

Runnymede Borough Council

REVIEW BOARD

11 February 2004 at 7.30 p.m.

Members of the Board present: Councillors J.M. Edwards (Chairman), D.P. Easton (Vice-Chairman), A. Alderson, J. Broadhead, Ms. D.V. Clarke, P.A. Greenwood, J.E. Haas, Mrs. V.A. Smallman and P.B. Tuley

Members of the Board absent: None

Councillors J.R. Furey, Mrs S.E. Jacobs, C. Knight, C.J. Norman, Mrs. J. Norman and Mrs E.E. Price also attended.

696. MINUTES

The Minutes of the Review Board meeting held on 10 December 2003 were confirmed and signed as a correct record.

697. RIVERSDELL CLOSE – FENCING

1. Background To the Review

1. At its meeting on 20 November 2003, the Council's Leisure and Environment Committee had received an Officer report on the problems of Riversdell Close, a residential road adjacent to Gogmore Farm Park. There was an alley at the end of the Close, which was used as a pedestrian route between Chertsey town centre, Gogmore Farm Park and Cowley Avenue and Pycroft Road beyond. The residents of Riversdell Close, had, for over ten years, reported problems with young people, who regularly used the alley on their way to and from the town centre, behaving in an antisocial way when doing so. There were reports of a variety of incidents, some of which were considered serious. These tended to occur in a series over a short period of time often followed by a quiet spell. Most of the problems were reported as taking place in the evening or during the night. Having considered this matter, the Leisure and Environment Committee had agreed that a fence be erected along the boundaries of the park where it adjoined Riversdell Close consisting of a 1.8 metre high 'weld mesh' fence with associated planting of thorny shrubs on the park side. This would block the direct route from the park to the alley and would be designed to deter the use of the alley as a cut through. The Committee had agreed that the fence should be installed for a trial period until November 2004 and in the meantime, other possible options available to improve the situation in the area would continue to be looked at.
2. The Review Board had been requested by Full Council to review and report to Council via the Leisure and Environment Committee on the merits of the decision made by the Leisure and Environment Committee on 20 November 2003 to erect the above fence. Although the Council supported the review it had also agreed that this should not have the effect of delaying the erection of the fence. The fence had accordingly been erected on 12 and 13 January 2004.
3. At the Council Meeting on 11 December 2003, a petition containing over 400 signatories had also been submitted by Councillor P.A. Greenwood in the following terms :-

"We the undersigned are very concerned about the proposed restrictions in the access and egress from Gogmore Farm Park via Riversdell Close, Chertsey. We feel the proposals are a serious disadvantage to vulnerable members of the community who have not been consulted on these changes. Many of the disabled

users of the park and older members find alternative footpaths extremely difficult to negotiate. Children will be forced to use areas that do not have clear vision from park to roadway and roadway to park causing distress and concerns about hidden dangers. Therefore, we urge the Council to re-examine the decision to close this access of the park and refer the matter to the Review Board Committee enabling greater consultation and representations with all sections of the community".

4. The Review Board noted that this petition stood referred to the Leisure and Environment Committee in accordance with Standing Order 19.5.
5. The Review Board had conducted a site visit on Saturday 7 February, attended by five Members of the Board.

2. Written Representations Received

1. The Board received and noted details of 39 written representations received in support of the fence and 28 representations received against the fence or pointing out difficulties associated with it (including one from the Chertsey Society), along with a series of complaints forms about it, which had been submitted to the Council's Leisure Department.
2. Those in favour of the fence stated that it had had an immediate positive effect on anti-social behaviour. Those against the fence criticised it on the basis of their contention that Riversdell Close did not warrant special treatment and alternative routes took too long or were unsuitable or unsafe particularly for the elderly, disabled and young children. Included amongst the objectors were cyclists and horse riders who stated that their amenity had been infringed. Lack of consultation and inadequate signage had also been mentioned in the correspondence, as reasons for opposing the fence. Others felt that it would not succeed in keeping out vandals and was a waste of resources.
3. There was, however, general agreement in all the correspondence (both for and against the fence) that blocking the alleyway would be a desirable measure.

3. Evidence of Anti-Social Behaviour Incidents at Riversdell Close

1. The Police evidence in 1996 had been that nuisance was a major feature of anti-social behaviour with problems in the evening being particularly acute on Friday, Saturday and Sunday. The Board received and noted two schedules of more recent incidents at Riversdell Close which had been reported to the Police and Safer Runnymede (Appendix 'A').

4. History Of The Problem At Riversdell Close

1. The Board noted the history of the problem at Riversdell Close. The former Highways and Works Committee had considered problems arising from use of the footpath via the alleyway at the far end of Riversdell Close from the Park in November 1993. The opening of Gogmore Farm Park appeared to have given the opportunity for vandalism and disturbance, and a petition signed by 44 residents of the Close and 28 individual letters requesting closure of the footpath/alleyway had been considered by the Committee at that meeting. The report to the Committee had also noted that an alternative route was available via Gogmore Lane. The Highways and Works Committee had resolved to stop up the alleyway subject to certain provisos regarding cost contributions. The provisos were not subsequently met and stopping up did not proceed.
2. In September 1995 the Highways and Works Committee had again considered a petition together with 37 letters supporting closure of the footpath/alleyway at Riversdell Close and one objection. The report at that time noted the legal difficulties, under the existing legislation, of stopping up the footpath and the Committee had resolved not to seek stopping up. In November 1996 the Highways and Works Committee had considered a report concerning the problems which the residents of the Close were experiencing resulting from the use of the same alleyway

at Riversdell Close by anti-social elements. Fifty-nine residents of the close signed a petition seeking night time closure of the alleyway to mitigate persistent vandalism and nuisance. The report considered a number of possible solutions including improved street lighting, CCTV, fencing and gating Gogmore Farm Park, and the making of a Traffic Order. The report acknowledged possible opposition from some local residents to closure of the alleyway, on account of concerns that the problems would be simply transferred to other parts of the street. The law at the time precluded an extinguishment of the alleyway and therefore the Committee had resolved to make an Order closing the relevant section of footpath between 9.00 pm and 7.00 am daily and to install lockable gates. Despite earlier hopes, no volunteers were received from residents to open and close the gates so it had not been possible to progress this Order.

5. Meetings And Discussions

1. The Board noted that the following meetings and communications had taken place in relation to anti-social behaviour and the restriction of access, as advised by Councillor Mrs. J. Norman :-

November 2001: Meeting held with Council Officers (Technical Services and Safer Runnymede) and Police at request of Riversdell Close residents.

January 2002: Further meeting as above, also including Councillor Mrs Norman and Parks and Amenities Manager.

October 2002: Invitation to "Tackling Anti-Social Behaviour" Group under Runnymede Community Safety Strategy, focussing on Gogmore Farm Park, sent to all Ward Councillors, County Councillor, Youth Workers, Police, residents representatives and adjoining business, and staff from the Leisure Section.

December 2002 and June 2003: Anti-Social Behaviour Group met. Monthly updates distributed January 2003-May 2003.

October and November 2003: Meetings called by Police with residents, Safer Runnymede, Rights of Way Officer and Councillor Mrs. Norman.

6. Alternative Routes

1. Alternative routes remained available following the erection of the fence. At the meeting a plan (Appendix 'B') was tabled showing routes to Chertsey Town Centre and new and proposed features. Four routes were outlined on this plan, Route 1 (orange), Route 2 (Green), Route 3 (yellow), and Route 4 (red). A proposed path was also shown (in purple) and an existing path (in blue). The Officer report stated that the fence blocked routes 1 and 2. The lengths of the numbered four routes from entering the Park to Sainsbury's were 469 metres, 533 metres, 577 metres and 530 metres respectively.
2. Routes 1 and 2 consisted of level tarmac pathway through the Park in good repair, crossing the Bourne via a wooden decked bridge with pathway lighting. Route 3 was the same as route 1 and 2 until it diverged just before the wooden footbridge at the pavilion. It was level tarmac in good repair from here until Stephen's Bridge with a slight rise in level over the Herring's footbridge and a ramp from the riverside up to Guildford Street. There was no pathway lighting from the pavilion to Guildford Street. Route 4 was a grass surface from entering the park until the car park and then level tarmac from there all the way into the town centre. Normal street lighting was available from the car park.

7. Analysis Of The Petition

1. The Officer report stated that the petition was evidence of local concern and that it made assertions about disabled access and child safety. The petition asked for

reference of the decision to the Review Board to enable re-examination. It had apparently been accompanied by misleading information to some signatories as to the proposed location of the fencing and its effect on residents across the Park. Looking at a map of the wider area it was apparent that the majority of signatories would not normally use the closed path as a direct route to the town centre.

8. Legal Remedies Against Anti-Social Behaviour

1. The Board noted legal remedies against anti-social behaviour.
2. In discharging its functions, the Council had a duty to do all that it reasonably could to prevent crime and disorder in its area. In addition, the Council had very broad powers to promote and improve the social and environmental well being of the area for the benefit of the whole or part of the area or all or any persons in the area.
3. New powers under the Highways Act 1980 would enable the Secretary of State to designate an area and facilitate the closure of the alleyway footpath at the end of Riversdell Close. The Guidance suggested that submissions for designation should be made by the Highway Authority, Surrey County Council. Runnymede could make its own submission, but without support from the County Council the likelihood of success would be limited. The police were aware of the problems in the area and were broadly supportive of action to resolve matters. The County Council had previously appeared unwilling to seek designation, taking the view that the matters complained of would not be sufficiently weighty to persuade the Secretary of State that designation was appropriate. That view was not supported by the legislation itself, although there was some support for that view in the guidance. However, the Board noted a more recent letter submitted from Surrey County Council Rights of Way Section which stated that if the fence was not effective in reducing anti-social behaviour in Riversdell Close, the question of closing the alleyway might need to be re-addressed.
4. The Home Office had identified alcohol misuse as a significant contributor to crime levels and in particular 60% of local crime audits had related public order problems to alcohol. The County Trading Standards department had submitted a letter stating that they had no evidence of under-age drinking in Chertsey. However on three occasions in the last three years allegations had been made to that department that alcohol had been sold to persons under 18 years from a particular off license premises sited in Windsor Street, Chertsey. As a result of these allegations a volunteer child and an Officer had visited the premises unannounced to test the traders' compliance with the law. On this occasion the trader had refused to sell. All complaints made to Trading Standards were monitored in respect of allegations of unlawful age-restricted sales to children from all off licensed premises in Surrey. Alcohol sales to children from on-license premises were matters for investigation by Surrey Police.
5. Trading Standards policy was to write to the trader, on first complaint and on second complaint personally visit the trader. On each of these occasions detailed advice and education was given to the trader in respect of licensing law. On third complaint an unannounced test purchase was attempted from the trader with a volunteer child aged significantly younger than 18 years. Realising that unlawful sale of alcohol to children may occur outside normal office hours, visits to traders and subsequent test purchasing often took place during the evening and at weekends.
6. There were a number of powers available to the Police including the Confiscation of Alcohol (Young Persons) Act 1997 which enabled an officer to confiscate alcohol from under age drinkers in public places such as streets or parks, and required the person to state their name and address. The officer might arrest, without warrant, a person who failed to comply with a request under the Act and such failure to comply constituted an offence which carried a fine not exceeding £500.
7. The Criminal Justice and Police Act 2001 enabled local authorities, as of 1 September 2001, to designate public places where nuisance, annoyance or disorder were associated with the consumption of alcohol. In such designated public places,

a constable might confiscate alcohol and arrest without warrant, any person who failed to comply with a request to surrender alcohol. The maximum fine was again £500. The former byelaw provisions did not have powers of arrest and confiscation and had been replaced by this new stronger provision.

8. The police, as of 20 January 2004, had a new power under the 2001 Act to issue penalty notices to persons over sixteen years of age where they were found to be, for example, drunk or drunk and disorderly in a public place or consuming alcohol in a designated public place. Payment of the penalty (£40) within 21 days, avoided prosecution. The Government's intention was to provide an effective, speedy and on the spot response to minor offences and avoid the time consuming prosecution procedure. A penalty of £80 was applicable where behaviour was likely to cause harassment, alarm or distress.
9. The Crime and Disorder Act 1998 also made provision for the police or a County or District Council to seek an Anti-Social Behaviour Order (ASBO) on application to the Magistrates Court. Anti-social behaviour was behaviour which was likely to cause harassment, alarm or distress to other people, whether or not it was criminal in itself. The ASBO could require a person not to do specific acts or not to go to certain places or approach certain people. Any breach of the Order was a criminal offence.
10. The Anti-Social Behaviour Act 2003 contained further provisions enabling the police to disperse groups of two or more persons under the age of sixteen years, who were unsupervised in public places after 9.00pm and return them to their homes. There were also further powers of dispersal where a Superintendent had given an authorisation for the locality.
11. The 2003 Act provisions relating to additional local housing authority powers to obtain anti-social behaviour injunctions or terminate a tenant's security of tenure on account of anti-social behaviour had not yet been brought into force.

9. Statements And Questioning of Speakers

At the meeting the Board received verbal statements from and asked questions of a number of speakers as set out below:-

A. Councillor C.J. Norman, Chairman of the Leisure and Environment Committee

1. Councillor Norman stated that as indicated in the Officer report to the Leisure and Environment Committee on 20 November 2003, it had been agreed in January 2002 that the Council would provide a gate on one of the bridges in Gogmore Farm Park, which would be locked at night, and reopened each morning by residents, on a voluntary basis. This would have the effect of blocking the main route through the park, which was not classified as highway and was thought to be the route the relevant young people were using. After gaining the necessary consents a gate was erected in May 2002. Unfortunately because of intimidation and harassment, residents were unable to maintain the locking and unlocking duties and the gate was now left permanently open. The Council had considered using its staff, or contractors, to lock and unlock, but the costs of doing this twice a day 365 days a year were prohibitive. There were a number of further meetings between December 2002 and May 2003 involving Officers from Runnymede Borough Council and the County Council, the Police, residents and Ward Members, which looked specifically at the problems of antisocial behaviour in and around Gogmore Farm Park, but these were discontinued at the request of the Police, when the number of reported problems significantly reduced. Residents had now reported the same sort of problems occurring again. The Officer report had included the option of erecting a permanent fence. The Committee had noted that the initial cost of this proposal was likely to be approximately £8,000.
2. The November report to Leisure and Environment Committee had gone on to say that if the fence were to be put up, in addition to the fencing, other

options available to improve the situation in the area would continue to be looked at. These included closure of the alley and a possible drinking ban. Planning permission would not be required to erect the fence. The proposed fence and planting would affect the look of the area, which currently had an open aspect. However, in selecting the materials, Officers had sought to find a balance between achieving the desired results and minimising the impact on the park. The proposed fence would block an established pedestrian route to and from the town centre, and a horse route.

3. The November report had continued by stating that Councillor Mrs. J. Norman had arranged for residents of Riversdell Close to be consulted on the proposals and reported that none of them had raised any objections. Officers had submitted the proposals to the other Ward Members and one had objected strongly to the scheme, on the grounds that whilst accepting that residents had made complaints about young people there had been no assessment of the effect the proposal would have on users of the park, the perception being that it would have a major impact on parents and children using these routes to and from the park on a daily basis. Many of the residents, some of whom were senior members of the community, used the park and accessed the town areas and particularly access to St. Peters Church, without causing anyone a disturbance, carrying out their legitimate business. It had been further suggested that the proposals should be the subject of a wider consultation process involving all sections of the community and other 'stakeholders' not just those who would benefit from the proposed alterations.
4. Councillor Norman stated that the Vice-Chairman of the Leisure and Environment Committee, Councillor Mrs. Jones, had put forward an amendment at their meeting on 20 November 2003, which had been carried by 9 votes to 1, that the fence should be installed for one year finishing in November 2004, on the basis that the extent of the disadvantage to the residents on the Cowley Avenue side of the fence would be minimal, in that they would either not use the Riversdell Close route or that the alternative routes would not be greatly longer.
5. On the issue of consultation, Councillor Norman stated that those most closely affected had been consulted, namely the residents of the Close, and that for those people the fence had transformed matters. Many decisions had to be taken without extensive consultation. The decision which the Leisure and Environment Committee had taken was a question of balancing the inconvenience of some with the aggravation being experienced by the residents of the Close, and the interests of the Close residents had to take precedence. The Council would take what action it could to curtail the anti-social behaviour of youths. A recent Community Strategy visioning evening had emphasised the need to tackle anti-social behaviour as well as the need to improve facilities for young people. In this connection, Surrey County Council's proposals for a youth worker at Gogmore Farm would be helpful. The Council had a duty to prevent crime and disorder and promote social and environmental well being. An application could still be made to close the alleyway in the Close and this might well be the best long term solution. Under the new legislation, a legitimate case for closure could be made. Anti-social behaviour and alcohol misuse were matters for the police. Routes through the park and the alleyway had never been without some problems. The Park had replaced overgrown land which was in that area previously. Of the alternative routes, route 3 offered the best alternative, although the added distance of 100 metres had a disadvantage. Cycle route signage would need to be amended.
6. Councillor Norman answered questions from individual Board Members. Councillor Norman was asked how convenient he thought the alternative route might be to the Windsor Street Post Office and he stated that he thought it would add about one minute and a half to the journey. He was asked about flooding of footpaths along the river. Councillor Norman stated

that when it was flooded, Gogmore Park was inaccessible but a path along the Bourne might be usable with ramp steps, although work would be needed at the point where the path left the bridge near the pavilion. Footpath and lighting improvements would be needed. Councillor Norman was questioned on whether he thought that following a development control planning application process would have resulted in a different Leisure and Environment Committee decision. He stated that he did not think that the decision would have been altered because the Committee's immediate concern was the number of incidents. In particular, the Committee had been concerned about the two incidents of violence. That for them was the overriding issue.

7. Councillor Norman was also questioned on the timescale for looking at the improvements to footpaths to the Bourne. Councillor Norman stated that in agreeing to the fence being erected, the Committee had accepted the need for further works to footpaths. Improvements should be made on the area from bridge to bridge fairly soon. Some lighting was obtained here from an adjacent building.
8. The Board invited Councillor Norman to comment on the suggestion that even if the alleyway were to be closed, the fence would still be needed. Councillor Norman expressed the view that if it had been possible to close the alleyway that would have settled the matter. The County Council's Rights of Way Officer had been of the view that there might be insufficient grounds to take this to the Secretary of State. It was suggested by a Board Member that consultation should have been undertaken with horse riders, cyclists and those using rail services in Chertsey. Councillor Norman stated that the incongruous cycle sign pointing back towards the town would be changed. The Council needed to consult those immediately affected in the area, not those less directly affected. A Board Member asked Councillor Norman where most of the trouble arose from - the alleyway end or the park end? Councillor Norman said the trouble arose when people were in transit between the park end and the Windsor Street end.
9. The Board asked how long it might take to close the alleyway. The legal advisor stated that, although it was always difficult to estimate such procedures with any certainty, not less than 6 or 9 months could be predicted as a timescale. The approach would normally be made to the Secretary of State by Surrey County Council, following a resolution by their Local Committee. It was not possible to block the alleyway at the moment as this would effectively mean obstructing a public right of way.

B. Statement from Mr. Wheeler - Tenants Representative on The Housing and Community Services Committee

1. The Board received a verbal statement from Mr. Wheeler who disputed Councillor Norman's contention that Gogmore Park had replaced overgrown land in that area. He stated that there was a long history of a footpath in the area. The Council should have consulted with the people. This was the kind of issue that ought to have been aired at Police Liaison Group meetings. The fence should be removed in the interests of all the people of Chertsey and the best solution would be to close the alleyway.

C. Runnymede Access Liaison Group Statement

1. The Board received a verbal statement from Mr. Paul Smith of the Runnymede Access Liaison Group (RALG). Mr. Smith stated that having sought views from colleagues on RALG they were greatly saddened by the placement of the fence. Consultation was needed and in this case it clearly had not happened. From the submissions he had received from other group members it was clear that they were not at all happy that good points of access had been removed. RALG's primary goals were to promote access regardless of impairment, and for them this decision clearly represented a

grave backward step. Whilst RALG could appreciate and understand the concerns of the residents regarding loutish behaviour, the fence would not stop this from being an ongoing problem, because, if any determined group of young people wanted to gain access to Gogmore Farm Park and cause trouble, they would do so, regardless of any barrier placed to stop them. The previous arrangement was good for everybody, regardless of whether they were disabled or not. RALG could not be in favour of a fence that denied not only disabled people but others, e.g. mothers with pushchairs, access to their community. Their goal was for full access on an equal level and they truly believed that this fence was an ill conceived decision and should be revoked at the earliest opportunity.

D. Statement From Mr. P. Lake on behalf of the Petitioners

1. Mr. Lake said there had been no consultation. The fence represented £8,000 wasted, and divided the town. Over 400 people had signed the petition. The fence had affected over 700 dwellings south of Riversdell Close, including those trying to get to St. Peter's Church and the Windsor Street Post Office. Young families with babies were particularly affected. CCTV should be used. Many other parts of Chertsey had experienced vandalism. He had sympathy for those residents of Riversdell Close who had suffered. The alternative route was not wide enough, and not well enough lit, and had no CCTV. The perpetrators of the anti-social behaviour should be identified and dealt with.

E. Statement From Mr. J. Ryan - A resident of Riversdell Close

1. Mr Ryan informed the Board that he had been a resident of the Close since June 1980. When the Park had arrived, anti-social elements had gathered, resulting in serious reduction in quality of life for the residents. Vandalism, litter, drug abuse, noise and graffiti had all occurred culminating in physical attacks in July and October 2003. The fence had designed crime out, and was a major improvement. Closure of the alleyway was the only other alternative. The fence should be retained until November 2004, as problems would be particularly bad over the summer.

F. Statement From Mrs. J. Boater - Community Alternative Transport Association (CATA)

1. Mrs. Boater spoke as a resident of Chertsey for over 75 years, remembering a route through Gogmore Farm to Twynersh Lane. In her view, the bridge over the Bourne created the problem. CATA was against the fence as they thought it had been put up with undue haste and no advance warnings had been put on site, or on gateways to the entrance. The Council would not treat car users in the same way as it had treated cyclists, horse riders and pedestrians. The alternative riverside route was unsuitable. She had previously taken the pleasant cut through the park to visit friends and access the station. The additional distance was more like half a kilometre, which was quite a distance for mothers walking with children. There was now no entrance on the northern side of the park. National Cycle Route 4 which was affected by the fence had not been taken into consideration. The fence would lead to less use of the park and loss of trade. Now that the fence was there, it should be retained for a while, while further efforts were made to close the alleyway, and more consultation was undertaken. Nobody would object to the closure of the alleyway. There was an alternative route via Gogmore Lane.

G. Statement From Mr. S. Arrowsmith - Riversdell Close Residents

1. Mr. Arrowsmith said that most of the people who had signed the petition would not normally use Riversdell Close to access the town centre. He did not think that the alternative routes were inconvenient, difficult to negotiate or unsafe. Routes 3 and 4 were only slightly longer and would be less

problematic for the disabled and people with prams and trolleys than the chicane in the alleyway. Other routes had no restrictive chicanes. Riversdell Close had never been designed as a pedestrian thoroughfare. The fence was working and did the job for which it was intended. Safe, accessible, alternative routes existed that were not unsuitable for children and provided clear vision. Residents of the Close had restrictive covenants on their properties which restricted the amount of protection which they could provide for themselves. The fence experiment should be continued until November 2004 and the blockage of the alleyway should be pursued.

H. Statement From County Councillor R.A.N. Lowther

1. County Councillor Lowther thought a review should have been undertaken before the fence was put up. The problems had recurred in the area for over 10 years. He was happy to raise the matter of blocking the alleyway at the Surrey County Council Local Committee. He thought it well worth trying to get the alleyway closed. He had had feedback which stated that alternative routes were difficult for women with pushchairs. In his view, a child could easily slip into the Bourne on one of the alternative routes. Both old and young people had protested against the fence, which concerned all the people of Chertsey. The Park was used by many people including some from a wide area. He took his grandchildren there regularly and he could confirm that people from Shepperton did use it. It was a scar on the community that vandalism had occurred at Riversdell Close. The fence was not a question of "snobs against the rest". There were many roads in Chertsey in which damage from vandalism did occur.

I. Statement From Councillor Mrs. J. Norman - Ward Member

1. Councillor Mrs. Norman stated that she had a huge file relating to residents' problems at Riversdell Close, including noise, graffiti and verbal abuse, culminating in a couple of violent personal attacks last year. The ideal solution was the closure of the alleyway which had proved difficult. The police had targeted the area as a priority. The erection of the fence was the only viable measure. There needed to be more provision for youth. The alleyway could not be closed in the medium term. Although people were inconvenienced by the fence, this was outweighed by the benefits to Riversdell Close residents.

J. Statement from Councillor P. Greenwood - Ward Member

1. Councillor Greenwood stated that he could remember using a footpath that went through the industrial estate from Gogmore Lane to Windsor Street at the back of the houses. Could this not be opened up again? The sentiments of the petitioners were right. They were not talking about the fit and healthy. People used the path from a wide area. The vandalism needed to be tackled and the wider community, whose views had not been taken into account, should not be penalised. A Member of the Board asked Councillor Greenwood what should be done for the residents of Riversdell Close. Councillor Greenwood suggested that opening up the path he had referred to should be looked at, including looking at the ownership of the alley. The Councillor said that the fence should be taken down tomorrow. It was noted that public footpaths across private land were possible.

K. Statement from Councillor Ms D. Clarke - Ward Member

1. Councillor Ms Clarke stated that she had been aware of the situation at Riversdell Close at an October 2002 meeting, and had been informed by Councillor Mrs. Norman of the anti-social behaviour and violence. She had been contacted on 9 February by residents protesting against the fence.

L. Statement from Councillor P. Tuley - Ward Member

1. Councillor Tuley stated that from his recollection going back 20 years, the Close had been in a more peaceful state then. He had had many discussions with residents about the problems of vandalism and children making noise late at night. He was well aware of the problems and had been instrumental in setting up Neighbourhood Watch in the Close. The Leisure and Environment Committee had had to balance conflicting interests in reaching a decision.

M. Statement From Police

1. Inspector Alison Barlow reported that she had taken over as Borough Inspector for Runnymede on 1 July 2003 and had quickly become aware of the problems associated with Riversdell Close, owing to incidents that were being reported and following three letters received from concerned residents. She had researched the issue and found that general anti social behaviour/damage had been a recurrent problem for a number of years, and that a number of parties had tried to resolve it together (including residents, Runnymede Borough Council, Police and Surrey County Council (SCC). As a result she invited several of the residents to a meeting which was also attended by Safer Runnymede, the Rights of Way Officer from SCC and a Ward Councillor. The purpose of this meeting was to discuss the specific issues, the history of previous attempts which had been made to address the ongoing problems (such as closure of the footpath in Riversdell Close, locking the gate on the bridge at night etc.) and ultimately to discuss what other steps could be taken.
2. The problems experienced by residents of Riversdell Close were taken seriously by police and a great deal of effort had been made to try and deal with the problem. In the last 7 months, particularly last summer, both local officers and special constables had increased police patrols in the area. The area had also been given particular attention for a month last summer by the police division's mobile response team. In addition to these actions a specific operation (Operation Platform), which tackled anti social behaviour and disorder in Chertsey and Addlestone, had been run on two separate occasions in the past 7 months and was being run currently. Two of the locations which were included as part of this operation were Riversdell Close and Gogmore Farm Park.
3. During this focused attention, full-time police and special constables, with the help of Safer Runnymede CCTV, had patrolled problem areas and tackled offences which were found. They had seized alcohol from youths, and had issued warnings and made arrests where relevant. The Police and the Borough had worked closely together for many years and for the last seven months meetings had been put on a formal basis with a meeting to discuss crime and disorder problems held fortnightly. Since this process had been put in place at the end of last July, Riversdell Close had been top of the agenda for every meeting.
4. It was often claimed that police knew who the offenders were but did nothing about them. Although Inspector Barlow believed that persistent offenders needed to be dealt with robustly, there was often not enough direct evidence to show who exactly had committed a particular offence and information and names proffered were often given third hand and amounted to hearsay. Without direct evidence in terms of identification the police were unable to charge or caution. Where an offender was positively identified then action would be taken. It was accepted that ASBOs were a good way of tackling those few individuals who caused most of the problems in an area and Runnymede had been successful in obtaining six ASBOs to date (four of which were for Chertsey residents).
5. Despite all these measures and efforts made in the past the problems in Riversdell Close had continued and had caused misery for those living there.

Riversdell Close could not be given 24 hour police attention and was not solely a police issue.

6. Much effort has been made with partners to try and tackle the issues in the Close over the years. The cause of the problem had been people using Riversdell Close as a cut through between Gogmore Farm Park and the town and acting in an anti social manner when doing so. The erection of the fence or similar measure therefore attempted to address that root cause.
7. Although there were other areas in Chertsey, and indeed Runnymede as a whole, which suffered from similar problems it was the police view that the residents from Riversdell Close had been subjected to a large amount of disturbance. PC D. Stockle, the local Beat Officer, confirmed to the meeting that Riversdell Close was a particular problem area. Positive action taken in other 'problem locations' had addressed some issues but different solutions were needed for different areas.
8. Members of the Board asked whether the police had observed a displacement of anti-social behaviour as a result of the fence being put up. Inspector Barlow replied that there had not been a large amount of displacement which had been reported to them and no letters received by the Police to that effect. It was also asked whether there had been any difficulty in identifying offenders through CCTV cameras. Inspector Barlow stated that wearing of hoods could sometimes lead to difficulties in identification.
9. A Member of the Board stated that the Police incident list showed close to 120 incidents occurring at the Close since January 2001 and 35 which had been reported to Safer Runnymede. Inspector Barlow agreed to research this and forward to the Board Member the number of arrests made associated with Riversdell Close.
10. A Member of the Board asked whether the Police needed more financial or legal resources in order to succeed in dealing with anti-social behaviour in the Close. Inspector Barlow could not accept the contention that the Police had failed in dealing with Riversdell Close. This was a specific problem. Identification was often difficult. They were constrained within the law. The problem of alcohol had been looked at. It was not just a policing issue. The best way of dealing with this problem was to design out the crime by restricting access by closing the alleyway.
11. Another Member of the Board stated that there were a large number of incidents in Riversdell Close for a small area. Did they normally take place in the late evening or early hours of the morning? Inspector Barlow confirmed that the incidents tended to take place in the late evening and increased patrols took place at those times. A specific operation centring on disorder and anti-social behaviour was run tailored to times when disturbances usually occurred.
12. County Councillor Lowther asked whether additional funds could be diverted to Chertsey, as he believed had happened to deal with a problem in New Haw. Inspector Barlow stated that further divisional resources could be called upon if required and confirmed that Riversdell Close had an unusually high number of incidents in a concentrated area.
13. In response to questions from a Board Member, Inspector Barlow confirmed that this was a crime hotspot which had received special attention and a targeted response team with divisional as well as local resources. As far as the sale of alcohol was concerned, the Police intervened by checking layouts of stores to make it less easy for people to steal alcohol. In her view, Neighbourhood Watch which had been installed over the summertime had been effective as incidents were being reported and a clear communication route established.

14. In response to a question from a Board Member, Inspector Barlow stated that the Police Penalty Notice powers had not yet been rolled out across Surrey and the latest proposals were for this to happen at spring time. Although Inspector Barlow thought this was a potentially useful tool, she thought designing out crime was a better solution.
15. A Member of the Board asked about meetings with residents being previously suspended. Inspector Barlow stated that this had happened before she had taken post in Runnymede.
16. In response to a question on whether the problems were particularly bad in the summer, Inspector Barlow stated that anti-social behaviour incidents occurred throughout the year but that in the adverse weather they tended to tail off.

N. Statement From Mr. D. Dodd - Safer Runnymede Manager - Runnymede Borough Council

1. Mr. Dodd stated that he had responsibility for Safer Runnymede and Community Safety issues in the Borough including CCTV systems.
2. He confirmed that the point at issue was people using Riversdell Close as a through route, particularly since 1997. These kind of problems surfaced throughout the borough. Safer Runnymede had met with people concerned and try and identify possible solutions to the problem. In Riversdell Close this had included a number of discussions over closure of the footpath. Each problem required a different solution - in New Haw difficulties had been alleviated by Woking Police taking action against licensed premises.
3. Riversdell Close was definitely not a minor problem and should not be underestimated. Safer Runnymede were working with the Police to make use of new powers. Alleyways could be a focal point for trouble and the Government recognised this in its new legislation.
4. Changing the behaviour of the small number of people who caused misery for others was the only long-term solution. In some cases it was clearly a problem individual and indeed often this small number of individuals created problems in a number of different locations. In Chertsey there were 1,131 young people aged from 8 to 18 and the problems were caused by a tiny minority, probably fewer than 10, although there would be some additional hangers on. The problem was identifying them and obtaining the necessary evidence.
5. Together with the police Safer Runnymede had been active in making use of the Crime and Disorder Act powers to deal with anti-social behaviour. They would continue to be so and would use CCTV to gain evidence to support applications for orders whenever necessary. ASBO's and Acceptable Behaviour Contracts were used wherever possible. People should always report incidents; this was not a waste of time. Riversdell Close was top of the disturbance list, but there might be other places suffering which were not reporting it.
6. A Member of the Board asked Mr. Dodd about the CCTV coverage at Riversdell Close. He stated that the technology had worked well but the problem was that Riversdell Close was a residential street and the difficulties emanated from the alleyway which was the furthest distance away from the cameras and was also shaded by trees. Individuals who had committed criminal acts needed to be positively identified. An extension of CCTV in the area would be highly problematic as putting CCTV into a residential area would infringe privacy.

7. A Member of the Board asked about the process followed if someone was seen on camera clearly committing a criminal act. Mr. Dodd replied that the process was to retransmit the picture to Mount Browne (Police HQ). If this was done quickly enough sometimes the person or persons could be arrested there and then, if an Officer was sent to the crime scene. Otherwise the tape would be secured and would be reviewed by the Police and then might lead to an arrest or a summons. Mr. Dodd confirmed that 250 arrests a year were made immediately as a result of evidence directly on camera and 250 more made following review of that evidence.
 8. A Member of the Board asked Mr. Dodd to research the numbers of arrests which had been made for offences at Riversdell Close as a result of cameras and Mr. Dodd agreed to provide that information.
- O. Comment from other Members of the Council
1. The Chairman of the Board sought general comments from other members of the Council. A Member expressed her concern at the lack of consultation regarding the fence. The Member felt that the alley had not been closed in 1993 because of financial considerations. Riversdell Close was not the only area in the borough which suffered from anti-social behaviour which was a growing problem, which was why the Government had brought forward legislation extending the powers of the Police. The power to disperse groups was a useful tool. The intention to put up the fence should have been more widely publicised locally. In the Member's view, the northern side of the park was now fenced off, providing no escape route, which was in the Member's view, dangerous. It also made that area of the park inaccessible.
- P. Statement from Nicky Parkhill, Surrey Youth Service
1. The Board received a statement from Nicky Parkhill of the Surrey Youth Service. She stated that the Youth Service had reservations about the fence because it could be seen as dividing the community and had not been consulted upon.
 2. She was a detached youth worker who was engaged in a variety of projects across Chertsey. Surrey Youth Service were planning to have a building operational in Gogmore Park later in the year. The fence was putting a boundary around that building, particularly during the winter and would be placing an impediment to its use, particularly if it flooded in winter.
 3. A Member of the Board asked when the Youth Service were hoping to move into their new building. Nicky Parkhill replied that at present the building was not accessible under the requirements of the Disability Discrimination Act and there were still some health and safety matters which required attention. The project manager was hoping for a start in June or July of 2004, which in the lighter weather, would be an opportune time.
- Q. Questions to Head of Leisure Services
1. The Board questioned the Head of Leisure Services about the safety aspects of the alternative routes. Mr. Fleming stated that for the majority of the time these alternative routes were perfectly acceptable. Route 3 (yellow) from the pavilion to Guildford Street level did flood sometimes. All of the routes shown on the plan started from a fixed point just within the park. If pedestrians wished to take a highways standard lit footpath all the way to the town centre they could do so by not entering the park at this point and instead turning right just before the footbridge and following the estate footpath to the next footbridge leading to Curfew Bell Road. The Leisure and Environment Committee had recognised that people would be inconvenienced by the extra distances they would have to walk. The Committee had looked at that, as well as the standard of lighting. The Committee, during its debate, had considered that Riversdell Close had

been a long standing problem. The blocking of the alley could not take place for at least 12 months. A Member of the Board asked when the proposed new purple path might be operational. Mr. Fleming replied that it would be on a schedule as one of 70 or 80 jobs throughout the year and depended partly on ground conditions. A number of Members of the Board asked about the Route 3 (yellow) which ran alongside the Bourne, expressing the view that it was not wide enough, was cambered towards the river, was not suitable in the dark, and had dangerous shrubs.

2. Mr. Fleming stated that it had to be borne in mind that the yellow route 3 was a parks footpath which was not required to meet highway standards. People had the alternative of using the red route 4 which was highway standard for most of its route. A Member of the Board expressed the view that people with young children would look for the shortest route and would still therefore use the yellow route 3. Mr. Fleming reiterated that other alternatives were available and that the Leisure and Environment Committee had had to strike a balance in reaching its decision. A Member of the Board submitted photographs which he contended proved that yellow route 3 was not suitable. Mr. Fleming stated that the photographs showed the County Council highway on Guildford Street, not the park footpath.
3. County Councillor Lowther stated that people were cutting through the dentist's private car park.

R. Sounding from the Public Gallery

At this point, as a number of people were leaving the public gallery, the Chairman asked how many of them were in favour of closing the alleyway. On a show of hands, approximately 40 indicated their support for the closure and two opposed closure.

S. Adjournment

The Review Board then adjourned for approximately 10 minutes and reconvened to consider their recommendations.

10. Review Board Discussion and Recommendations

1. The Board considered the nature and scale of the problems complained of by Riversdell Close residents, factors contributing to those problems, who was creating the problems, effects of the fence on residents of Riversdell Close, park users and others, alternative or additional options for dealing with the problems, their cost and practicality, and whether the fence should remain.
2. The Review Board noted that their report would be submitted to Council via Leisure and Environment Committee in accordance with the resolution under Standing Order 25.11 (c), along with any comments made by that Committee. That Committee could not, however, alter the Review Board's report.
3. All Members of the Board agreed that the closure of the alleyway should be pursued. It was also agreed that the intention to do this should be made publicly known and that the public should be given the opportunity to make their views known if they wished.
4. A Board Member stated although they did not like the fence it was difficult to say that it should come down without any immediate alternative. The fence was a temporary solution and in the meantime the Council should look to improve alternative routes.
5. Another Board Member stated that an alternative path could be constructed, as identified on their site visit, which would encourage people to use

Gogmore Lane. The Leisure and Environment Committee could be asked to look at opening this. Another Member added that as the Council were trying to promote Gogmore Park and activities for young people were important, this new path should be opened prior to the Gogmore Park youth facility being opened.

6. The Board considered whether, if the alleyway was closed, the fence should be taken down. It was agreed that it was difficult to decide either way at this stage as it would depend on what would happen over the summer months. The fence had had some benefit and should stay while alternatives were looked at. Although it set a precedent, it was the lesser of the evils at present.
7. The Board considered possible re-opening of a footpath at the back of the houses suggested by Councillor Greenwood. They were advised by a representative of the County Council Local Transportation Team that the markers on the ground denoted the route of a water main, so it was unlikely that access could be opened up again.
8. The Board emphasised the need for consultation and that the Council's new Consultation Strategy should be complied with at all times in the future.
9. The Board discussed whether they wished to make any recommendations regarding alcohol licensing or designated public places legislation and decided that the best course of action was that the Police pursue powers under the Criminal Justice and Police Act 2001 to issue penalty notices to persons over sixteen years of age who were drunk or disorderly in a public place.
10. Finally, the Board considered whether the Leisure and Environment Committee had made the right decision at its meeting on 20 November 2003. The Board were divided on this matter and took a recorded vote on this as set out below. A minority of Members of the Board took the view that the wrong decision had been reached on the basis that insufficient consultation had been undertaken. They considered that while the fence might have some benefits, it never should have been put up without much more extensive consultation being undertaken. A majority of Members of the Board took the view that there was a limit to the amount of consultation that the Council should take in arriving at a decision and that there was a difference between being inconvenienced and suffering from anti-social behaviour. The Council could not please everybody or consult everyone on every issue. A balance had to be struck and safety counted for more than convenience. Therefore, in their view, the Leisure and Environment Committee took the right decision.

RECOMMEND that -

- i) the Surrey County Council Local Committee be formally requested to make arrangements for a submission to the Secretary of State seeking the closure of the Riversdell Close alleyway as a matter of urgency, on grounds of anti-social behaviour;**
- ii) Runnymede Borough Council Committees should always comply with the Council's new Consultation Strategy in future;**
- iii) the Leisure and Environment Committee consider constructing a path along the alternative route identified by the Board which, dependent on the location of existing trees and other vegetation, will be a fully accessible footpath between the footbridge over the drain on the north bank of the River Bourne to the corner of Riversdell Close and Gogmore Lane, and if this**

route is approved it should be opened before the new youth facility is opened at Gogmore Farm Park;

- iv) the police be urged to implement their new penalty notice powers under the Criminal Justice and Police Act 2001 as soon as possible; and**
- v) on balance, the Leisure and Environment Committee made the right decision at its meeting on 20 November 2003.**

(A requisition having been made that the names of those voting in favour of Recommendation v) above be recorded, there voted:-

In favour of the Recommendation (6):- Councillors D.P. Easton, J.M. Edwards, J. Broadhead, Ms D.V. Clarke, J.E. Haas, P.B. Tuley.

Against the Recommendation (2):- Councillors A. Alderson, P.A. Greenwood.

Abstention (1):- Councillor Mrs. V.A. Smallman.

Chairman

(The meeting ended at 11.20pm)