



Petitions Committee

24 April 2015

Report title	Petition – Removal of Park from Dukes Park Estate	
Cabinet member with lead responsibility	Councillor Elias Mattu Leisure and Communities	
Wards affected	Bilston East	
Accountable director	Ros Jervis, Wellbeing	
Originating service	Community Safety	
Accountable employee(s)	Karen Samuels	Head of Community Safety
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Report to be/has been considered by	n/a	

Recommendation(s) for action or decision:

The Committee is recommended to:

1. Consider the potential outcomes outlined.
2. Support the work of employees in addressing the issues raised.

Recommendations for noting:

The Committee is asked to note the issues raised in the petition requesting removal of the play area at Dukes Park Estate.

1.0 Purpose

- 1.1 To consider the petition received requesting removal of the play area at Dukes Park estate located in the Bilston East ward.

2.0 Background

- 2.1 A petition was received by the Council on 30 January 2015, containing 85 signatures from residents of the Duke Park estate and the surrounding area seeking removal of the play area housed within the centre of the estate. The geographic location of the park in relation to the estate is attached at appendix A. The request was centred on a history of anti-social behaviour (ASB) experienced by residents since the construction of the park early in 2014.
- 2.2 The park was constructed as part of the Barratt Homes housing development and was included as a condition of planning requirements. The park remains in Barratt Homes ownership, however, as part of the S106 agreement, an arrangement is in place for Public Realm to undertake maintenance of the site following the Council's adoption of the location (usually involving the highway, lighting and open spaces) which is expected in the summer 2016. The Council has received a financial sum to contribute towards park 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 will be expected to absorb any ongoing maintenance and repair costs to the park.
- 2.3 The petition states that at the time of purchasing their properties, residents were informed by sales representatives of Barratt Homes 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.
- 2.4 The petition highlights repeated acts of criminality and ASB suffered by local residents who believe this is fuelled by large numbers of youths congregating on the park. Details regarding recorded incidents of crime/ASB are detailed in section 3.2 of this report.
- 2.5 Multi-agency efforts to address the nuisance complaints are summarised below, however, both the petition and subsequent conversations with the lead petitioner have stressed a level of frustration in resolving this issue satisfactorily due to ongoing disagreements about ownership and responsibility.

3.0 Outcome of Enquiries

- 3.1 Following receipt of the petition, a number of enquiries have been made with key partners who have had involvement with the park's development including Planning, Public Realm and Barrett Homes and with West Midlands Police, the ASB team and Neighbourhood Safety Coordinator, who have responsibility for addressing crime and community safety concerns. Ward councillors are also aware of the concerns and have had involvement in trying to resolve these locally.

- 3.2 Incidents of crime/ASB – Following submission of a Safer Estates request by the ASB team to West Midlands Police, details of all calls for service made to the Police from January 2014 to the end February 2015 have been provided. These are summarised below:
- A total of 58 Police logs were received covering the period.
 - The reports were consistent in their content, with offenders 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 was regular and sometimes continued late into the night/early morning.
 - Police resources were deployed on receipt of complaints; it's understood that one arrest has been made.
- 3.3 The issue was raised at Partners and Communities Together (PACT) meetings in November 2014, following which, a multi-agency response was planned at Neighbourhood Tasking, consisting of the following:
- Police patrol strategy put in place involving a mixture of foot and mobile patrols including use of the ASB van; there has been an increased Police presence in the vicinity.
 - Contact made with Barrett Homes seeking removal of the large swing which seemed a particular attraction for the youths.
 - A domehawk camera has been deployed to the area to provide a deterrent to ASB and to aid the identification of youths who may be involved.
 - Consideration of a Section 35 dispersal order.
 - Youths in the local area are being signposted to the weekly Kicks session held in Bilston on a Wednesday evening.
 - Contact made with Sandwell Metropolitan Borough Council as it is believed some of the offenders live within their boundary.
 - Barratt Homes have dug trenches and created raised areas to prevent vehicles driving over the grassed areas.
- 3.4 A letter was sent to the lead petitioner, Mr Williams on 9 March 2015 outlining the enquiries being made and inviting his input. Mr Williams phoned and expressed relief that this was now being looked into. He maintained that the ASB was continuing and that residents were seeking complete removal of the park, not modification of the play equipment.
- 3.5 The issue was raised again at Bilston East PACT meeting on 9 March 2015. Improvements to the site were noted, namely, removal of the swing, replaced fencing on the pathway towards Bradley Lane, and a heightened Police presence. There were no concerns raised by Police at the Tasking meeting on 24 March 2015.

- 3.6 Contact has been made with Barratt Homes informing them of the petition process, inviting their input and to have a representative in attendance at the Petitions Committee meeting. Their position regarding the play area has still to be clarified.
- 3.7 The play equipment and public open space is currently owned by Barrett's but will eventually be adopted by the Council (and maintained by Public Realm services).
- 3.8 One ward councillor has outlined his objections to removal of the play equipment given the levels of need and deprivation in the ward. There was a strong feeling that more multi-agency working should be undertaken to address the ASB before any decision is made to remove the play equipment.

4.0 Possible Outcomes for Consideration:

- 4.1 Outcome 1 - The play equipment is retained in its current state and any reports of crime or ASB are responded to and managed via PACT. This would retain the play area for local use within the community.

Implications:

- There is a risk that the park will continue to be a draw for local youths from Dukes Park and neighbouring estates with residents continuing to experience ASB.
- Targeted Police and partner resources to respond to the associated problems may not be sustainable over the medium/long term.
- If ASB continues, the park may not be well used by families due to the nuisance associated with it.
- There may be longer-term maintenance and repair costs to the Council beyond the ten year use of the commuted sum if ASB continues.
- Petitioners have indicated they would be dissatisfied with this outcome.

- 4.2 Outcome 2 – 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. This would retain the play area for local use within the community.

Implications:

- There is the risk that the park will continue to attract nuisance youths even if smaller-age play equipment is installed.
- Targeted Police and partner resources to respond to the associated problems may not be sustainable over the medium/long term.
- If ASB continues, the park may not be well used by families due to the nuisance associated with it.
- There may be longer-term maintenance and repair costs to the Council beyond the ten year use of the commuted sum if ASB continues.
- Petitioners have indicated they would be dissatisfied with this outcome.

- 4.3 Outcome 3 – Barratt Homes to be asked to remove park equipment and undertake remedial works to grass the area. A green open space will be retained for community use.

Implications:

- There remains a risk that ASB will continue, although this risk is reduced if there is no seating area included in any remedial works.
- Police and partner responses to tackle ASB in the vicinity can still be accessed, but the site would no longer need to be addressed as a hotspot location.
- If Barratt Homes remove the equipment the commuted sum paid to the Council would be returned to Barratt Homes.
- There would be a reduced longer-term cost to the Council of maintaining the grassed area.
- Petitioners would be satisfied with this outcome.

5.0 Recommendation

5.1 The children's play area was a requirement for the estate being granted planning consent. Concern has been raised about the loss of the equipment by a local Councillor. It is not known to what extent the equipment is played on by young children during the day. The multi-agency response to address ASB has been proportionate. It is recommended that:

1. Data is sourced to clarify level usage of the play equipment during the day.
2. All households on the new estate and local ward councillors are asked by letter to state their preference for one of the three outcomes above.
3. Public Health is consulted on the possible outcomes detailed in this report.
4. Neighbourhood Tasking are 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.
5. A further report is prepared for Petitions Committee in three months to inform the outcomes detailed in section 4 of this report.
6. Adoption of the play area does not take place until the above has been clarified.

6.0 Financial implications

6.1 A financial payment has been paid to the Council by Barratt Homes as part of the S106 planning requirement and £71,494 remains unspent. This funding has been set aside to be drawn down following the Council's adoption of the location to cover a ten year period of costs associated with repairing and maintaining the play area. Following this period, ongoing repair and maintenance costs would be absorbed by the Council.
[MF/15042015/U]

7.0 Legal Implications

7.1 There are no immediate legal implications arising from this report. Further consideration may need to be given to variation of the S106 agreement as part of any decision on the future of the site. [RB/15042015/Y]

8.0 Equalities Implications

8.1 Removal of the play equipment would have 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.

9.0 Environmental implications

9.1 The proposals contained in this report would remove local play facilities installed as part of the residential development; however the open space housing the park would be retained for the benefit of local residents in Bilston East.

10.0 Human resources implications

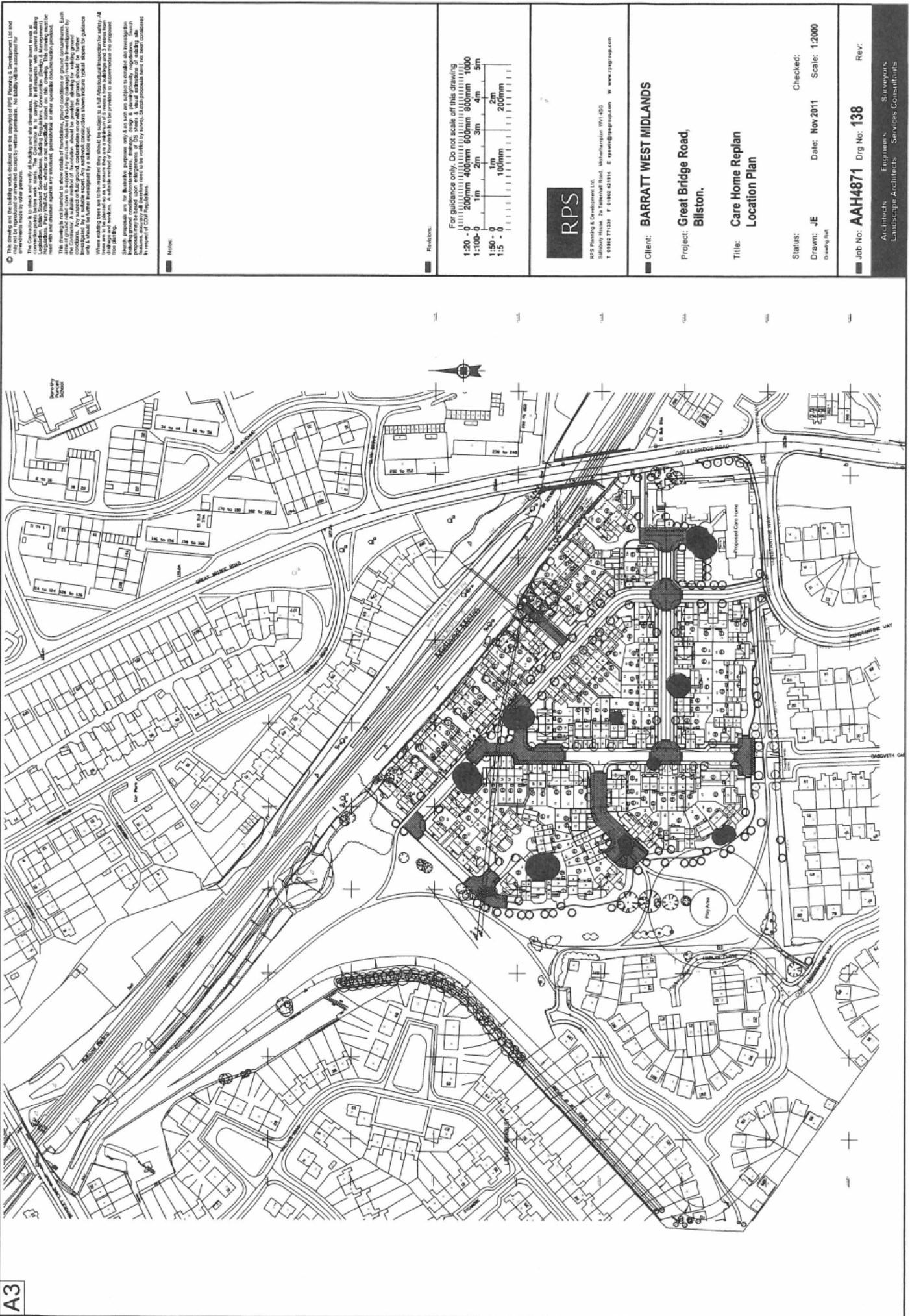
10.1 There are no human resource implications relating to this report.

11.0 Corporate landlord implications

11.1 There are no corporate landlord implications relating to this report.

12.0 Schedule of background papers

None



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Client: BARRATT WEST MIDLANDS
Project: Great Bridge Road, Bliston.
Title: Care Home Replan Location Plan
Status: Checked:
Drawn: JE Date: Nov 2011 Scale: 1:2000
Job No: AAH4871 Dwg No: 138
Rev:

Architects Engineers Surveyors
 Landscape Architects Services Consultants