

## **Council – 10th September 2007**

### **Changes to Constitution with regard to control of parks and open spaces**

**Service Area:** Public Protection

**Wards:** All

#### **Summary of report**

Increasingly over recent years perception of safety and the fear of crime has been a major and principle concern of parks users. At its meeting in October 2006 Cabinet approved the Green Space Strategy 2006-2010. In drawing up the strategy a survey was undertaken involving 10,000 households representing a substantial representation of the Boroughs community. This survey clearly showed that the biggest single barrier to greater use of the parks and open spaces is concerns about personal safety. Although this was identified as the primary concern it was followed closely by other aspect of real anxiety including anti-social behaviour, vandalism, graffiti, littering, dog fouling and dog control.

This survey followed research carried out with the Citizens Panel in 2005. This research identified a number of key issues of dissatisfaction in relation with the boroughs green spaces including the lack of cleanliness, rubbish and litter, safety and security and dog fouling.

The costs to the Green Space Service in repairing and responding to acts of vandalism, graffiti, criminal damage and arson has risen constantly each year placing a disproportionate drain on limited resources restricting improvement and development and reflecting negatively on the service and customer satisfaction. Arson attacks alone have resulted directly to the loss of facilities.

The front line Parks Ranger Service is key in the process of instilling public confidence in reducing the fear of crime and tackling the changing trends and increasing levels of anti social behaviour presently being experienced. The important role of the Park Ranger was recognised by the local community in the surveys and the need to review the role, function, management and organisation of the Park Ranger accordingly reflected in the actions resulting from the strategy.

As part of this review and to increase the effectiveness of the ranger role in tackling the increasing anti-social activity it is proposed that environmental enforcement powers be delegated to the Head of Green Spaces enabling the appropriate delegation to the park ranger staff role.

## **Recommendations**

- (a) (1) To authorise the Head of Greenspaces to exercise all the powers and duties of the Council as a local authority to administer legislation in the furtherance of his duties, including but not limited, to the following Acts:

Animals Act 1971  
Anti-Social Behaviour Act 2003  
Clean Neighbourhoods and Environment Act 2005  
Dangerous Dogs Acts 1989 and 1991  
Dogs Act 1871  
Dogs (Fouling of Land) Act 1996  
Environmental Protection Act 1990  
Local Government (Miscellaneous Provisions) Acts 1976 and 1982  
Regulation of Investigatory Powers Act 2000  
Town Police Clauses Act of 1847 and 1889

and to delegate this authority to officers under his control from time to time.

- (2) To authorise the Head of Green Spaces to institute on behalf of the Council any legal proceedings in relation to the control of parks and open spaces.
- (b) That these delegations take immediate effect and that the Constitution be amended accordingly.

## **Resource and legal considerations**

The report has been written with support from officers in Legal and Constitutional Services. Such delegation is only permitted provided the function to be delegated is not an “executive” one and is in the interests of the citizens of the borough.

## **Citizen impact**

Personal safety and the fear of crime along with anxieties relating to littering, anti-social behaviour, dog fouling, dog control and graffiti have been identified as key barriers to the use of parks. The delegation of environmental enforcement powers to the park ranger role is a key process in the review of the service to more effectively deal with anti social activity in the boroughs green space thereby reducing public anxiety and encouraging greater and safer use of the parks.

## **Environmental impact**

The delegation of appropriate environmental enforcement powers as part of the overall review of the Park Ranger Service will contribute to the more effective response and control to issues of dog fouling, littering, fly tipping and graffiti amongst other anti- social activities which have a serious negative and impact on the park environment.

## **Performance and risk management issues**

It is expected that the proposed changes will improve the Council's performance in carrying out its public protection function more effectively.

If the Constitution is not updated, there is a risk to the authority effectively and promptly delivering services without challenge.

## **Equality implications**

Safety and the fear of crime has been clearly identified as a major and principle concern of parks users and biggest single barrier to greater use of the parks and open spaces, the delegation of appropriate environmental enforcement powers as part of an overall review of the park ranger service will contribute to the more effective response in dealing with anti-social issues encouraging increased use of the parks and open spaces and increasing the confidence of all members of the boroughs community.

## **Consultation**

The report has been prepared following representation from Constitutional and Legal Services officers.

## **Background papers**

None



**Signed:**

**Executive Director:**

**Date:** 31st August 2007

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