



# Scrutiny Board

## 6 March 2018

<b>Report title</b>	Dukes Park Petition - Update	
<b>Cabinet member with lead responsibility</b>	Councillor Paul Sweet Public Health and Well Being	
<b>Wards affected</b>	Bilston East	
<b>Accountable director</b>	John Denley, Director of Public Health	
<b>Originating service</b>	Community Safety	
<b>Accountable employee(s)</b>	Karen Samuels Tel Email	Head of Community Safety 01902 551341 Karen.samuels@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	People Leadership Team 21 February 2018	

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### Recommendation(s) for action or decision:

The Scrutiny Board is recommended to:

Consider and comment on anti-social behaviour relating to the Dukes Park play area following implementation of the Petitions Committee recommendation.

## **1.0 Purpose**

- 1.1 To provide an update on anti-social behaviour (ASB) linked to the Dukes Park play area following implementation of the Petitions Committee recommendation.

## **2.0 Background**

- 2.1 A petition was received on 30 January 2015 requesting the removal of the children's play area at Duke's Park estate located in the Bilston East ward due to issues of ASB by young people. The petition contained 85 signatures from residents of the Duke's Park estate and the surrounding area seeking the removal of the children's play equipment within the centre of the estate.
- 2.2 The petitioners claim that Barratt Homes' sales representatives said that the play area would consist of toddler play equipment and that plans showing the content and layout of the park were not readily accessible or known to residents. Residents maintained that initial proposals were for the development of a toddler play area, not the resulting play area for older children.
- 2.3 Residents reported extensive ASB centred around the play area with reports of groups of young people congregating, shouting, using abusive and racist language, causing vandalism, arson, racing motor vehicles and causing intimidation. The issues were raised at Partners and Communities Together (PACT) meetings in November 2014 and 9 March 2015, and brought to the attention of ward councillors. The park at the time fell within the responsibility of Barratt Homes, the developer of the estate.
- 2.4 Reports were received at Petitions Committee on 24 April 2015, 11 September 2015 and 6 November 2015 detailing the planning position, proposals for handover of the site to the City of Wolverhampton Council (CWC) and the multi-agency response to address the ASB.
- 2.5 The multi-agency response to address ASB was prompt and comprehensive with proportionate enforcement action taken against young people identified as having been involved in ASB. The level of partnership resources going in to responding to the ASB was considerable over this period and not sustainable beyond the short term. The multi-agency response included:
- An increased Police patrol strategy including use of the anti-social behaviour van and an increased Police presence in the vicinity;
  - Removal by Barratt Homes of the large swing;
  - Deployment of a Domehawk camera to provide a deterrent to anti-social behaviour and to aid the identification;
  - Consideration of a Section 35 dispersal order;
  - Young people in the local area signposted to the weekly Kicks session held in Bilston on a Wednesday evening;

- Contact made with Sandwell Metropolitan Borough Council to agree a joint response;
- Trenches dug by Barratt Homes in an attempt to prevent vehicles driving over the grassed areas.
- Meetings held with partners and representatives of local residents and issues discussed;
- Police met with the bordering neighbourhood Policing team at Princes End to make them aware of issues and support was offered;
- Local schools (RSA Academy and South Wolverhampton & Bilston Academy) approached and talks given to students;
- Deployment of Domehawk CCTV camera;
- Regular contact made with residents by way of reassurance visits, follow up calls to complainants and monitoring Facebook pages;
- Warning letters issued to six young people identified as being involved in ASB (none had previous involvement with Police);
- Joint Police/youth worker patrols to engage young people and divert to available local provision;
- Trading Standards indicated that they did not have any complaints from residents about under-age sales of alcohol or received any credible intelligence to justify undertaking test purchasing in the locality.
- Offensive graffiti was promptly removed by the Council. The Council maintained a watching brief on the play area, with monthly visits carried out.
- All litter cleaning and repairs were reported promptly to Barratt Homes for action. The location was litter picked by Council staff on a number of occasions following concerns from local residents about glass and litter.

### **3.0 The Planning Position**

- 3.1 A total of 131 new houses and the children's play area were granted by the local planning authority on 17 Dec 2010. The planning permission was subject to a S106 legal agreement which requires the provision of the public open space and the children's play area. The Council's planning guidance is that on new housing estates play areas should be more than 20 metres away from the houses. The installed play area clearly complied with this policy (the nearest houses are approximately 30 metres away).
- 3.2 The housing estate, the public open space and the play area had been properly approved in accordance with planning law and policy. The public open space fit in well with the layout of the houses, and the raising of the play area provided a central and attractive landscape feature enhancing the visual amenity and appearance of the area and providing informal surveillance so families with young children feel safer when using the play equipment during the day.
- 3.3 As part of the S106 legal agreement, an arrangement was in place for the CWC to eventually adopt the public areas of the new estate (involving the highway, lighting and public open spaces). This was scheduled to take place in 2016 after which, the Council would own the play area and undertake the maintenance of the site. The Council received a financial sum to contribute towards play area inspections, maintenance and

repairs covering the ten year period following adoption. This payment is referred to as a 'commuted sum'. Beyond this period, the Council would be expected to absorb any on-going maintenance and repair costs to the play area.

#### 4.0 Consultations

- 4.1 Given the lack of play provision within the ward, Public Health was consulted on the potential impact of removing the play area. Public Health confirmed that it would not be in support of removal of the play area due to the health issues associated with Bilston East. For reception year and year six, obesity rates for school years 2009 - 2010 to 2013 - 2014 in Bilston East were 14.8% and 29.8% respectively. These rates were significantly higher than the national and local averages, and in the case of year six this is the worst ward in Wolverhampton. Obesity remains a key priority for Public Health with one of the objectives being to create a less obesogenic environment. Provision of play areas are a key resource that can help to off-set the obesogenic environment.
- 4.2 The access standard for children's play areas is a ten minute walk, or approximately 800m walking distance. There are no formal children's play areas within 800m walking distance of the Duke's Park estate.
- 4.3 To inform Petitions Committee recommendations, a local survey was conducted of all households on the new estate and local ward councillors; preferences were sought on retaining the existing play equipment, modifying the existing facility to a toddler play area or complete removal of the play area. Letters were hand delivered to all 262 households on the Dukes Park estate on 8 May 2015. Responses are summarised below:

Option 1: Retain the play area as it is now – 15 residents indicated their preference for this option;

Option 2: Remove the large play equipment and replace it with equipment designed for pre-school age children – 11 residents indicated their preference for this option;

Option 3: Remove all the play equipment (and the fence and the hard standing) and grass the site over – 46 residents indicated their preference for this option.

#### 5.0 Summary of Options

- 5.1 A number of options considered by Petitions Committee are summarised below:

Options	Considerations
<b>Option One:</b> Barratt Homes to be asked to apply to CWC for permission to remove the children's park area and undertake remedial works to grass the area. To remove the play area, Barratt Homes would need to apply to vary the S106 agreement which	46 residents responded saying they want the play area to be removed The estate would eventually hold 1,000 residents – cannot determine what their views would be Removal would be contrary to CWC's strategic aim to reduce obesity particularly

required the installation of the play area in accordance with CWC planning policies.	given the long- standing issues with child obesity in the area The proposal would be contrary to CWC's adopted planning policies and guidance The proposals would be contrary to the vision and key aims of the Open Space Strategy and Action Plan Removal of the play area may deter young people from congregating but would not necessarily reduce the ASB
<b>Option two:</b> The play equipment is retained in its current state; safeguarding the play area for local use within the community.	15 residents responding saying they want the play area to remain as it is; 11 residents responded stating they want the pre-school age equipment retained Retaining a range of play equipment would have the greatest benefits to children of different ages in terms of providing them with opportunities for play The larger play equipment in particular does encourage young people to gather and there is an associated risk of ASB Young families had been captured on camera using the park
<b>Option three:</b> Barratt Homes to be asked to remove large play equipment, which is replaced with equipment suitable for pre-school aged children, to encourage family use and make it less appealing for young people to gather. This would retain the play area for local use within the community.	Removal of the larger play equipment may well deter young people from gathering but may not necessarily reduce the ASB Barratt Homes have indicated that they would be willing to progress this option Retaining play equipment would provide provision for pre-school children

- 5.2 Considering all the issues raised by the petitioners and the wider issues relevant to the case, option three was recommended as a reasonable compromise. It was resolved that:

*'The Committee endorse the proposal that the Council ask the owners of the play area, Barrett Homes to remove the large play equipment and replace it with equipment suitable for pre-school children.'*

## 6.0 Agency Updates - 2018

### 6.1 Anti-social Behaviour

Jan 2014 – Feb 2015	Jan 2017 – Feb 2018
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<p>A total of 58 Police logs were received covering the period; Offenders were reported as being groups of young people; Behaviour included shouting, use of abusive and racist language, vandalism, arson (including a burnt- out vehicle), racing of motor vehicles, graffiti, fighting and intimidation; The nuisance sometimes continued late into the night/early morning.</p>	<p>A total of 9 calls/emails to Police and 1 to ASB team. Reports referenced youths congregating, playing football, moped riding, littering and damage to play equipment. (Eight of these reports stemmed from one caller). Police received the latest call Feb 2018. Issues of minor damage to play equipment and riding of a motorcycle were raised at PACT July 2017; no issues have been raised at PACT since.</p>
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## **6.2 Environmental Services**

- The petition recommendations for Environmental Services have been actioned.
- Repairs to the play area were completed and the junior play equipment replaced with toddler equipment April 2016
- Environmental Services Rangers patrol the area however their presence is limited due to competing demands
- The play area and the whole open space is still to be adopted by the CWC. The legal transfer is being progressed by CWC Legal Services. The council is maintaining the site and the developer has already paid a significant s106 payment to the CWC for management and maintenance
- Only minor issues with vandalism in the Park area no more than other sites in the city. No issues identified since November 2017

## **7.0 Financial Implications**

- 7.1 There is no direct financial implications arising from this report.  
[MI/26022018/C]

## **8.0 Legal Implications**

- 8.1 There are no immediate legal implications arising from this report. [RB/21022018/B]

## **9.0 Equalities Implications**

- 9.1 Removal of the play equipment would have negative implications for children living in the area. The policy that enabled provision of play equipment is in Wolverhampton's Development Plan which was subject to a full equality analysis.

## **10.0 Environmental implications**

10.1 Duke's Park is a well laid out housing estate with houses overlooking an attractive central public open space. The mound is an acceptable landscape feature and the distance from the play equipment to the nearest bedroom windows is well in excess of the CWC's planning guidelines. CWC leads on issues of noise disturbance has advised that the difference in noise levels as experienced by the neighbours would be insignificant if the mound was removed. The play area was implemented in accordance with the CWC's development plan policies and accords with planning guidance. Retention of the play area will, on balance, provide a long-term benefit to the local environment and the local residents.

#### **11.0 Human resources implications**

11.1 There are no human resource implications relating to this report.

#### **12.0 Corporate landlord implications**

12.1 There are no immediate corporate landlord implications arising from this report.

#### **13.0 Schedule of background papers**

13.1 Petitions Committee on 24 April 2015, 11 September 2015 and 6 November 2015.