

## **Review Committee – 22 April 2014**

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Minutes of the meeting of the **Review Committee** held on **22 April 2014** when there were present:-

Chairman: Cllr C J Lumley  
Vice-Chairman: Cllr D J Sperring

Cllr R R Dray  
Cllr J D Griffin  
Cllr Mrs A V Hale  
Cllr M Hoy

Cllr T E Mountain  
Cllr Mrs C E Roe  
C G Seagers  
Cllr I H Ward

### **VISITING MEMBER**

Cllr K J Gordon, Portfolio Holder for the Environment, Leisure, Arts and Culture

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs Mrs L A Butcher, J R F Mason and Mrs M J Webster.

### **OFFICERS PRESENT**

R Evans	-	Head of Environmental Services
N Khan	-	Principal Solicitor & Deputy Monitoring Officer
P Gowers	-	Overview and Scrutiny Officer
M Power	-	Committee Administrator

### **97 MINUTES**

The Minutes of the meeting held on 8 April 2014 were agreed as a correct record and signed by the Chairman.

### **98 DECLARATIONS OF INTEREST**

Cllrs R R Dray, C J Lumley, Mrs C E Roe, D J Sperring and I H Ward declared a non-pecuniary interest in the item on the locking of parks and open spaces by virtue of being Rayleigh Town Councillors. Cllrs Mrs A V Hale and M Hoy declared a non-pecuniary interest in the item on the locking of parks and open spaces by virtue of being Hullbridge Parish Councillors.

### **99 THE LOCKING OF PARKS AND OPEN SPACES**

Members considered the report of the Head of Legal, Estates and Member Services on the call-in of an Executive decision in relation to the locking of parks and open spaces.

In response to questions, the following was observed/ noted:-

- While Rochford District Council must take a reasonable level of care to protect its assets, there is no prescribed legal duty of care.
- Reference was made to the extent in which the Council complies with the Environmental Protection Act 1990 but it was felt that this was not directly relevant in this case.
- Although locking park gates will not necessarily prevent people from entering a park, it will prevent vehicles driving into the park. As most of the reports of anti-social behaviour (ASB) in Fairview Open Space are centred around cars parking within the park, this is likely to reduce ASB in this location.
- Three Parish/Town Councils had made representations regarding the potential for anti-social behaviour in parks during the hours of darkness, following the District Council's decision in April 2013 to cease the daily locking/unlocking of all parks and open spaces. In response to a question from the District Council, only Ashingdon Parish Council was able to provide significant evidence of ASB incidents reported to the Police. The Committee felt that the District Council should have obtained this information from the Police direct rather than rely on information provided by the Parish/Town Councils. It was further confirmed that the Council's ASB officer was aware of the issues of ASB in the Rayleigh and Hullbridge parks and that this had been drawn to the attention of the Portfolio Holder before the decision was taken.
- The amount of £2,738 that was contributed by Ashingdon Parish Council represents half the total cost of locking/unlocking the gates at King George V Playing Fields, Ashingdon.
- In the summer of 2013 Rayleigh Town Council was asked to make a one-off payment towards the cost of locking/unlocking the gates at Fairview Open Space on Friday and Saturday evenings during the summer on the basis that the future cost of this would be included in the new contract. The Portfolio Holder advised that this had not been possible because of the need for the Council to make severe budget cuts. It was noted that potential cuts in this area of Council spending had been considered by the Member Advisory Group for Grounds Maintenance and discussed at the two Members' budget away days in 2013/14.
- None of the Committee objected to the cemetery gates being locked but questioned the criteria used to determine that other Council parks and open spaces, where there had been incidents of anti-social behaviour reported, were not. It was noted that no vandalism in the District's cemeteries had been reported.
- The District Council had obtained a quote for daily locking of all open spaces previously locked, which was disproportionately high, as was the quote obtained by Rayleigh Town Council for Fairview and Brooklands

open spaces. A further option that had been considered was for SITA to lock/unlock these open spaces at the same time that it locks the District's public toilets each day; this would be at about 6.30 pm each evening throughout the year. However, the reaction from Rayleigh Town Council and Hullbridge Parish Council had been that this would be too early during the summer months.

Based on the information received, the Committee decided that the decision to lock certain parks and open spaces and not others had been flawed, as there is evidence of greater levels of ASB in areas that are not locked compared with those that have been earmarked for locking. It was felt that there should have been closer dialogue between the Council's ASB officer and the Police and direct liaison by the District Council with the Police.

On a show of hands, it was:-

### **Recommended to the Portfolio Holder for the Environment, Leisure, Arts and Culture**

That, following information received at the meeting, the decision to reintroduce daily locking/unlocking of Hall Road Cemetery, Rochford, Hockley Road Cemetery, Rayleigh and King George V Playing Fields, Ashingdon be reconsidered due to the concerns expressed regarding how evidence of anti-social behaviour in the open space areas was gathered.

Note: Cllr C G Seagers wished to be recorded as having voted against the recommendation.

The meeting closed at 9.45 pm.

Chairman .....

Date .....

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