

COUNCIL

24 JANUARY 2017

REPORT OF THE HEAD OF PUBLIC REALM

A.1 PETITION – PROTECTING OPEN SPACES IN BOCKINGS ELM

(Report prepared by Ian Taylor)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

- To consider a petition received by the Council requesting that the Council protects an area of open space in Woodrows Lane /Purley Way /Mayford Way, Bockings Elm Ward from incursion by any unauthorised motor vehicle.
- The petition states “*We, the undersigned, are concerned about the increase in arrivals of caravans and camper vans from the travelling community in the Clacton area. We would like the Council to erect concrete bollards or stones along the edge of the field adjoining Woodrows Lane/Purley Way/Mayford Way, with one removable bollard to allow the Council Gardener access to mow the grass and empty the dog waste. The stones should allow mobility scooters and pushchairs through, but not motorised*”.

EXECUTIVE SUMMARY

- The Council has received a petition of approximately 400 signatures requesting the Council protects an area of open space from potential incursion by Travellers;
- The petition requests the use of bollards or stones to prevent access to the land by any unauthorised motorised vehicle;
- The petition was concerned about the increase in arrivals of caravans and camper vans from the travelling community in the Clacton area;
- Receipt of the petition was reported to Council on 22 November 2016 and it was agreed that the petition be investigated and considered at the next ordinary meeting of the Council which is 24 January 2017;
- The issues raised in the petition have been investigated in accordance with the Council’s Scheme for Dealing with Petitions which requires the matter to be investigated and a report submitted direct to Council where there are more than 250 signatures on the Petition.

RECOMMENDATION(S)

That Council considers the petition, notes the content of this report but in view of the processes already in place and conclusions of the investigation does not put any further measures in place at this time.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council’s vision is to put community leadership at the heart of everything it does through the delivery of high quality, affordable services and working positively with others.

This includes balancing the budget and making the most of our Assets.

The expense of protecting all open spaces for a perceived threat could not be justified in the present financial climate and enclosing open spaces detracts from their appearance and use as public open spaces.

FINANCE, OTHER RESOURCES AND RISK

Finance and Other Resources

The cost to the Council of protecting all open spaces in the District on the basis of a perceived threat of incursions from unauthorised activities would be significant and would provide little deterrence and no quantifiable protection from incursion.

Risk

The Council is required to monitor open spaces and all public land and ensure public safety.

The requirement to prevent perceived unauthorised access to public land as opposed to actual threat of incursion risks unnecessarily diverting resources from other important functions in relation to open spaces such as safety inspections, essential maintenance and assisting in dealing with actual incursions when they infrequently occur.

LEGAL

The Council adopted its Petition Policy on 11 February 2014. In accordance with the procedure, officers have investigated the content of the petition. Council may now consider the petition.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Health Inequalities / Area or Ward affected / Consultation/Public Engagement.

Consultation and Public Engagement

A petition has been received and should be considered under the new procedure.

Area or Ward Affected

Bockings Elm Ward

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Council is responsible for many areas of public open space throughout the District which are available for the use and enjoyment of the general public.

These areas can be subjected to misuse in a variety of forms from individuals or groups with and without vehicles. It is important to stress that such misuse can be from a range of individuals and groups.

The public has a reasonable expectation that the Council will take measures to protect public open space against anti-social or unauthorised activity where this is practical and possible.

Introducing physical barriers against incursion by vehicles is only considered when it is considered that there is a tangible risk of incursion and that such physical barriers cannot be easily circumvented. In addition the Council has to be mindful of the impact that such physical barriers will have on appearance, the cost of installation and the restrictions that such barriers may have on efficient maintenance.

CURRENT POSITION

The Council has received a petition which is signed by approximately 400 people. It states:

We, the undersigned, are concerned about the increase in arrivals of caravans and camper vans from the travelling community in the Clacton area. We would like the Council to erect concrete bollards or stones along the edge of the field adjoining Woodrows Lane/Purley Way/Mayford Way, with one removable bollard to allow the Council Gardener access to mow the grass and empty the dog waste. The stones should allow mobility scooters and pushchairs through, but not motorised vehicles.”

INVESTIGATION / OPTIONS CONSIDERED

The Council has investigated the open space referred to in the petition both in terms of any history of Traveller incursions, whether it is possible to introduce physical barriers to achieve the aims of the petitioners, the likely cost of doing so and the potential impact on the community asset including implications for future maintenance.

There are no reported instances of incursions onto this open space by Travellers or other groups and no reported incidents of other unauthorised vehicle activities such as parking or driving.

The cost of introducing wooden posts (generally the most affordable option) around the perimeter of the entire site is estimated at £2,500 to £3,500.

In addition, there are concerns associated with introducing wooden posts or other barriers that ensuring total exclusion of vehicles could be difficult. This is mostly arising from footpaths and areas of the open space adjacent to private properties. It is also evident from other sites that if unauthorised access is desired by any group they generally have the means to remove any physical barriers by use of hydraulic excavation equipment or similar.

The overall assessment of the site in relation to this request was that introducing physical barriers to prevent vehicles, if comprehensive enough to achieve the objective would require a significant initial cost, regular maintenance including inspections and repairs and would detract from the appearance of the current site.

Open spaces are intended where possible to be open and not so protected as to detract from general enjoyment.

Whilst the current petition is confined to an area in Bockings Elm, the Council is aware of similar concerns being raised elsewhere in the District and so care must be exercised so as to not create a precedent and an expectation that all areas of open space will have physical barriers to prevent unauthorised access.

There is no evidence that Travellers are using these sites and if incursions occur they are dealt with as and when they arise by the Council in cooperation with the Essex County

Council Traveller unit. There is an effective and generally conclusive procedure which has brought such incursions, where they have occurred across Tendring, to a relatively quick conclusion and whilst there is consensus that such incursions are intolerable for those directly affected it is also the case that Tendring experiences far fewer than other areas across Essex and their duration is in general much shorter.

To barricade off with bollards all our open spaces because of a perceived threat of illegal occupation is not considered a prudent or best use of public finances.

The response to the petition and conclusion of the investigation is that whilst this appears to concern a defined open space in one area of the District, the same possibility of Traveller occupation exists across all open spaces over the whole District, both public and private open spaces. The expense of protecting all of the public open spaces sites for a perceived risk could not be justified in the present financial climate and would not be proportionate to the impact of incursion. Further to this, even without financial constraints, officers do not consider the potential development of more physically protected sites will enhance the appearance of the District or deliver improvements to the quality of life of residents.

APPENDICES
None