



# Petitions Committee

## Minutes - 24 April 2015

### Attendance

#### Members of the Petitions Committee

Cllr Val Evans (Chair)  
Cllr Alan Bolshaw  
Cllr Arun Photay (Vice-Chair)  
Cllr Judith Rowley  
Cllr Daniel Warren

#### Councillors in attendance

Cllr Val Gibson  
Cllr Elias Mattu  
Cllr Stephen Simkins

#### Employees

Nick Broomhall  
Laura Gilyead  
Gwyn James  
Karen Samuels  
John Wright

Service Lead, Traffic and Road Safety  
Graduate Management Trainee  
Transportation Manager  
Head of Community Safety  
Democratic Support Manager

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## Part 1 – items open to the press and public

*Item No.*    *Title*

- 1        **Apologies for absence**  
Apologies were received from Councillor Bhupinder Gakhal.
  
- 2        **Declarations of interest**  
There were no declarations of interest.
  
- 3        **Minutes of previous meeting**  
Resolved:  
          To approve the minutes of the meeting held on 13 March 2015 as a true record.
  
- 4        **Matters arising**  
There were no matters arising.
  
- 5        **Schedule of Petitions**  
Resolved:  
          That the schedule be noted.
  
- 6        **Fencing off Woodcross open space**  
Consideration of this item was deferred until the next meeting of the Petitions Committee.

**7 Various issues from Householders Lanesfield mainly Mount Road**

Cllr Rowley commented that she felt the petition was an overarching petition raising issues beyond the Council's control. She noted that there were far too many issues within one petition for the Petitions Committee to deal with. She suggested that the amount of issues within a petition should be limited and made clear to petitioners.

The Chair explained that the lead petitioner has been informed of the issues that would be addressed at the meeting and asked employees to look into the amount of issues to be raised in a petition.

The petitioner was not present at the meeting and the committee heard the report in his absence.

Nick Broomhall, Service Lead, Traffic and Road Safety, presented the report. He noted that data on the speed of traffic on Mount Road was being assessed from 23 April 2015 for a week. He reported that an extra cleansing of the road drains on Mount Road would be arranged.

Resolved:

That the proposed action to investigate the need for a possible road safety scheme in the Mount Road area be endorsed.

**8 Remove the Park from the Dukes Park Estate**

Matthew Williams, the lead petitioner, explained that the petition had been submitted following 12 months of anti-social behaviour (ASB) and criminality on the Dukes Park Estate. He explained that residents had been told by the Council that the park was unadopted land and so not within the Council's power to make changes. He commented that Barratts Homes, owners of the land, stated that the park was a Council planning requirement. Residents were informed by Barratts that the play area would only feature toddler equipment. The lead petitioner explained that since the park had been installed, a car was stolen and set on fire metres away from family homes. He commented that criminal behaviour and ASB would go on to 2am and residents were beginning to move away from the area. He noted after 12 months, the swing was removed. He reported that empty alcohol containers were found at the site. He noted that the language used by youths was awful and not acceptable with children living so close. He commented that residents felt the park should have been dealt with a long time ago and the only way to deal with the ASB and criminality was if the park was removed.

Cllr Mattu sympathised with the residents. He commented that the park had only been there for 12 months and it was too soon to make decision to close it down. He noted that a similar issue had taken place at St Christopher's Park a few years before which had been closed because of ASB. More recently, St Christopher's park had been reopened and was working well. He commented that the ASB needs to be monitored. He noted that this is not an issue to be rushed and timescales should be set to improve the park.

PC Philip Upton, Police Officer on the estate, sympathised with residents but also understood the views of the Council. He commented that something needed to be done to rectify this long term issue. He noted difficulty as the ASB was taking place in the early hours. He commented that there are sustainability issues in keeping officers

in the area as shift patterns would need to be changed. He noted that a domehawk camera had been put in but it was difficult to identify individuals from the footage and so there were no opportunities to put in Place ASB enforcement measures. He commented on difficulties in dealing with the issue because of a lack of communication within the Council and Barratt Homes. He noted that Barratt Homes had removed a large swing and adjusted fencing to stop cars going on to the site. He explained that the size of the estate made it difficult to cover escape routes when chasing offenders. He commented that Sandwell Metropolitan Borough Council had also been contacted with regard to this issue. He commented that it had been difficult identifying perpetrators but the Police would support the decisions made by the Petitions Committee.

Karen Samuels, Head of Community Safety, presented the report. She noted that Planning and Public Realm had also been consulted. She stated that the site was owned by Barratt Homes and so any outcome would need to be passed to Barratt Homes to deal with. She explained that the scale and nature of ASB claims made by the lead petitioner had been recorded in police logs. The Head of Community Safety stressed that any decision regarding the future of the park should be resolved before adoption of the play area by the Council moves ahead. She explained that data to establish levels of use would be sought. She explained that all households on estate would need to be consulted and all options exhausted before decisions were made. Public Health would also need to be consulted.

Cllr Gibson sympathised with residents and explained that it would be a shame to lose the facility as outside, open play is important for children. She recognised the difficulty that Police had in recognising the perpetrators and suggested that lighting was invested in area so that the camera could work better. She suggested that the Council commit to put youth workers in the area. She explained that this would not be permanent but would assist with making contact with youths on the estate to attempt to resolve the issues.

Cllr Simkins commented that the park had been substituted as the issue rather than the ASB. He noted that the park was just the meeting place of the perpetrators and that the ASB being experienced is unacceptable. He recommended that a 12 month probationary period be undertaken to resolve issues with developers and that the Planning process should be improved to design out ASB in future. He noted that in the probationary period, the community should come together to report every incident on the park. He suggested more resources be put in to lighting the park. He explained that it cannot be guaranteed that perpetrators would not congregate without the park on the site or the youths would not move to a different community in the City. He recommended that all agencies and authorities come together every two or three months to work out the issues identified. He suggested that in 12 months, if there are still issues on the site, the park be removed. He suggested that local off licenses be checked for underage sales of alcohol.

The lead petitioner explained that the additional features took over 12 months to address. He commented that those people who seemed keen to keep park were not residents of the estate. He commented that removing the park would solve the ASB as offenders would not congregate at the site, affecting the residents. He noted that it had taken 12 months for anything to happen and so he did not feel that a multi-agency approach would not resolve the issues. He explained that pornographic

graffiti remained on the park even though it had been reported to the Council and Barratt Homes in the previous summer. He explained that criminal offences were taking place on the site, not solely ASB. This included arson, criminal damage and dangerous driving. He noted that there was not capacity or resources for the Police to patrol the area and there had not been consultation with the Police before the park was put in. The park was not what residents' expected as it had been suggested that it would be equipment suitable for toddlers. He asked if it was acceptable to install equipment different to what had been consulted on.

The lead petitioner suggested that the park was the issue and the cause of the ASB. He explained that, as a resident and police officer, he could verify that there was not a problem before the park was installed. He explained that a bin had been set on fire on a pathway to the park the previous day. He commented that it was unacceptable to recommend that residents should put up with this issue for another 12 months. He explained that lighting had been put at the park but had been pulled down by youths. He explained that residents feel they had been batted off by the Council and Barratt Homes. He noted that 85 residents did not want the park on the estate as they signed the petition. He stated that ignoring a request of residents should not be an option to the Council. He explained that there would be no problem having a grassed area for children to play on but there was a problem with foul and abusive language and fires in the early hours of the morning. He explained that residents did not use the park as it had been damaged and ruined with graffiti and litter. He noted that there was not a representative from Barratt Homes at the meeting. He commented that outcome three of the report, to remove park equipment and undertake remedial works to grass the area, was the only option.

Cllr Simkins explained that he understood the frustration of residents. He noted that the bureaucracy taken place should be reviewed. He asked that residents allow either six or 12 months for improvements to be made.

The lead petitioner asked councillors to understand the distress caused to residents as they felt that they had been lied to. He noted that ASB, lighting and criminal behaviour should be dealt with by the Council. He anticipated all the same bureaucracy issues in 12 months' time.

Cllr Simkins explained that, if the park was removed, another amenity would be lost in the area. He noted that a case review should take place to outline where areas of mistrust had arisen.

Cllr Photay was concerned about the pornographic images in area. He requested that this be removed as soon as possible with the invoice sent to Barratt Homes. He explained that he was from an area in need of play areas. He noted that it was likely that residents asked for a play area and so this request was met. He commented that if the park is not being used, it should be removed to save on costs. He noted that youths would know of the open space even if park is removed and would still sit on grass. He noted that the ASB should be addressed, with or without the park. He noted that if the park was working, it would be a nice place for children to use.

Cllr Warren commented that if the park was removed, there may not be resources in the future to replace it if requested by residents. He noted that there are similar

issues in other wards and a case review needed to take place. He asked if a consultation of residents would need to take place to remove the park.

The Head of Community Safety explained that as the site is owned by Barratt Homes, the Council would have to request Barratt to undertake any work. Barratt Homes could undertake a consultation while the park is in their ownership but this would not be required to remove the park. Once the park is adopted by the Council, the Council would be required to undertake a consultation to make any changes and incur the considerable cost (estimated approx. £30,000).

Cllr Warren requested that a report from Licencing be included in a future report to the Petitions Committee.

Cllr Rowley sympathised with the residents. She explained that it was not usual for a section 106 agreement to be attached to planning permission. She was concerned that Barratt Homes had not been straight with residents. She noted that the Council needed to respond to residents' concerns. She recommended that six months be given to investigate and make improvements, urging employees to progress with the work.

Cllr Bolshaw also recommended six months as a more reasonable timescale to make improvements. He commented that parks are desirable facilities however data collected would identify if the park is used during the day time.

The Head of Community Safety note that the Planning team would consult residents on the proposals and she would urge Planning to progress this at the earliest opportunity.

Resolved:

1. That the following outcomes be supported:
  - a. The level usage of the play equipment during the day be clarified.
  - b. All households on the new estate and local ward councillors are asked by letter to state their preference for one of the three outcomes: The play equipment is retained in its current state and any reports of crime or ASB are responded to and managed via Partners and Communities Together, Barratt Homes to be asked to remove large play equipment which is replaced with toddler equipment to encourage family use and make it less appealing for youths to gather or Barratt Homes to be asked to remove park equipment and undertake remedial works to grass the area.
  - c. Public Health be consulted on the possible outcomes.
  - d. Neighbourhood Tasking be asked to consider any additional action that can be taken to identify perpetrators of ASB to ensure all options for multi-agency enforcement action have been exhausted.
  - e. A further report is prepared for Petitions Committee in three months.
  - f. Adoption of the play area does not take place until the above has been clarified.
2. That test purchasing be carried out by licensing at the local off-licences.
3. That the park be cleaned including the removal of graffiti as soon as possible.
4. That a plan for multi-agency working group be developed with residents.

9 **Update on Prosser Street**

Gwyn James, Transportation Manager, presented the update report. He reported that according to the records, there had been no applications or permissions given for any footway crossovers to the rear of properties in Swinford Road accessed from Prosser Street. He noted that a second crossover to houses across the whole city were very carefully considered and unlikely to be approved as it would reduce space for parking on the street.

The petitioners, Mrs Beddows and Mrs Yates, explained that the dropped curb at the rear of the houses had always been in place. The issue had been when residents had then opened access to gardens to allow for extra parking.

The Transportation Manager explained that the Council did not have power to deal with this situation as the dropped curb is already installed. Residents wishing to build a garage to the rear of their house would need to apply for planning permission but removing the fences and parking on the garden area was allowed without permission.

Cllr Rowley commented that having heard the highways employees perspective there was not a lot the Council could do to the street.

The Transportation Manager explained that Prosser Street was on the list for funding to improve parking on the street when it became available.

Resolved:

That the outcome of the investigation into footway crossovers in Prosser Street be noted.

The Chair thanked the members of the Petitions Committee for their work throughout the year and the committee thanked the Chair for conducting the meetings.