work in partnership to improve the quality of residents' lives. In the Future of Local Councils Survey (Society of Local Council Clerks:2023) over a fifth of local councils (28%) listed the upkeep and improvements to playing fields, recreational grounds and children's play areas as one of their three largest areas of expenditure

2.3. Local Council Duties

The above section has noted local councils have a range of powers but limited duties. Specific duties of a local council are set in statute and are summarised by Taylor (2020). Local Councils also have a duty to ensure proper administration and these administrative duties are detailed in Schedule 12 of the Local Government Act 1972. No specific duties for local councils have been enacted since 2018. Given there are over 10,000 local councils in England with 100,000 councillors and over £1bn being invested into local communities every year these councils may be well placed to be required to deliver more (NALC:2024).

Johnston¹⁴ (2020) within the Local Government Information Unit Research Centre¹⁵ research paper on the Future of Local Councils (Society of Local Council Clerks (SLCC):2023) suggests post-pandemic as principal authorities streamline services due to funding cuts and become more remote from the people they serve, local councils could use their local position and local knowledge to provide services directly to those in their communities. The report also supports that there is a role for local councils to improve wellbeing in communities and an expansion of powers available to local councils (MHCLG:2011).

¹⁴ Dr Andrew Johnston is the Head of the Centre for Local Sustainability at the Local Government Information Unit.

¹⁵ The Local Government Information Unit, Research Centre brings together experts from local government and academia to do research on some of the key challenges for local democracy.

2.4 Play

The United Nations Convention of the Rights of the Child (1989) is an international treaty that sets out universally recognised rights for all children with Article 31 (United Nations:1989) being the right to play and stating that countries must recognise the right of the child to rest and leisure, to engage in play and recreational activities. General Comment 17 (United Nations:1989) clarifies that governments are expected to respect, protect and fulfil this right and that play is essential for physical, social, mental and emotional development and intrinsic to their health and happiness in the present moment. The Convention also recognised that play is not an optional extra for children, it is fundamental to their physical, social, mental and emotional development and intrinsic to their health and happiness in the present moment.

Play is a generic term applied to a wide range of activities and behaviours that are satisfying to the child, creative for the child and freely chosen by the child. Play is essential for physical and emotional growth, for mental, intellectual and educational development, and for acquiring social and behavioural skills (Playday¹⁶:2024). In England, the significance of play in allowing children to learn and develop across such a broad range is recognised in the statutory framework for the Early Years Foundation Stage (Department for Education:2024).

Playing Out¹⁷ (2023) state that play can and should happen in many places, the main ones being home, school and free play outdoors and believe play should include the streets and places close to where children live. Ginsburg¹⁸ (2007) offers the definition of free play as unstructured, voluntary, and self-directed play where children have the freedom to experiment, make decisions, solve problems, and engage socially which helps to foster cognitive, emotional, and physical development. Gilliland et al (2006) cite there are several areas in cities where youth do not have access to formal play spaces and argue that to promote physical activity among urban children and youth, city planners and health policy analysts should consider carefully the geographical distribution of existing recreational opportunities and ensure that new publicly funded recreation spaces are provided to neighbourhoods with the greatest need. They suggest further research should seek to identify what kinds of recreation spaces are most effective for promoting healthy behaviours among vulnerable children and youth.

¹⁶ Playday is a campaign that highlights the importance of play in children's lives. Playday is coordinated by Play England, in partnership with Play Wales, Play Scotland and PlayBoard Northern Ireland.

¹⁷ Playing Out CIC is a not for profit, national social change organisation founded by parents.

¹⁸ Kenneth Ginsburg is a paediatrician at the Children's Hospital of Philadelphia and a Professor in Paediatrics at University of Pennsylvania School of Medicine.

Play England's ¹⁹ (2020) vision was for England to be a country where everybody can fully enjoy the right to play throughout their childhood and teenage years, as set out in Article 31 (as cited above) and works to achieve this by raising awareness of the importance of play for families and communities. In their more recent publication, the Importance of Play Manifesto (Play England:2024) the organisation calls for government to introduce Play Sufficiency legislation in England which would establish statutory guidance local authorities must follow, to comply with a duty to assess for and secure sufficient play and recreation opportunities and to conduct regular play sufficiency reports.

Gill (2021) suggests seeing through the eyes of children strengthens the case for planning and transportation policies that work for people of all ages and for the planet. Gill suggests designers and planners can incorporate child friendly insights and ideas into their masterplans, public spaces and streetscapes and prioritising providing play for children will bring healthier children, stronger communities, greener neighbourhoods, and an economy focused on the long-term. Gill (2021) argues the value of play can have a more profound outcome than just informing and developing children in their early years.

Lester and Russell²⁰ (2010) explain there are many different and often contradictory explanations of the value of play and cite adults' attitudes towards children's play as an example of this; some ignore it or curb play as something dangerous and others appropriate it as a learning and socialisation mechanism. When contextualising their research in relation to implementing Article 31 (as cited above), Lester and Russell (2010:p2) suggest there must be a move towards broader ecological, political and economic consideration of children's ability to realise their right to play in their daily lives and their local communities.

The Equal Play campaign (Association of Play Industries:2022) calls for ring-fenced central government funding for play, to enable local authorities to provide every child with a safe, high quality playground nearby. Whewey (2015) offers a contrary view that children's freedom to play is more dependent on the public realm (streets, pavements, front gardens) than it is on playgrounds and suggests play strategies which concentrate on the provision of play facilities are flawed because increased provision cannot compensate for the reduction in children's freedom to play regardless of location. Regardless of the type of play to be provided, funding to support any play

¹⁹ Play England is the National Governing Body for Play in England and campaign for all children and young people in England to have the freedom and space to play throughout childhood.

²⁰ Lester and Russell are senior lecturers in play and play at work at the University of Gloucester

provision may be challenging with cultural and environmental services²¹ typically accounting for only 4-6% of local authority expenditure, cuts to non-essential services, such as playgrounds, have been common in the face of austerity and other financial constraints (DLUHC:2023).

The Statutory Guidance in Wales is 'A Play Friendly Country (2019)' which puts a duty on all local authorities to assess for, and secure, sufficient play opportunities. The Town and Country Planning (Play Sufficiency Assessment) (Scotland) Regulations 2023 set out a requirement (section 16D) by a planning authority to secure the sufficiency of play opportunities in its area for children. There is no evidence in literature researched for this review which sets out the same requirement in England.

The current planning policy in England, the National Planning Policy Framework (2023) makes only one mention of children, and this is regarding assessing housing needs, but many biodiversity specific policies provide protection for bats and newts. Whilst there is a presumption within the policy in favour of sustainable development and access to high quality open spaces there is no specific provision for children and play.

In a submission to the Department for Levelling Up, Housing and Communities' Committee Inquiry for Children, Young People and the Built Environment (Minogue:2024) a call was made for Play Sufficiency legislation for England to establish statutory guidance for local authorities to comply with a duty to assess for, and secure, sufficient play and recreation opportunities and to conduct regular play sufficiency reports. Minogue (2024:p3) states that leadership is desperately needed, and that government, local authorities and civil society can together make sure that children benefit from better play and recreation opportunities.

²¹ Cultural and Environment Services is one of 13 budget headings detailed in the budgeted revenue expenditure for local authorities in England for the financial year 2023-24.

2.5. Conclusion

This review has outlined relevant literature that confirms the legal status of local councils in England and defines the extent of their mandatory duties. The review has also examined numerous publications which all support the importance and benefits of play.

It can be concluded:

- The duties of local councils are limited and do not include consideration or provision of play.
- Play can and should happen in many places, the main ones being home, school and free outdoor play places close to where children live (The United Nations:1989).
- There is legislation in Scotland and Wales for Play Sufficiency but no such legislation in England.
- The Government's Levelling Up agenda does not offer a specific role for local councils but instead relies on principal authorities to bid for centrally managed funding (DLUHC:2022), However, literature (LGA:2012) supports an argument that local councils are better placed to deliver bespoke local services.

Secondary research data gathered in this Literature Review (chapter two) suggests local councils may be well-placed to provide play facilities for their local communities. Chapter three looks at primary research and addresses the objectives set out in Section 1.2.

CHAPTER THREE – METHODOLOGY

3.1 Introduction

Research methodology is the philosophy and general principle that will guide your research (Dawson:2019) and forms the strategy for research. Denscombe (2014) states there is no single pathway to good research as there are always options and alternatives. This chapter will now describe and justify how the primary research will be carried out.

3.2 Research Strategy

The strategy for this primary research, as described by Dawson (2019:33) is ‘to undertake firsthand investigation’ which, as described by Bryman and Bell (2007), will generate data for a specific purpose. The purpose of this primary research is to collect data to address the following objectives

- i. Assess** the importance of play in local communities in the east of England.
- ii. Explore** the extent local councils already consider play in their strategic planning and budgeting.
- iii. Identify** if local councils, as owners of open spaces, are suitably placed to provide play through their existing asset portfolio.
- iv. Formulate** recommendations on if local councils should hold a statutory duty to consider and provide play.

and to provide analysis to answer the aim ‘to determine if a statutory duty should be placed to local councils to provide play areas and whether they would be well placed to deliver such a duty.

3.3 Research Design

Research Design provides ‘a framework for the collection and analysis of data’ (Bryman, 2021:39). When deciding the framework to collect data to answer the above objectives the following considerations were made.

Table One: Research Design Considerations

| Research Type | Advantage | Disadvantage |
|---|--|---|
| Quantitative 'Broadly described as the collection of numerical data' (Bryman, 2021:142) | Generates numbers/statistics though the use of large-scale survey research using methods such as surveys and questionnaires (Dawson:2019). Theories and concepts can be tested, and results are hard and reliable data. Quantitative research focuses on measuring or expressing data in numerical terms throughout both the data collection and analysis processes Bryman (2021). | Does not lend to greater understanding of 'why' or enable the researcher to capture human experiences or evolve the line of questioning as the study progresses. The design of questionnaires and interpretation of statistical results can introduce researcher bias as the researcher is distant from the respondents. Reliance on goodwill of respondents from receiving an unsolicited invitation to participate in research. |
| Qualitative A research strategy that emphasises words, images and objects when collecting data (Bryman:2021) | Explores attitudes, behaviours and experiences through methods such as interviews or focus groups. Theories and concepts can emerge from the data which gives a more contextual understanding (Dawson:2019). Bryman (2021) summarises qualitative research as emphasising words rather than quantification in the collect and analysis of data. | Gathers first hand data in the form of the point of view of the participant, therefore, unless many participants are engaged findings may be limited. Collecting data through interviews, focus groups, or observations requires a significant amount of time and effort, and the presence of the researcher can influence participants' responses. Bryman (2021) suggests that participants may alter their behaviour or answers based on their perceptions of the researcher. |

(Foote:2024)

Combining mixed research methods is known as triangulation. Denscombe (2021) suggests combining both qualitative and quantitative methods can improve the validity of the research, enhance credibility by cross-verifying results through different techniques, balance strengths and weaknesses ensuring that the weaknesses of one approach are compensated by the strengths of another and provide a more comprehensive understanding of the subject by exploring it from different angles as well as reducing bias as involving different methods it becomes harder for personal biases or methodological limitations to skew the research results (Denscombe:2021).

Bryman (2016) supports the above assertions and summarises the use of triangulation as being key in producing more robust, reliable, and valid research findings by addressing research questions from multiple perspectives.

3.4 Research Methods

This literature on Research Design (see 3.3) informed the decision to use both quantitative and qualitative methods to gather data to fulfill the set objectives, noting due to the sample size and time constraints for the study only indicative findings could be drawn. Denscombe (2021) supports indicative research for providing early insights into specific issues and informing further research.

Table Two: Objectives and Research Methods

| | Objective | Method |
|----|---|--|
| i. | To assess the importance of play in local communities | <i>Qualitative.</i> Face to face interviews with communities' teams at principal authorities, early years practitioners, play associations and play equipment manufacturers to gain sector specific data. The interviews were semi structured with the benefit being whilst set questions were asked of all participants to gather specific information, the interview can remain flexible so other information can still arise (Dawson:2023). In their research paper, Blaskova et al (2020), recommend participatory approaches to play research with an emphasis on active engagement with key stakeholders in all aspects of the research. |
| ii | Explore the extent local councils already consider play in their strategic planning and budgeting | <i>Quantitative.</i> A survey was sent to all local councils in Essex, Norfolk and Suffolk. This totaled a sample of 1,200 local councils. The respondents to this survey were the councils' clerks relaying information on the size and budget of their council etc. and, a more subjective opinion if their council would support the duty being introduced. To explore these attitudes the survey included open and closed questions and a Likert Scale. As explained by Bryman (2016), this research tool was introduced by Likert as a method for collecting multi-item measures of a set of attitudes. |

| | | |
|-----|--|---|
| iii | Identify if local councils, as owners of open spaces, are suitably placed to provide play through their existing asset portfolio | <i>Qualitative and Quantitative.</i> Data was gathered from both clerks with appropriate questions in the survey and the external bodies, cited at objective i, being asked for their view as part of the interviews. |
| iv | Formulate recommendations on if there should be a statutory duty | <i>Triangulation.</i> Data from both methods was analysed to form recommendations and conclusions. |

Foote:2024

3.5 Ethical Considerations

The ethics were informed by the work of Denscombe and Bryman and in adherence with De Montfort University's Research Ethics Code of Practice (2021). When submitting the ethical considerations to De Montfort University for consent to begin the research project it was highlighted in the submission that, due to subject being explored, information would be gathered remotely. If, as the research develops, there was a need for face-to-face engagement with play providers and users these would be undertaken in a group situation, therefore, at no time would children be interviewed or observed as part of this research.

Bryman (2016) sets out four ethical principles for conducting social research and this study would be undertaken in line with these and De Montfort University's principles:

- i. There is no harm to participants and researcher
- ii. There is informed consent
- iii. There is no invasion of privacy
- iv. There is no deception.

Respondents were informed of the purpose of the study and provided with a participant information sheet detailing the why, what, where and importantly who was carrying out the research (Appendix One) and a research participant consent form (Appendix Two). All participants were informed; that their participation in the study was voluntary and that they could withdraw up until the point their data was anonymised, that they agreed to their data being stored and that the data would be anonymised, that the information gathered would only be used for the purposes of the research and all information would be stored electronically and password protected. Any direct quotations from either the quantitative and qualitative research included in analysis would also be anonymised.

3.6 Distribution and Data Collection

The qualitative interviews were conducted on the Teams platform with all participants consenting to the interview to be recorded. These interviews involved the researcher and the participant on a one-to-one basis.

The quantitative surveys were in the form of an online survey using Microsoft Forms. An invitation to participate was emailed to all clerks in Essex, Norfolk and Suffolk with the assistance of the County Association of Local Councils (CALC) and the SLCC branch office.

3.7 Conclusion

This chapter has detailed the research strategy and methods which were used, highlighted the advantages and disadvantages and explained how a mixed method approach was chosen to fulfil the objectives of the study. The next chapter will report research findings and analysis.

CHAPTER FOUR - RESULTS AND ANALYSIS

4.1 Introduction

This chapter presents the results and analysis of the primary research which was carried out as detailed in chapter three. The survey asked a total of 15 questions and the results of these questions are illustrated in the graphics in section 4.3. The interviews, whilst semi-structured, asked seven set questions before other ideas were explored with the interviewees. The data analysis will connect conclusions from the research and the literature review (chapter two).

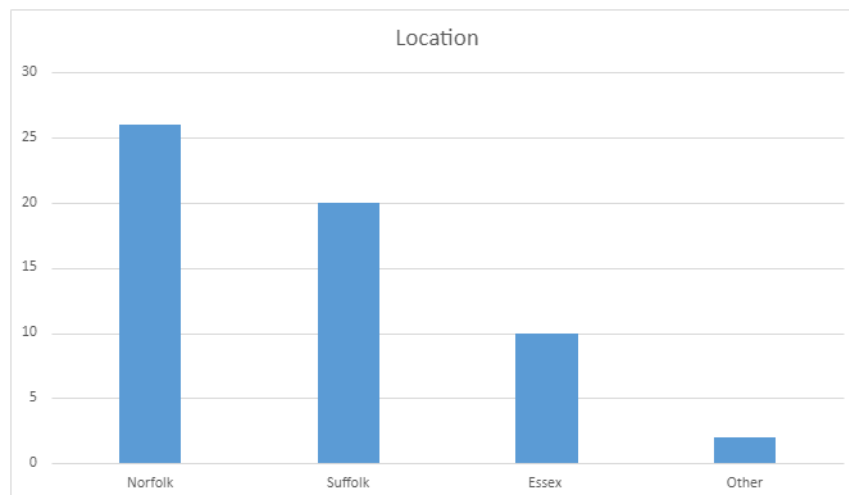
4.2 Response rates

A covering email with the link to the online survey was sent to a sample of 1200 local council clerks in Essex, Norfolk and Suffolk. A total of 60 responses were received. This represents a return rate of 5%. Muhlbock et al (2017) recognise that self-completion surveys usually result in lower response rates than comparable interview based studies and cites there is considerable variation in what is considered to be an acceptable response rate. To support this citation, of the 12 sector specialists invited for interview all accepted.

4.3 Findings

4.3i Results from online survey²²

Figure 1: Location of town or parish council by county

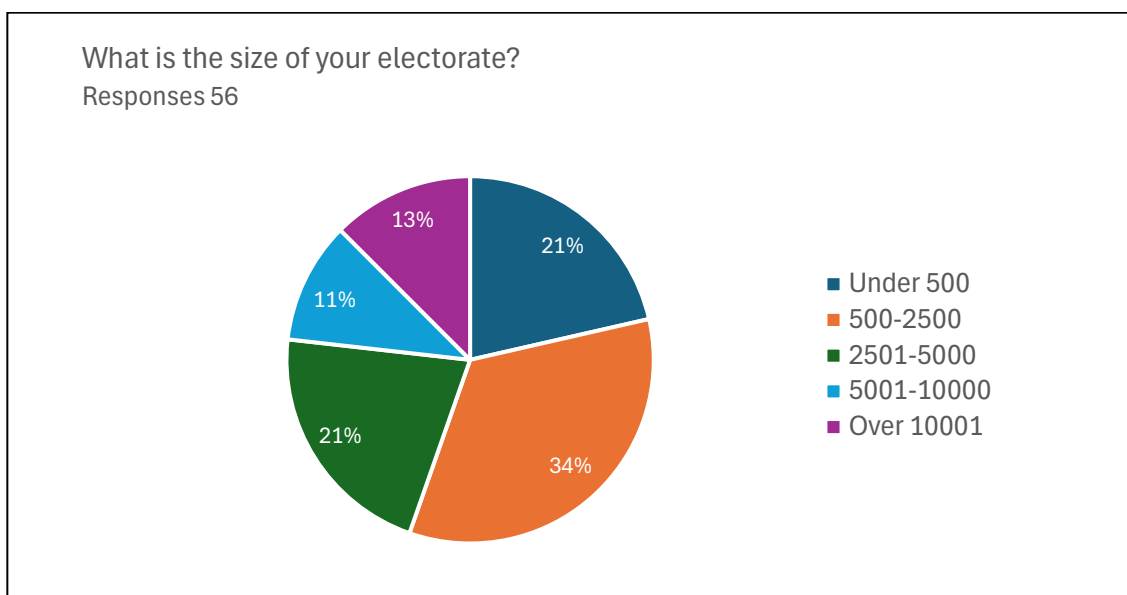


Whilst the greatest number of responses were received from local councils in Norfolk, there is no analysis to be drawn here. The distribution of the survey was the same per each county, via the SLCC branch and the local CALC offices.

²² All diagrams and graphs contain data from the author's 2024 research and are presented using Microsoft Forms.

Question 2: What is the size of your council's electorate?

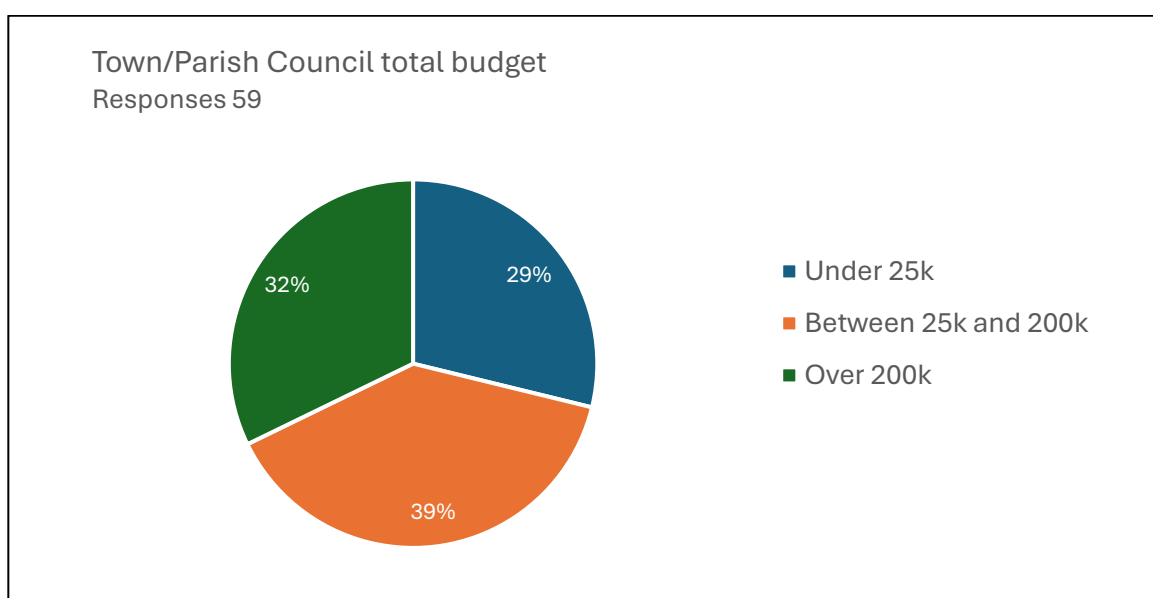
Figure 2: Size of the respondent's council electorate



The highest percentage of Clerks responding to this question were from councils with an electorate of between 500 and 2,500. It is expected that the results from this question would offer a broad range given the differing size of town and parish councils.

Question 3: What is the size of your council's budget?

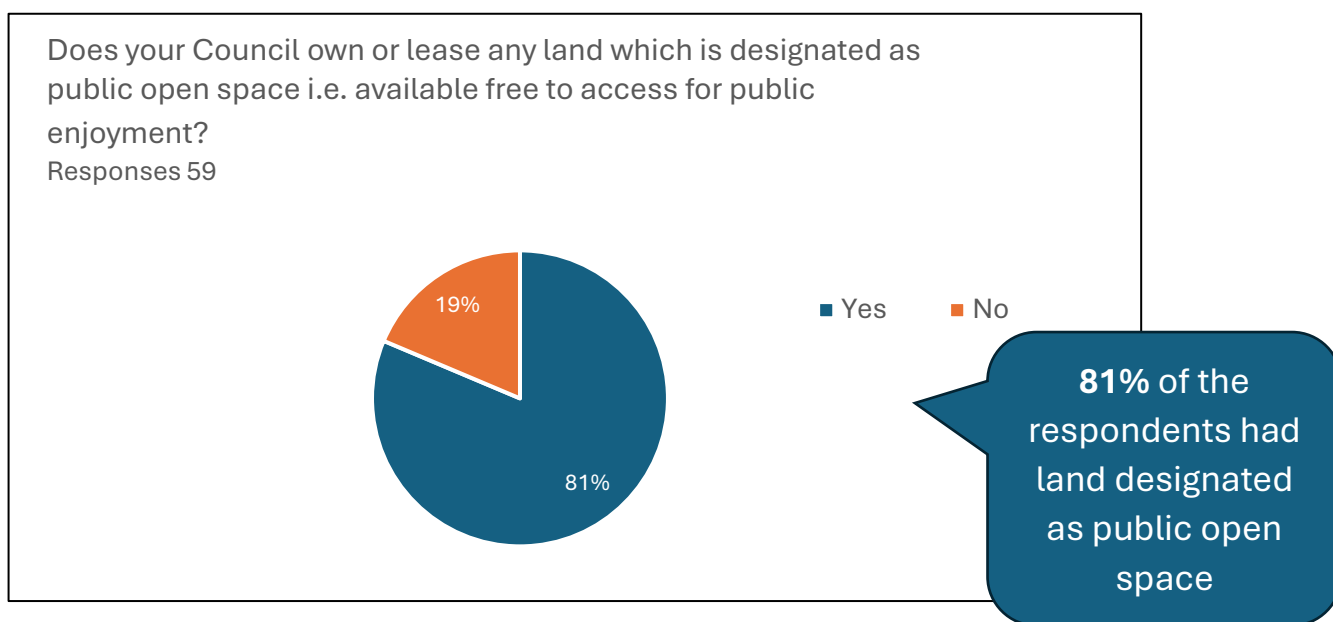
Figure 3: Council's Total Budget



Respondents were not asked to specify the exact budget for their council, but to select a range their council would be placed in. Whilst 39% of respondents had a budget of between £25k and £200k, the results show a very similar response rates from councils with lower and higher budget ranges.

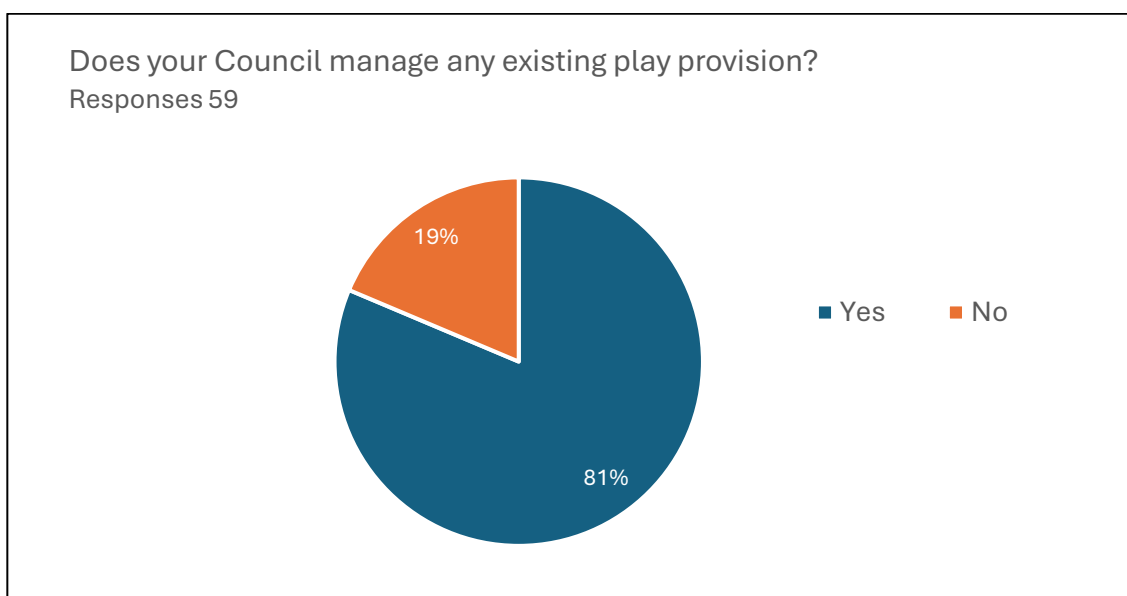
Question 4: Does your council own or lease any land which is designated as public open space i.e. available free to access for public enjoyment?

Figure 4: Number of councils who own or lease land designated as public open space.



Question 5: Does your council manage any existing play provision?

Figure 5: Number of councils who manage an existing play provision



81% of the respondents stated their council managed existing play provision.

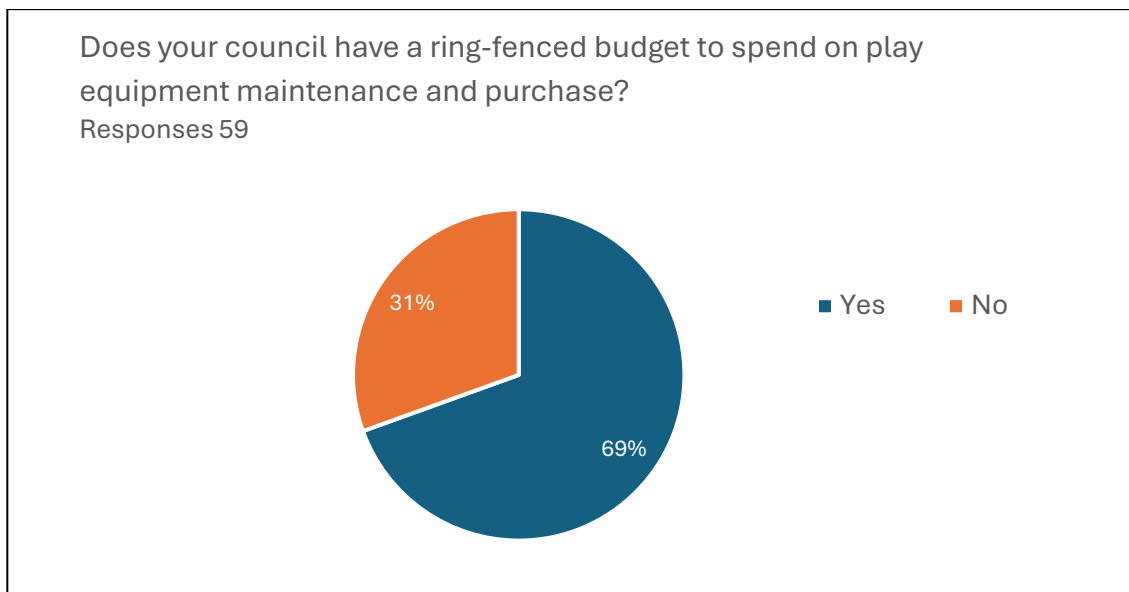
Question 6: If yes to question five, please could you say how many play areas are in your parish?

There were 45 responses to this question with 28 respondents stating they had one or two play areas in their parish.

62% of the respondents had one or two play areas within their parish

Question 7: Does your council have a ring-fenced budget to spend on play equipment maintenance and purchase? This can include adding an additional piece of equipment or replacing a broken piece and/or planning an entire new play area.

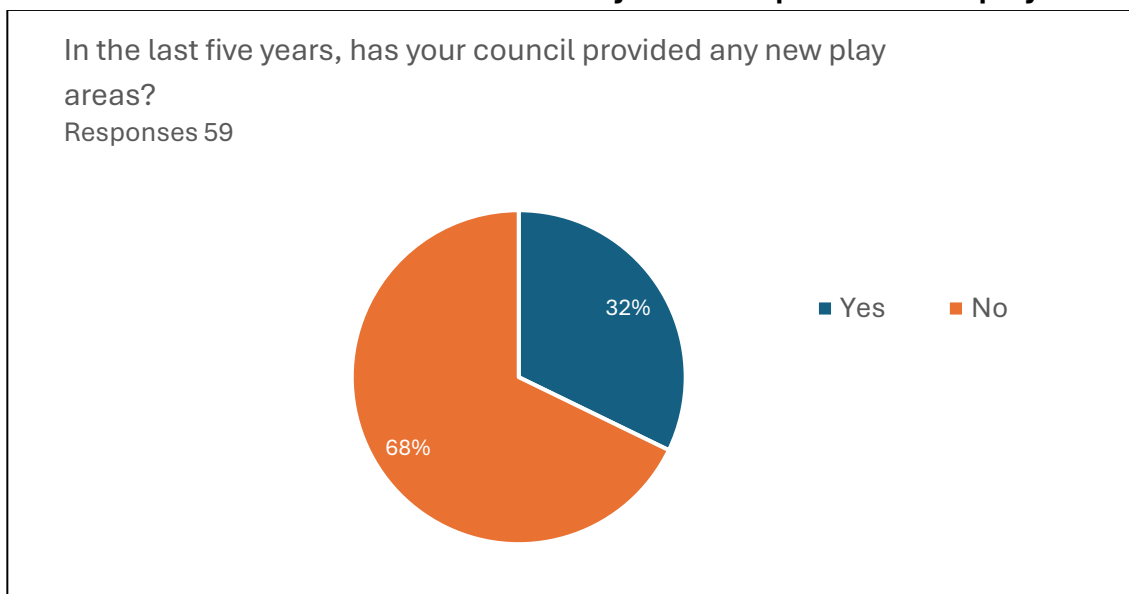
Figure 6: Number of Councils with a ringfenced budget to spend on play



69% of respondents were from a council who budgeted for play equipment maintenance or repair

Question 8: In the last five years, has your council provided any new play areas?

Figure 7: Number of Councils who in the last five years have provided new play areas



41 councils have provided new play areas in the last five years

The results from this question show two thirds of the councils responding have provided new play areas.

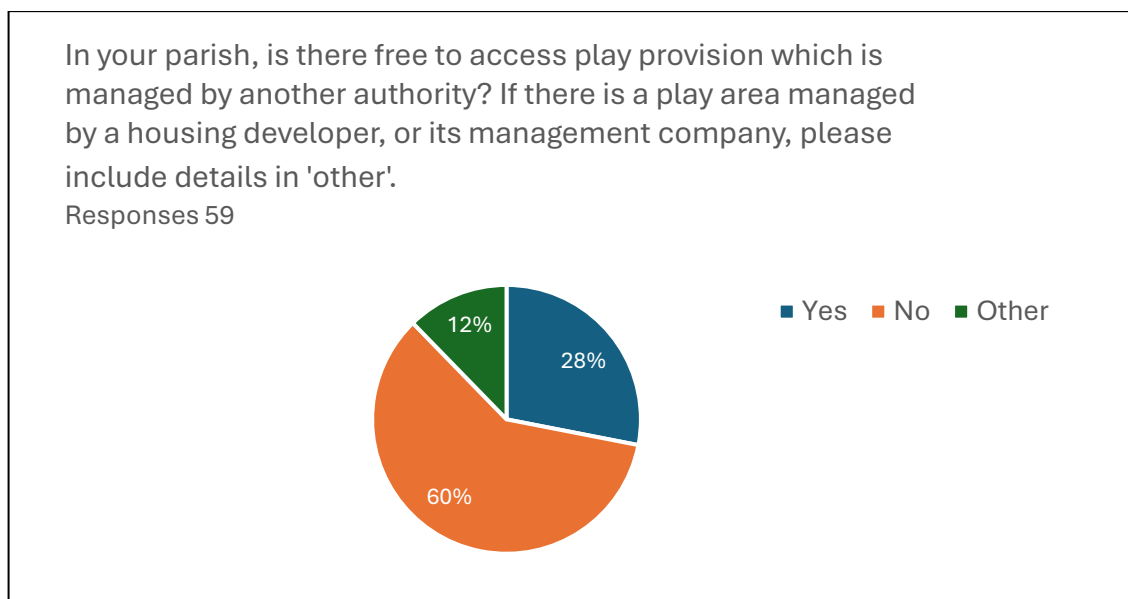
Question 9: If the answer to the above is yes – was this play area fully funded by the council or was external funding also sought; community infrastructure levy, Section 106, grant funding etc.?



There were 19 responses to this question with only one of the respondents stating the play area was fully funded by the local council. The remaining 18 responses detailed examples of mixed funding including external funding such as CIL.

Question 10: In your parish, is there free to access play provision which is managed by another authority? If there is a play area managed by a housing developer, or its management company, please include details in 'other'.

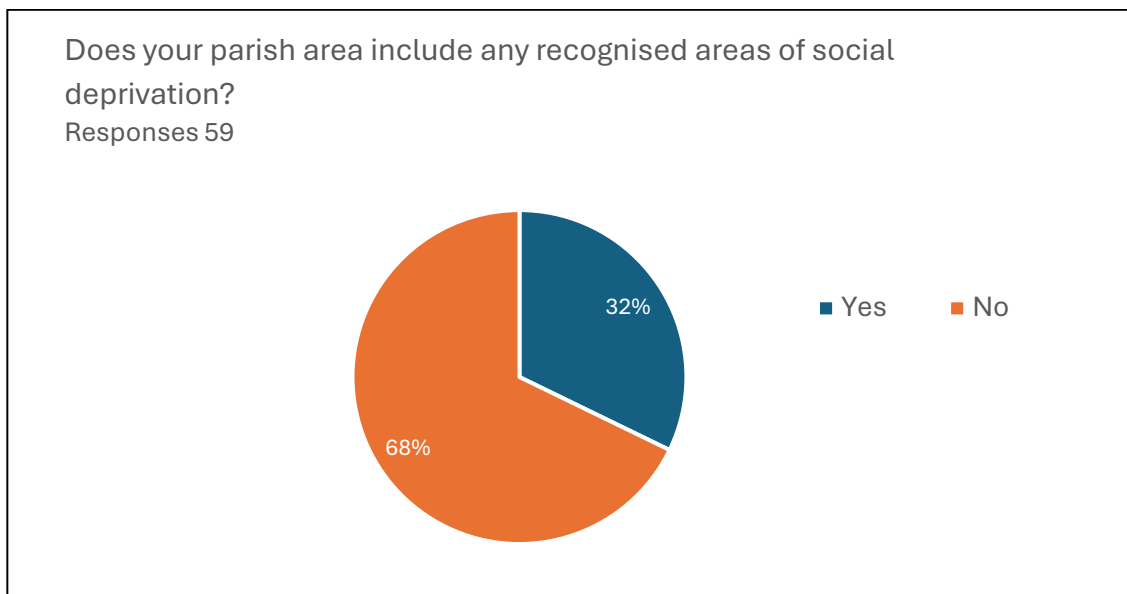
Figure 8: Number of councils who have free to access play provision managed by another authority



The results show that the largest proportion of play areas are managed by local councils. However, 12% of respondents stated there was privately managed play provision within their community. The data collected did not define if the councils with 12% privately managed also had provision managed directly by the council.

Question 11: Does your parish area include any recognised areas of social deprivation?

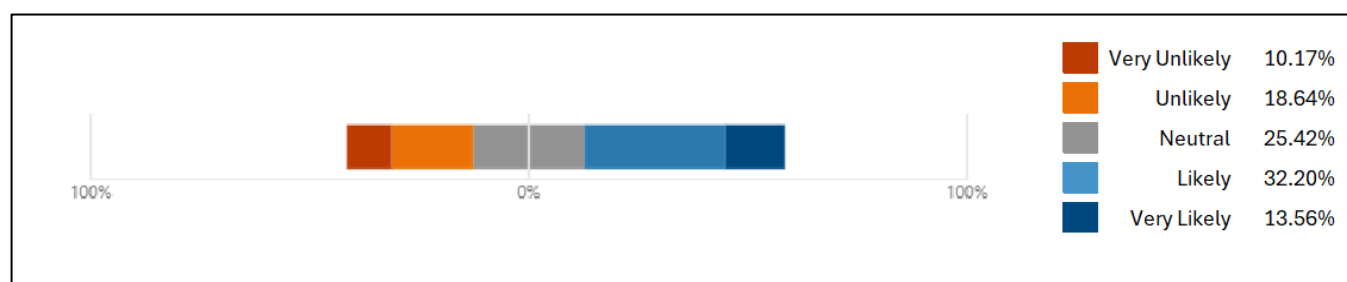
Figure 9: Percentage of councils with areas of social deprivation.



This question was designed to understand if there could be a greater need to deliver play to socially deprived areas. Given the higher number of non-socially deprived areas, the data from this question will not be explored further.

Question 12: To what extent might your council support a statutory duty to provide play provision (similar to the existing statutory duty to provide allotments)?

Figure 10: How likely, in the Clerk's opinion, was their council to support a statutory duty.



The data gathered shows that 46% are supportive of a statutory duty compared to 29% who would not be supportive. Respondents were not asked to explain their answer therefore no further information could be gathered on why 25% chose a neutral stance to this question.

Nearly half of respondents would support a statutory duty to provide play

Question 13: What constraints, if any, should be placed on the duty; size of electorate, budget, acreage of open space land etc.?



In responding to this question, clerks were asked to make suggestions to what constraints should be placed on any duty made, 58% mentioned budget.

Question 14: If you were unlikely to support this duty, what are the barriers to supporting this duty?

There were 45 responses to this question. The highest number of responses, 35%, included the word 'cost', and 22% of the responses including the word 'land'. Narratives in the responses in relation to land included such as 'availability of suitable land, we do not own any land, all spare land is designated for house building' and 'cost' was evidenced with explanations such as 'new play equipment is very expensive, there are also costs of maintaining and inspecting play equipment, we have too many other budget demands and public liability risk and insurance premiums are too high'.

Question 15: Please provide any other suggestions on how town and parish councils can support the provision of local early years play.

There were 41 responses to this question. More than half of the respondents mentioned some form of partnership work and the need for consultation and collaboration to support the provision of play. Example responses were 'partnering with borough and district council and being more proactive in applying for grant monies, liaison with early years educators, public consultation on the demand for play areas with specific suggestions for the type of play, working with other parishes in close proximity.

4.3ii Results from face-to-face interviews ²³

As detailed in the methodology (section 3.3), semi-structured, face to face interviews were undertaken with 12 sector specialists. The number of interviews was limited due to the time constraints of this study, but the interviewees were specifically selected to include community workers, play equipment providers, play sector bodies and early years practitioners.

The context of the research was outlined to all respondents (see 1.2 above). Whilst all were asked the same six questions (Appendix Four), the answers resulted in an open discussion about the powers of local councils and how play was currently provided in England.

How important do you consider free to access play to be in communities?

All respondents were asked on a sliding scale from unimportant to very important if they felt free to access play was very important. All the respondents stated very important. The answer to this question opened a dialogue as to why play was important and the concluding comments were play was vital for development of children and there should be no barriers for play being available.

Were you aware that there is legislation in Scotland and Wales to consider play but no such legislation exists in England?

None of the respondents were aware of the differences between legislative requirements for play through the United Kingdom.

Are you aware that local councils have a range of powers but limited statutory duties. Interviewees were then provided with examples.

Only one of the respondents was aware that local councils had statutory duties.

Given the above, do you think there should be a statutory duty for local councils to provide play areas?

The responses to this question were mixed with a theme of joint working with all levels of government coming through in most of the answers. All respondents, given what they had learnt from question two, were keen that a duty should be levelled at some level of government.

Should the electorate pay for this play provision via the precept a local council can collect or should funding streams such as a commitment to support play be built into CIL and planning permissions? Interviewees were also asked to suggest how play provision could be funded.

Joint funding was the most common answer to this question. One respondent expressed concern for how many parishes they worked with not knowing how to access CIL funding or making best

²³ All one to one interviews took place between the author and interviewees using the Microsoft Teams platform.

use of it for their communities. All were in favour of the precept covering the costs of play, with one respondent stating play should not be selective and listed other items which the precept covered which were mandatory and not selective for all taxpayers.

Do you feel local councils are well placed to deliver a duty to provide play areas?

All respondents recognised local councils are the tier of governance closest to the electorate and most likely to know the local community and its needs better than any other authority, therefore, there was unanimous support for local councils being well placed to deliver the duty but, again, concerns expressed about how the duty could be funded.

4.4 Analysis of data

When analysing the findings of the triangulation from the quantitative and qualitative research, the following data can be drawn to inform the objectives set out in 1.6 above.

4.4i Objective One - the importance of play in local communities

The literature review found overwhelming evidence for the importance of play with cognitive, physical, social, and emotional well-being benefits all being recognised. This was supported by the interviewees, although there could be bias in the answers as all respondents were working in communities or early years. The survey results showed a large percentage of respondents were delivering play in their communities and it can be concluded the importance of play is already being recognised without any statutory duty to deliver.

4.4ii Objective Two - the extent to which local councils already consider play in their strategic planning and budgeting

The literature review established over a fifth of local councils listed the upkeep and improvements to recreational grounds and children's play areas as one of their three largest areas of expenditure (SLCC:2023). Noting 81% of the survey respondents stated their council owned open space land, 70% had a budget for play equipment or maintenance and, in the last five years, 32% of the survey respondents had provided new play equipment, there is illustrative evidence that some local councils are already considering play. However, whilst 81% of the survey responses stated their council did own land, when answering what barriers there are to supporting a duty (question 14) 30% cited land availability as being a barrier. It could be that land in the council's ownership may be fulfilling another statutory duty such as providing allotments²⁴ but use of existing land was not

²⁴ Small Holdings and Allotments Act 1908 requires a local council to provide allotments if requisite number of parishioners request so.

explored through the survey questions and, therefore, there is no primary data to support this assertion. With 38% of respondents stating cost as a barrier to supporting a duty and given there would also be a cost implication of providing land if it was not already available, cost can be concluded as the overriding factor for not supporting a duty to be placed on local councils. The literature review also recognised (DLUHC:2023) the financial constraints on local authorities and how play may not be prioritised for expenditure.

4.4iii Objective Three - identifying that local councils could be suitably placed to provide play through their existing asset portfolio

At survey question four, 81% of respondents stated that their council owned open spaces. This was the first indication local council as, owners or managers of open space, could be well placed to provide play provision. Coincidentally, 81% of respondents also stated their council already managed existing play provision. This data, coupled with the data in figures two and three, demonstrate whatever size or budget of the council, the majority may already be providing and managing open space and/or play provision. When asked if in their parish there was free to access play managed by another provider, of the 57 responses only 16 stated there was play provision by another body giving further evidence that local councils are providing play rather than another body. Findings in the literature review supported the role of local councils using their local position in improving the wellbeing in their communities and providing services directly to those in their communities (SLCC:2023) and the primary research was able to support this with evidence (question 9) that local councils were accessing external funding to provide new play facilities, funding such as CIL and Section 106 which other bodies or community groups may not be able to access. The literature review also highlighted that play could be as simple as free play outdoors in places close to where children live (Playing Out:2023). With 81% of respondents already owning open spaces that could be used for play, the literature and the findings of the survey suggest that cost did not always need to be a barrier to providing play provision and that local councils are already suitably placed to provide play through their existing asset portfolio.

Objective iv - recommendations on if there should be a statutory duty for local councils to provide play areas.

An analysis of the data collected in survey questions 12, 13 and 14 (see page 25 and 26) was used to draw conclusions in favour of a recommendation on a statutory duty should be placed on local councils. 64% of respondents to the survey thought their council was 'likely or highly likely' to support such a duty with 28% stating 'not likely or highly unlikely' to support. Using this

quantitative data in conjunction with the qualitative interview question responses such as ‘local councils deliver for local residents’ a triangulation of evidence can be used to confirm there appears to be support in favour of local councils holding a statutory duty. However, with 25% of the survey respondents remaining neutral further data collection, perhaps directly from resolution of the council and not the clerk’s opinion is needed to strengthen the recommendations.

One respondent suggested that if a statutory duty was placed on local councils, these councils may then be exempt from applying for funding for play provision from external bodies. Play equipment is one of the items often funding through CIL or other community grants and, therefore, restraints from any duty being introduced would need thorough consideration.

4.5 Summary

In analysing the results of the research, there is unequivocal evidence in both the primary and secondary data of the value of play, support from local council clerks and sector specialists for a duty to provide play provision being held on local councils and evidence that local councils are well placed to hold such a duty. However, there are limitations and restraints which result in this support from local council clerks not being unanimous. Of greatest concern, as evidenced at question 14, is the cost of providing and maintaining play areas and the availability of land.

Therefore, it can be concluded that local councils could be well placed to hold a statutory duty to provide play areas if funding could be sought, and guaranteed, to support such duty being placed.

This ends the analysis of both the quantitative and qualitative data. The next chapter will conclude this study and make recommendations for both future action and research.

CHAPTER FIVE - CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter reviews the original aim of this study, revisits the hypothesis and provides a conclusion to the study. In addition, an assessment is made of the chosen research methods and suggestions for areas of future primary research and action are made.

5.2 Conclusions from the study

The original aim of this study was to determine if a statutory duty should be placed on local councils to provide play areas and whether local councils would be well placed to deliver such a duty. The hypothesis suggested empathy for the need for play but concern for how this could be funded, and this was proven through the study.

Literature in chapter two (Lester and Russell, 2010:2) suggested a move towards broader ecological, political and economic considerations of children's ability to realise their right to play in their local communities. This literature aligns with the findings of the study with the majority of local councils being willing to support a duty but with the realisation that further collaborative political work on how any duty could economically be delivered was needed.

5.3 Review of Research Methods

Restraints on time for interviews and numbers of survey responses did not appear have to have had any detrimental effect. For most questions, the responses were substantive allowing for assumptions to be drawn.

Reflecting on the structure of the quantitative questions, future research would benefit from giving the respondents chance to explain their answers, for example, if the respondent had a neutral stance to a particular question explaining why they were neither in favour nor against could result in additional data being collected. This can be exemplified by question 12 (page 25).

5.4 Recommendations

5.4i Further research

The results of this study were limited by the response rate and were illustrative with only one area of England being sampled. It is recommended the study is expanded to all local councils in England and opinions are sought from councils as well as clerks. Further engagement and research with early years practitioners is also recommended to assess the benefits of free play, as opposed to structured play on play equipment, and how local councils could cost effectively offer this to their communities from the open spaces many own.

5.4ii Action

If a further study is undertaken, and the results support the conclusions of this study, then NALC should be asked to lobby central government to recognise the importance of play in England and enact a play sufficiency duty which ensures inclusive and accessible play is delivered for all.

The word count for this study is 7687.

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APPENDICES

Appendix One – Participant Information Sheet

Dated: June 2024

Research Participant Information Sheet

Title of Project: **Should Town and Parish Councils have a statutory duty to provide play areas?**

Name of Researcher: **Sarah Foote**

You have been invited to take part in a research study. Before you decide whether to take part it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with friends and relatives if you wish to ask us if there is anything that is not clear or if you would like more information. Take time to decide whether you wish to take part or not. Thank you for reading this.

All responses will be held in confidence/ no one will be identifiable. Please return your completed survey by 30 June 2024. It should take you no longer than ten minutes to complete the survey.

What is the study about?

This study aims to answer the question: Should Town and Parish Council have a statutory duty to provide play areas?

The research for this study is being undertaken by the researcher named above who is a BA (Hons) Community Governance student and is required to complete a community research study in Faculty of Business and Law at De Montfort University, Leicester.

How long will it take to participate?

If you agree to participate in this study and are a local council clerk, we will ask you to take part in a survey. If you are a play provider or working in the play industry you will be invited to participate in an interview. The data collection will be done by asking questions via SurveyMonkey which should take no more than 20 minutes, and if you are participating in an interview, you will be required to attend via Teams for no more than one hour.

Why should I take part?

By taking part in this study, you will be offering evidence which will enable investigation into whether local councils are well placed to hold a statutory duty to provide play areas.

Who is doing the research?

Sarah Foote, Community Governance BA Hons Student at De Montfort University.

If you have any concerns about this research, for any reason and at any time, you may contact my supervisor, Angie Hurren. Her contact details are provided at the end of this information sheet.

Why are you asking me to participate?

You have been chosen because you work for a town or parish council in Essex, Norfolk or Suffolk and will have valuable data on how your council values play or you will be working to deliver play or design and provide play equipment.

Do I have to take part?

Taking part in this research is completely voluntary, and you can answer as many or as few questions as you choose. If you decide to take part, you are still free to withdraw without giving a reason.

Is the study confidential?

Yes. We take great care to ensure that we maintain the privacy of people who take part in research. We will handle your data in accordance with the General Data Protection Regulation (GDPR). The data will be used only for research purposes, and your name will not be used in any research reports or publications. Once the study is completed, a fully anonymized version of the data collected will be made available for other researchers to analyse for many years to come. This will help ensure the time you spent taking part in this research delivers the most benefits. It will not be possible to identify you in any way from the data made available.

What if I agree to take part and then change my mind?

You can withdraw from the study at any time, without giving a reason. This can be done by closing the questionnaire before submitting which will withdraw your participation or by informing the interviewing that you would like to stop the interview. You are also free to refuse to answer any question you choose.

As the questionnaire is completely anonymous, it will not be possible to withdraw once you have submitted the survey

You are also free to withdraw after the interview has been completed, and you can exercise this right by contacting the lead researcher at sarah.foote@lowestofttowncouncil.gov.uk. It is possible to withdraw up to four weeks post interview; after this point data will be transcribed and linking information held internally will be deleted. This makes responses completely anonymous, but also means it would no longer be possible to withdraw.

Who has reviewed the study?

This study has been reviewed and approved by De Montfort University's Faculty of Business and Law Research Ethics Committee.

Who can I complain to?

If you have any concerns or complaints, you can initially speak to the researcher, who will acknowledge your concerns within ten working days. If no satisfactory outcome is achieved or you wish to make a formal complaint, please contact my supervisor, Angie Hurren in the Faculty of Business and Law, De Montfort University, Leicester at the following address angie.hurren@slcc.co.uk

If this achieves no satisfactory outcome, you should then contact the Administrator for the Faculty Research Ethics Committee, Research & Innovation Office, Faculty of Business and Law, De Montfort University, The Gateway, Leicester, LE1 9BH or BALResearchEthics@dmu.ac.uk

What if I have further questions?

If you have any questions about the study, please do not hesitate to contact:

Researcher: Sarah Foote. sarah.foote@lowestofttowncouncil.gov.uk

Supervisor: Angie Hurren angie.hurren@slcc.co.uk

Research Participant Consent Form

Title of Research Project:

Should Town and Parish Councils have a statutory duty to provide play areas?

Name of Researcher: Sarah Foote

Please tick and initial
all boxes if you agree

1. I confirm that I have read and understood the information sheet [date and version number] for the study above. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily. ☐
2. I agree to my data being anonymised and stored. I agree to it being shared in a relevant archive in this form. ☐
3. I understand that my participation is voluntary. I also understand I am free to withdraw at any time- without giving any reason and without there being any negative consequences. I can decline to answer any particular question, or questions. ☐
4. I agree that non identifiable quotes may be published in articles, used in conference presentations, or used for standard academic purposes such as assessment. ☐
5. I agree to the interview being digitally audio recorded ☐
6. I agree to the interview being digitally video recorded ☐
7. I understand that the data collected during the study may be inspected by a supervisor from De Montfort University. I give permission for the supervisor to have access to my data. ☐
8. I also acknowledge that if I am being interviewed this date may be transcribed by a third party, authorised by the university to undertake such duty. ☐
9. I agree to take part in the above research project. ☐

Print Name of Participant

Date

Signature

Should local councils have a statutory duty to provide play areas?

The aim of my research is to determine if a statutory duty should be placed on local councils to provide play areas and whether they would be well placed to deliver such a duty. Given that many local councils own and/or manage open spaces, recreation grounds and leisure centres it may be that the local council level of local government is ideally placed to hold such a duty. However, there may also be factors which are prohibitive. This survey sets out to collect opinions from local council clerks on behalf of their councils.

For the context of this survey, play provision is defined as play areas which are suitable to early years (ages from birth to five years).

The survey should take no more than 10 minutes to complete. No respondents will be identified in the dissertation without their permission. All responses will be treated anonymously. Please refer to the Participant Research Sheet included at the end of this survey. Please complete and return your survey as soon as you are able.

Thank you in advance for your support with this project and taking the time to complete the survey.

Sarah Foote PSLCC
Level 6 Community Governance Student, SLCC
Acting Town Clerk, Lowestoft Town Council
Email: sarah.foote@lowestofttowncouncil.gov.uk

Consent

1. Please agree to the following statements before proceeding with this survey. A response is required. *

- ☐ I confirm I have read and understood the information sheet dated June 2024.
- ☐ I agree to my data being anonymised and stored. I agree to my data being shared in a relevant archive of this form.
- ☐ I understand that my participation is voluntary and I am free to withdraw at anytime - without giving reason or there being any negative consequences. I can decline to answer any particular question or questions.
- ☐ I agree that non-identifiable quotes may be published in articles, used in presentations and for standard academic purposes.
- ☐ I understand that the data collected during this survey may be inspected by a supervisor from De Montfort University. I give permission for the supervisor to have access to this data.
- ☐ * I agree to take part in this research project

2. Name of Town or Parish Council or location (Essex, Norfolk, Suffolk)

3. Town/Parish Council total budget

- ☐ Under £25k
- ☐ Between £25k and £200k
- ☐ Over £200k

4. What is the size of your electorate?

- ☐ Under 500
- ☐ 500-2,500
- ☐ 2501-5000
- ☐ 5001-10000
- ☐ Over 10001

5. Does your Council manage any existing play provision?

- ☐ Yes
- ☐ No

6. If yes, please could you say how many play areas are in your parish?

7. Does your Council own or lease any land which is designated as public open space i.e. available free to access for public enjoyment?

- ☐ Yes
- ☐ No

8. Does your council have a ring-fenced budget to spend on play equipment maintenance and purchase? This can include adding an additional piece of equipment or replacing a broken piece and/or planning an entire new play area.

- ☐ Yes
- ☐ No

9. In the last five years, has your council provided any new play areas?

☐ Yes

☐ No

10. If the answer to the above is yes – was this play area fully funded by the council or was external funding also sought; community infrastructure levy, Section 106, grant funding etc.?

11. In your parish, is there free to access play provision which is managed by another authority? If there is a play area managed by a housing developer, or its management company, please include details in 'other'.

☐ Yes

☐ No

☐ Other

12. Does your parish area include any recognised areas of social deprivation?

☐ Yes

☐ No

13. To what extent might your council support a statutory duty to provide play provision (similar to the existing statutory duty to provide allotments)?

| | Very Unlikely | Unlikely | Neutral | Likely | Very Likely |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Support a statutory duty to provide play provision | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

14. What constraints, if any, should be placed on the duty; size of electorate, budget, acreage of open space land etc.? Please make suggestions.

15. If you were unlikely to support this duty, what are the barriers to supporting this duty?

16. Please provide any other suggestions on how town and parish councils can support the provision of local early years play.

Interviewees to be explained the context of play is free to access play areas for Early Years as defined in England as birth to five years.

Question One - How important do you consider free to access play to be in communities?

Highly Important

Important

Neutral

Not important

Of no importance

Question Two - Were you aware that there is legislation in Scotland and Wales to consider play but no such legislation exists in England?

Yes or No?

Question Three - Are you aware that local councils have a range of powers but limited statutory duties. for example, a town council has a statutory duty to provide allotments or adopt closed churchyards

Yes or No?

Question Four - Given the above, do you think there should be a statutory duty for local councils to provide play areas?

Question Five - Should the electorate pay for this play provision via the precept a local council can collect or should funding streams such as a commitment to support play be built into CIL with planning permissions or please suggest how play provision could be funded?

Question Six -Do you feel local councils are well placed to deliver a duty to provide play areas?