

## **PARKS LOCKING UPDATE TO OVERVIEW AND SCRUTINY**

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### **1. EXECUTIVE SUMMARY**

- 1.1 A decision was taken on the 3<sup>rd</sup> October 2014 by the Cabinet Member to cease locking parks. The decision on the report ENV 14 52 was called in and heard at OSC on the 29<sup>th</sup> October 2014. At the meeting the Cabinet Member was asked to reconsider the decision and agreed that the decision be deferred to April 2015, to enable consultation with the Friends of the Parks and Police. It was also agreed that Friends of Parks not previously contacted be written to, to invite their views.

### **2. RECOMMENDATIONS**

- 2.1 It is agreed to proceed with unlocking the partially locked parks only as set out in appendix 3 and in accordance with report ENV 14 52 as set out in 3.6 of this report

### **3. BACKGROUND**

3.1 There are 124 parks and open spaces within the borough. Of these 22 are currently locked (14) or partially locked (8) at night either by locking pedestrian entrances and/or vehicle barriers.

3.2 The locking of park gates is conducted each night by parks staff operating on an overtime basis. Annually this creates a budget pressure.

#### **3.3 Consultation**

3.4 Further to the OSC meeting on the 29<sup>th</sup> October 2014 where it was agreed that the decision be deferred to April 2015, to enable consultation with the Friends of the Parks and Police. It was also agreed that Friends of Parks not previously contacted be written to, to invite their views

3.5 To this end the following consultation has taken place:

3.5.1 Meetings have been offered to all of the Chairs and Secretaries of the FOP's affected by the decision (16 FOP's). These took place between November 2014 and March 2015. The outcome of each meeting has been recorded in a letter which the FOP's have each agreed is a record of their views and is appended to this report (Appendix 1).

3.5.2 In summary 10 of the FOP's groups affected would still like to see them locked at night (refer to appendix 3). The main reasons for this were to protect; parks assets, wildlife, resident's properties, prevent ASB (litter, drugs, dog baiting, youths, travellers, rough sleepers, crime).

3.5.3 In contrast 6 of the FOP's groups affected were prepared to support the leaving these parks unlocked at night (refer to appendix 3) as they accepted that the parks were not secure and could be accessed day and night. Generally the FOP's of partially locked parks were supportive of the trial to leave these parks unlocked at night. Some of the FOP's saw this as a positive move as they acknowledged that people wanted to use the parks after dark to walk dogs and for access through the parks.

3.5.4 The remaining 10 FOP's who are not affected by the proposal were also consulted and asked to provide views by the 13<sup>th</sup> March. To this end 5 out of the 10 responded and 4 of these objected to the proposal. The main reasons for this were ASB and litter. The other 7 FOP's did not express a view on this matter and so could be seen as accepting of the proposed trial.

3.5.5 Therefore of the total 26 FOP's, 12 supported or did not hold a view on the proposed trial and 14 objected.

3.5.6 Consultation with the Police which is summarized in Appendix 2

3.5.7 Other data has also been collected to help inform the review of the decision which includes the crime data in the affected parks both day and night as set out in Appendix 3.

3.5.8 In recording residents' concerns, it is clear that fear of certain crime types does not match the actual reports of crimes (in parks which are already left open). This is especially relevant in relation to fear of burglary. This is not shown to be a higher risk in areas which abut those parks that are already accessible during the night. It is also clear that the perimeter security of most parks doesn't exceed what might be in place at a private residence. (e.g. 5 foot fencing). The average density of crime occurring in Enfield parks per sq. km is also significantly below the average crime density for the borough as a whole.

3.5.9 A review of other London Boroughs positions on whether they lock all or some parks and how they undertake this function has been undertaken. In summary 29 of the London Boroughs responded. The key findings were:

- 6 boroughs lock all of their parks
- 22 boroughs lock selected parks
- 1 borough does not lock any parks (Bexley)
- The main reason for locking the parks was due to ASB
- Costs for locking parks were not available in most cases but the average annual cost was around £3k per park
- 8 of the parks were locked by the parks staff, 7 by security companies and 2 by the grounds contractor. 12 did not state who locked the parks.

3.5.10 All other views submitted on the decision from residents and other interested parties have been recorded and are listed in Appendix 4.

3.5.11 The perimeter fence heights have also been reviewed for all of the affected parks. In summary it shows the average height of the perimeter fence is 5ft with the exception of Minchenden Oak Garden (10ft) and Raynham Green (6ft).

### **3.6 Way forward**

3.6.1 Further to the consultation it is acknowledged that generally the FOP's and local residents surrounding the locked parks are concerned about the fear or increased ASB and associated problems.

3.6.2 The FOP's representing the partially locked parks was generally accepting of the access to the park already at night and so willing to accept the trial, and in some cases positively support the proposed trial.

3.6.3 Therefore it is proposed that the parks that are only partially locked will continue to close at the specified closing time, but the physical locking of the gates in these parks will cease , but with the following caveat:

- Vehicle barriers and toilets will continue to be locked at night to prevent access to unauthorised vehicles. Toilet closing and opening times will be advertised on at the site and carried out by the contractor or the café.

3.6.4 It is proposed that this approach would be implemented and monitored regularly.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

4.1 Continue to lock the 22 parks currently locked, although the budgetary pressure of £26,000 would remain.

4.2 To unlock all 22 parks, however given the concerns of the FOP's this approach was not supported.

4.3 Look to the voluntary sector such as the Friends of Parks Groups to lock parks. This approach works at North Enfield Rec, where two individuals unlock and lock the park daily. Whilst this approach works at North Enfield Rec due to the dedication of those involved, this approach was offered to the FOP's however there were concerns regarding safety.

4.4 Changing the working pattern of parks staff so that the park's gardeners could lock parks upon completion of their shift which would result in less hours of horticulture work.

4.5 Contract with a security company to carry out the locking as in some other London Boroughs, however this would be significantly more than the current budget.

#### **5. REASONS FOR RECOMMENDATIONS**

5.1 Further to the consultation with the FOP's there was a clear correlation between the views of the Friends of the 'locked parks' and the FOP's wanting them to remain locked, and the views of the FOP's of the 'partially locked' parks where they accepted there was already access to the park at night and so were accepting and in some cases positively supportive of the trial.

5.2 In addition to the consultation with the FOP's, the evidence available from crime reports, continuing actions such as the fact that vehicle

gates will be locked, and toilets and other buildings secured separately, support the proposed approach with partially locked parks.

## **6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES, AND OTHER DEPARTMENTS**

### **6.1 Financial Implications**

6.1.1 Ceasing to locking 8 of the 22 parks would result in an annual saving of approximately £9,450 which would be saved from the Parks Service's overtime costs.

6.1.2 The £9,450 saving is the maximum achievable, given the need to continue locking vehicle barriers, and would fluctuate under the scope of the monitoring process should there be any need for a revision.

### **6.2 Legal Implications**

6.2.1 The recommendation set out within this report is within the Council's powers and duties.

6.2.2 As demonstrated within the body of this report, the Council has consulted extensively with Friends of the Parks groups and the police as well as analysing crime data in the affected parks. The outcome of this consultation and research has been considered within the decision-making process, to help secure a reasonable and proportionate decision.

6.2.3 The main reason for objections to leaving the parks unlocked at night is the perceived risk of increased antisocial behaviour. Section 17 Crime and Disorder Act 1998 requires the Council to consider crime and disorder and anti-social behaviour in the discharge of all of its functions. The report notes that the locking of partially locked park gates will cease and the situation monitored.

6.2.4 The relevant byelaw covering the Council's parks and open spaces was confirmed on 25<sup>th</sup> August 2011 and this provides for criminal sanctions to deal with offenders should this be required. Section 3(1) prohibits people from entering parks except during opening hours, which are indicated by a notice placed at the entrance to the parks. Anyone who enters these sites outside of opening hours may be removed by a Council officer or a constable (s41) and may be liable on prosecution to a fine of up to £500 (s42). The Council is not obliged to lock its parks and open spaces in order to enforce these provisions.

6.2.5 The Council has a duty of care under the Occupiers Liability Act 1984 and must take reasonable care to minimise danger to prevent risk of injury to those entering its parks including trespassers. The Council

should undertake a risk assessment to identify any additional risks presented by leaving the parks unlocked at night and whether it needs to take any steps to mitigate against such risks.

### **6.3 Property Implications**

- 6.3.1. The parks buildings could be at greater risk in the selected parks of criminal damage, which is currently one of the crimes committed relatively infrequently, but as outlined above the parks fences and boundaries pose little protection against a determined individual.
- 6.3.2 Monitoring incidents of vandalism to buildings during the trial period will establish whether leaving the selected parks unlocked at night has any significant impact in this respect.
- 6.3.3 As mentioned in 6.2.1, because the actual opening hours of the parks will not be changing, those existing leases to tenants within parks which have reference to access during parks' opening hours will not be affected.

## **7. KEY RISKS**

- 7.1 Crime and anti-social behaviour could increase within the selected parks as they would be more accessible.
- 7.2 There could be resistance from the local community not picked up via the FOP's consultation, who would prefer that their local park remains locked at night. This could result in a reputational risk to the Council.

## **8. IMPACT ON COUNCIL PRIORITIES**

### **8.1 Fairness for All**

This proposed trial reflects the general views of the FOP's.

### **8.2 Growth and Sustainability**

Reducing the number of parks locked on overtime is more sustainable for the budget going forward.

### **8.3 Strong Communities**

The proposals outlined within this report generally support the view of the FOP's following the consultation.

## **9. EQUALITY IMPACT IMPLICATIONS**

Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment/analysis is neither relevant nor proportionate for the approval of this report.

## **10. PERFORMANCE MANAGEMENT IMPLICATIONS**

It is believed that there would be no impact on performance as a consequence of the proposals outlined within this report.

## **11. HEALTH AND SAFETY IMPLICATIONS**

The parks will officially remain closed, but not locked. People will not be encouraged to enter the park after dark and put themselves at risk.

## **12. PUBLIC HEALTH IMPLICATIONS**

Parks and open spaces are a community resource and the general presumption should be that they should be accessible to the public for as long as possible.

## **Background Papers**

**None.**