

# Petitions Committee

11 September 2015

<b>Report title</b>	Petition for Removal of Park from Dukes Park Estate – Progress Update	
<b>Cabinet member with lead responsibility</b>	Councillor Sandra Samuels Health & Well Being	
<b>Wards affected</b>	Bilston East	
<b>Accountable director</b>	Ros Jervis, Wellbeing	
<b>Originating service</b>	Community Safety	
<b>Accountable employee(s)</b>	Karen Samuels	Head of Community Safety
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<b>Report to be/has been considered by</b>	n/a	

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## Recommendation(s) for action or decision:

The Committee is recommended to:

1. Note the progress of actions undertaken since the Petitions Committee meeting on 24 April 2015.
2. Agree a preferred outcome from the following options:
  - a. 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.
  - b. Barratt Homes is 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.
  - c. Barratt Homes is asked to remove park equipment and undertake remedial works to grass the area. A green open space will be retained for community use.

## **1.0 Purpose**

- 1.1 To receive an update on actions agreed at Petitions Committee on 24 April 2015.
- 1.2 To agree a preferred outcome from the petition received 30 January 2015 requesting removal of the play area at Dukes Park estate located in the Bilston East ward, in light of the update received.

## **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 on-going 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 At its meeting on 24 April 2015, Petitions Committee received confirmation that the residents' concerns regarding incidents of crime and anti-social behaviour (ASB) had been substantiated by Police and other local partners called on to respond to calls for service. Between January 2014 to the end February 2015:
  - 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.

- 2.5 The issues had been raised at Partners and Communities Together (PACT) meetings in November 2014 and 9 March 2015, and brought to the attention of ward councillors. The multi-agency response included an increased Police patrol strategy including use of the ASB van and an increased Police presence in the vicinity; removal of the large swing which seemed a particular attraction for the youths by Barratt Homes; deployment of a domehawk camera 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 being 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 to the ASB where youths are believed to reside in the Sandwell area; trenches had been dug by Barratt Homes in an attempt to prevent vehicles driving over the grassed areas.
- 2.6 Despite partner efforts to resolve the issues, the lead petitioner, maintained that the ASB was continuing and that residents were seeking complete removal of the park, not modification of the play equipment. At that point, there had been no successful dialogue with Barratt Homes.
- 2.7 Ward Councillors voiced objections to removal of the play equipment given the levels of need and deprivation in the ward and requested an increase in the multi-agency effort to resolve the ASB before any decision is made to remove the play equipment.

### 3.0 Update - Petitions Committee Recommendations

On 24 April 2015, the following recommendations were agreed by Petitions Committee. Updates against each are detailed below:

- 3.1 Data is sourced to clarify level usage of the play equipment during the day.

**Update:** Confirming levels of use has been problematic. Anecdotally, the lead petitioner has indicated that residents do not use the site, and on each occasion that ASB officers, Police, Public Realm have visited the site (between core hours of 9am – 4pm Mon- Fri), it has not been in use. Young families have been seen using the park on three occasions by the Neighbourhood Safety Coordinator which has also been captured on the domehawk camera.

- 3.2 All households on the new estate and local ward councillors are asked by letter to state their preference for retaining the existing play equipment, modifying the existing facility to a toddler play area or complete removal of the play area with remedial works carried out.

**Update:** 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.

3.3 Public Health is consulted on the possible outcomes detailed in this report.

**Update:** Public Health has confirmed that it would not be in support of removal of this provision mainly due to the health issues associated with Bilston East. For reception year and year six, obesity rates for school years 2009/10 to 2013/14 for Bilston East, where Dukes Park is located are 14.8% and 29.8% respectively. These rates are significantly higher than the national and local averages, and in the case of year six this is the worst ward in Wolverhampton. Obesity is a key priority for Public Health with one of the objectives being to create a less obesogenic environment. Provision of such as play areas are a key resource that can help to off-set the obesogenic environment.

3.4 Neighbourhood Tasking is 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.

**Update:** A number of multi-agency meetings have been held to consider all available options of prevention and enforcement and an action plan agreed to supplement the work done to date. A summary is provided below:

- Regular uniformed patrols have taken place by neighbourhood officers including mobile/cycle and foot.
- The situation has previously been discussed at PACT; however, no residents from Dukes Park estate were in attendance at PACT meetings held on 11 May or 20 July. Police reports were received of approximately 100 youths congregating in the area from neighbouring Tipton.
- Meetings have been held with partners and representatives of local residents and issues discussed.
- Police have met with bordering neighbourhood Policing team at Princes End to make them aware of issues and support was offered.
- Staff observations of young people coming onto and exiting the park suggest mixed use from those residing in the immediate vicinity and from other areas.
- Local schools (RSA and South Wolverhampton & Bilston Academy) have been approached and talks given to students. Schools made aware of issues.
- Domehawk CCTV camera remains in situ.
- Regular contact made with residents by way of reassurance visits, follow up calls to complainants and monitoring Facebook pages.
- There have been six young people identified causing ASB on the park; all issued warning letters by the ASB unit as they had not had previous involvement with Police.
- Police have met with youth worker and carried out joint patrols at the park; liaised with local young people with a view to diverting them to activities on offer over the summer break; further update from youth workers as follows: Provision for Outreach youth provision (11 years plus) based in Bradley. The project will run for four weeks during the summer holidays, on Wednesdays and Thursdays between

3 pm and 5 pm, team based outside the old Rocketpool youth centre. The proposed dates to work with the youth are 29 and 30 of July, 12 and 13 of August, 19 and 20 of August and 26 and 27 of August. Activities will be based around football and light sporting activities with the emphasis on social education.

- There have been ten incident logs recorded since 27 April that can be linked to the park; there have however been a handful of reports via Facebook and local residents telling officers on patrol after incidents have occurred. There have also been two recorded crimes of criminal damage.
- Trading Standards have indicated that they have not any complaints from residents about under-age sales or received any credible intelligence to undertaken test purchasing in the locality.

3.5 Adoption of the play area does not take place until the above has been clarified.

**Update:** Barratt Homes have been notified of this position. They have indicated their keenness to progress adoption of the park and are seeking legal advice regarding their position. They have also indicated a willingness to start discussions with the council to seek an amicable solution depending on Petition Committee's recommendations.

3.6 The offensive graffiti is to be removed and the site cleaned immediately and Barratt's recharged if necessary.

**Update:** This was actioned speedily by Public Realm. The majority of the graffiti was removed on the day of Petitions Committee's request with the remainder removed within three days. The Play area and the adjacent green area which was heavily littered were cleansed the day after Petitions Committee. Public Realm has maintained a watching brief on the park, with monthly visits carried out. All litter cleaning and repairs have been reported promptly to Barratt Homes for action. Public Realm Services have also assisted Barratt Homes in carrying out repairs to the play surface in the play area following vandalism through one of its specialist contractors, the cost of which has been met by Barratt Homes; furthermore the location has been litter picked by Council staff on a number occasions following concerns from local residents about glass and general litter accumulating on the site.

#### **4.0 Summary of Considerations**

4.1 The children's play area was a requirement for the estate being granted planning consent.

4.2 Concern has been raised about the potential loss of the equipment by ward Councillors and Public Health due to long standing issues with child obesity in the area.

4.3 Anecdotal evidence suggests the play area is not regularly used by local children

4.4 The Lead Petitioner has indicated that although the frequency of incidents has reduced, the ASB is continuing, with youths congregating on the site until early hours in the morning; and maintains that the park should be removed. On-going reports of damage

and litter at the site support these reports; damage to play equipment and littering continues to be reported to Barratt Homes, identified following monthly visits carried out at the site by Public Realm staff and reports received from local councillors.

- 4.5 The multi-agency response to address ASB has been prompt; however the resources currently allocated to respond to calls for service are not sustainable. Proportionate enforcement action has been taken against young people identified of having involvement in ASB and liaison with schools and services in Sandwell have been held.
- 4.6 There are cost implications of removing the equipment and undertaking remedial landscaping works; these are estimated at approximately £30,000.
- 4.7 The play area is included in scheduled area-wide proposals for Council adoption from summer 2016. Steps to progress this have been halted until the outcome from Petitions Committee is known.

## **5.0 Recommendation**

- 5.1 Petitions Committee, at its meeting on 24 April 2015 considered the following three outcomes in response to the petition seeking removal of the play area at Dukes Park estate. In light of the updates received in this report, recommendations are now sought from Petitions Committee regards its preferred outcome.
- 5.2 Outcome One - 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.
- 5.3 Outcome Two – 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.

5.4 Outcome Three – Barratt Homes is 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 continue, 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.
- Discussions would need to be held between Barratt Homes and the City Council to agree how this could be taken forward and cost for removal covered.
- There would be a reduced longer-term cost to the Council of maintaining the grassed area.
- Petitioners would be satisfied with this outcome.

## **6.0 Financial Implications**

6.1 A financial payment of £71,494 was received by the Council from Barratt Homes as part of the S106 planning requirement.

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 large play area. Following this period, on-going repair and maintenance costs would be absorbed by the Council.

6.3 The Council's Planning Department have suggested that if the existing large play area is removed then the financial payment of £71,494 should be re-paid back to the developer Barratt Homes.

6.4 If option one to retain the play area as it is now is selected there are no cost implications attached. If option two is selected there is a cost implication attached to the removal of the current large play equipment and the replacement cost of the new pre-school play equipment, it is estimated to be in the region of £16,000. If option three is selected to remove the play equipment and grass over the area then there is a cost implication estimated to be in the region of £30,000.

6.5 Once a preferred option is selected negotiations will need to take place with the developer Barratt Homes to see if they are prepared to contribute towards any cost implications that may arise as a result of the decision. If the developer refuses to contribute towards any costs associated with the decision then the pressure will fall upon

the Council, for which there is currently no budgetary provision within the Public Realm Service.

[NM/11082015/V]

## **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.

[LD/11082015/A]

## **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**

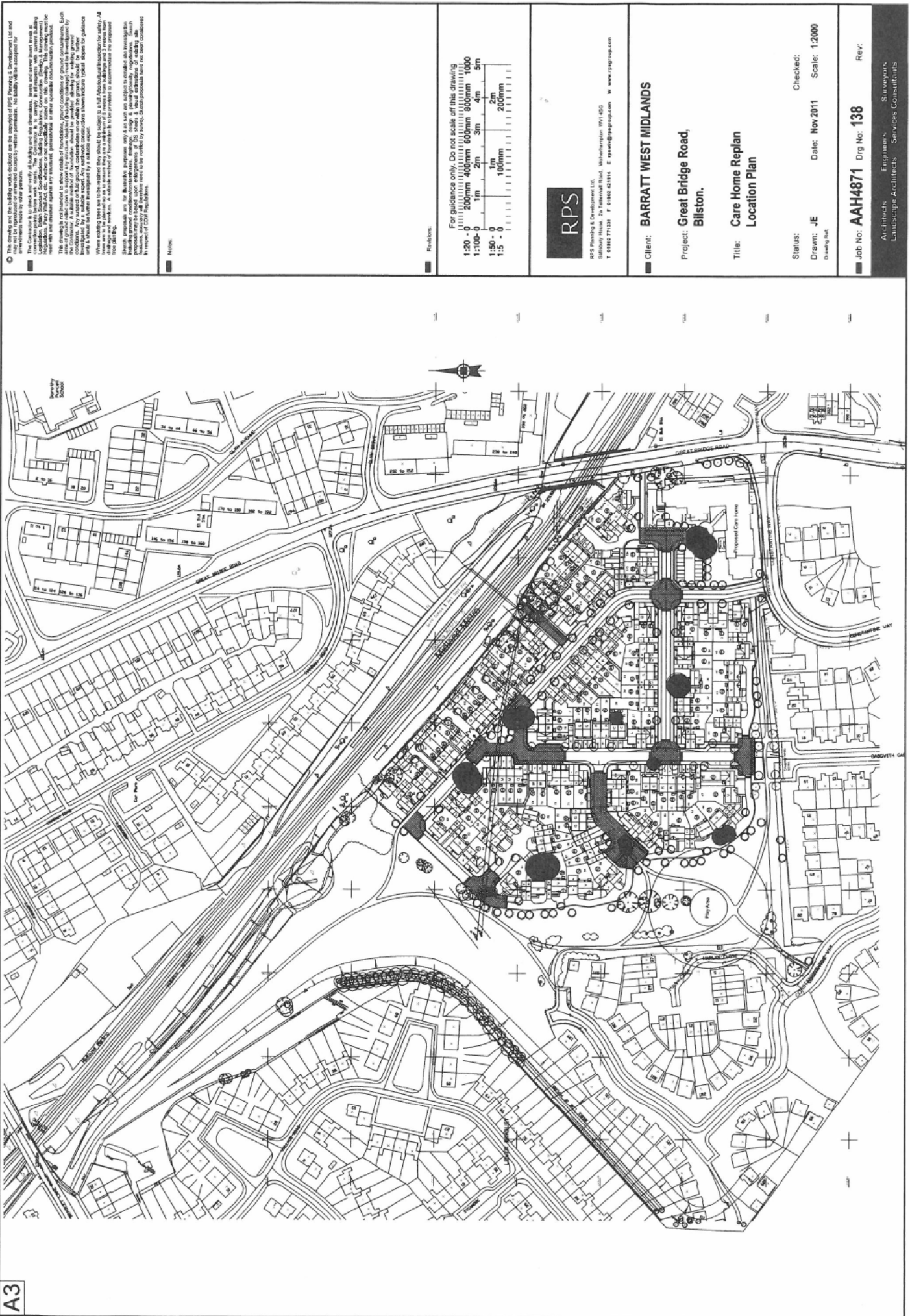
- 11.1 The preferred recommendation outlined within this report, would remove the risk of the Council being liable for the longer term repairs and maintenance of the play equipment, and would reduce the longer-term cost of maintaining the grassed area.

## **12.0 Schedule of background papers.**

Petitions Committee, 24 April 2015, Petition – Removal of Park from Dukes Park Estate



# Appendix A



A3

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**Client:** BARRATT WEST MIDLANDS  
**Project:** Great Bridge Road, Bliston.  
**Title:** Care Home Replan Location Plan  
**Status:** Drawn: JE Date: Nov 2011 Scale: 1:2000  
 Checked: Drawing Date:

**Job No:** AAH4871 **Dwg No:** 138 **Rev:**

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