



# RUNNYMEDE BOROUGH COUNCIL

## REVIEW BOARD

Wednesday, 11 February 2004, at 7.30 p.m.

in the Council Chamber,  
at the Civic Offices, Addlestone

# A G E N D A

## Members of the Review Board

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

### Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Review Board so resolves.
- ii) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr. J. Gurmin, Committee Section, Administration & Leisure Department, Civic Offices, Station Road, Addlestone (Tel. Direct Line: 01932 425624). (E-mail: john.gurmin@runnymede.gov.uk)**
- iii) Agendas and Minutes are available on a subscription basis. For details, please ring Mr. B.A. Fleckney on 01932 425620.
- iv) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

## **LIST OF MATTERS FOR CONSIDERATION**

### **PART I**

#### **Matters in respect of which reports have been made available for public inspection**

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### **PART II**

#### **Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.**

- a) Exempt Information  
(No reports to be considered under this heading)
- b) Confidential Information  
(No reports to be considered under this heading)

1. NOTIFICATION OF CHANGES TO REVIEW BOARD MEMBERSHIP

2. MINUTES

To confirm and sign the Minutes of the Review Board meeting held on 10 December 2003 (attached at Appendix 'A').

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

Members may wish to note Paragraph 11 of the Code of Conduct which reads as follows:-

*Overview and Scrutiny*

"11.(1) For the purposes of this Part, a Member must if he is involved in the consideration of a matter at a meeting of an Overview and Scrutiny Committee (Review Board) of the authority or a sub-committee of such a committee, regard himself as having a personal interest if that consideration relates to a decision made, or action taken, by another of the authority's -

- (a) committees or sub-committees; or
- (b) joint committees or joint sub-committees,

of which he may also be a Member.

(2) Such a Member must, if so advised by the Chairman of the Review Board, also regard the interest as prejudicial. If the Member involved is the Chairman, he or she must take and follow the advice of the Monitoring Officer.

(3) But sub-paragraph (1) above shall not apply if that Member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action."

5. SCRUTINY PROCEDURE (DAL)

In view of the following item, the attention of the Review Board is drawn to the procedural guidelines set out on page 149 of the Council's Constitution, as follows:

"13. Scrutiny Hearings

- (e) The Review Board may conduct scrutiny by formal or informal reporting and debate if it wishes. However, if there are a number of people to question, or several issues to consider, or if the Board considers it appropriate for any other reason, it can hold a scrutiny hearing. The following shall be the normal procedure for reporting to and conducting a scrutiny hearing:

Background

The Agenda will contain a basic background report from Officers. This report is intended to assist Members' understanding, not to provide a comprehensive comment on the matters raised.

### Establishing the Position

- i) The Board will then have the opportunity to ask questions of appropriate Officers and Members in turn, one interviewee at a time. Any Member of the Board, as called by the Chairman, will have the opportunity to question. The Chairman may set a time limit for questions from one Member. Those waiting to be questioned will not be excluded from the room unless the Board so requires. This questioning takes place in public unless the Board votes on legal grounds to exclude the public. Only Members of the Board may ask questions.
- ii) There will be a final sweep-up opportunity, controlled by the Chairman, during which any clarification of information given can be sought by the Board or offered by any interviewee.
- iii) Interviewees who are not required for the remainder of the meeting can depart if they wish. All may remain unless the Board wishes to exclude them.

### Identifying Problems and Issues

The Board identifies the issues requiring analysis, comment, or recommendations. Officers and non-Board Members should not participate in this or remaining stages except to help with recall of facts, or advice on professional matters or procedure if requested.

### Possibilities

The Board identifies the range of possible responses to the problems and issues.

### Proposals

- i) The Board considers its views.
- ii) The Board formulates comments and any recommendations. It also decides whether its report should be presented to the relevant policy committee or full Council. The report will be drafted by Officers on the basis of the Board's deliberations and agreed by the Chairman, or if required, the whole Board.
- iii) The report is presented by the relevant Committee or the Council. If to a Committee, the Chairman of the Review Board may attend to present it."

## 6. RIVERSDELL CLOSE – FENCING (DAL)

### **1. Purpose of Report**

- 1.1 To summarise the process by which this matter has been referred to the Review Board and to outline the purpose of the Board's review.**
- 1.2 To provide Members of the Review Board with background information relating to the history of anti-social behaviour at Riversdell Close and the decision to resolve matters by the provision of a fence along the boundary with Gogmore Farm Park.**

### **2. Background Information**

- 2.1 The Council's Labour Group raised this matter at the Council Meeting on 11 December 2003 under Standing Order 25.10. The Group believed that the decision made by the Leisure and Environment Committee on 20 November 2003 to erect a fence between Gogmore Farm Park and Riversdell Close did not take account of the views of the community, particularly those who would be directly affected and disadvantaged by the installation of such a fence. The Group requested that the matter be referred to the Council's Review Board, where representations could be heard from all sections of the community and a full evaluation taken of the effects on other projects or community based schemes.

2.2 The Council resolved (under Standing Order 25.11 (c)) that the Review Board be requested to review and report to Council via the appropriate Committee on the merits of the decision. Although the proposal for a review was supported by the Council, the Mayor confirmed to the Council that referral to the Review Board in this instance would not have the effect of delaying the erection of the fence. The fence was erected on 12 and 13 January 2004.

2.3 At the Council Meeting on 11 December 2003, a petition was also 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".

Councillor Greenwood explained that more signatures were still being received, and the final figure would therefore be above the current 400 signatories.

The Council referred the petition to the Leisure and Environment Committee in accordance with Standing Order 19.5.

2.4 A copy of the Agenda report and minute of the Leisure and Environment Committee on 20 November 2003 is attached at Appendix 'B'.

2.5 Appendix 'C' contains a list of persons and organisations who have been invited to speak and/or make written representations to the Review Board.

2.6 Appendix 'D' (to follow) consists of a schedule containing details of written representations which have been received concerning this issue.

### 3. The Report

3.1 The Highways and Works Committee 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 appears 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 were considered by the Committee. The report to the Committee also noted that an alternative route was available via Gogmore Lane. The Committee 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.

3.2 In September 1995 the Highways and Works Committee again considered a petition together with 37 letters supporting closure of the footpath/alleyway at Riversdell Close and one objection. The report noted the legal difficulties, under the existing legislation, of stopping up the footpath and the Committee resolved not to seek stopping up.

3.3 In November 1996 the Highways and Works Committee 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.

3.4 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.

- 3.5 The law at the time precluded an extinguishment of the alleyway and therefore the Committee 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. No volunteers were received from residents to open and close the gates so it was not possible to progress this Order.
- 3.6 In December 2002, June 2003 and November 2003, meetings were held to discuss anti-social behaviour and the closure of the footpath/alleyway. These meetings were attended by local Ward Members, a County Councillor, the Police, Safer Runnymede, residents and staff from the Leisure section. Monthly updates were distributed between January 2003 and May 2003. The Police evidence in 1996 had been made that nuisance was a major feature of the anti-social behaviour with problems in the evening being particularly acute on Friday, Saturday and Sunday. Two schedules of incidents reported to the police and to Safer Runnymede are at Appendix 'E'.

#### 4. Alternative Routes

- 4.1 Alternative routes remain available following the erection of the fence and these are shown on the plan at Appendix 'F'. The fence blocks routes 1 and 2. The lengths of the routes from entering the Park to Sainsbury's are as follows:-

Route 1 - 469 metres

Route 2 - 533 metres

Route 3 - 577 metres

Route 4 - 530 metres.

- 4.2 Further details of the routes are given below:-

##### Routes 1 and 2

The pathway is level tarmac through the Park in good repair, crossing the Bourne via a wooden decked bridge with pathway lighting.

##### Route 3

This is the same as route 1 and 2 until it diverges just before the wooden footbridge at the pavilion. It is 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 is no pathway lighting from the pavilion to Guildford Street.

##### Route 4

This is 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 is present from the car park.

- 4.3 At a usual walking speed of 4.8 kilometres per hour (3 miles per hour), 10 metres represents 7.5 seconds of walking time.

#### 5. The Fence

- 5.1 The fence was erected on 12/13 January 2004 and Officers will report orally to the Board on any significant effects to date.
- 5.2 Initial feedback from the residents of the Close suggests that the fence is effective.

#### 6. The Petition

- 6.1 The petition is evidence of local concern and makes assertions about disabled access and child safety. It asks for reference of the decision to this Review Board to enable re-examination. As reported above, the Council agreed to this.

- 6.2 The petition in question was apparently accompanied by misleading information to some signatories as to the proposed location of the fencing and its effect on residents across the Park.
- 6.3 Looking at a map of the wider area (at Appendix 'G'), it is apparent that the majority of signatories would not normally use the closed path as a direct route to the town centre.
7. Legal Implications
- 7.1 In discharging its function, the Council has a duty to do all that it reasonably can to prevent crime and disorder in its area. In addition, the Council has 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.
- 7.2 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 suggests that submissions for designations 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 are aware of the problems in the area and are broadly supportive of action to resolve matters. The County Council, however, appear 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 is not supported by the legislation itself, although there is some support for that view in the guidance.
- 7.3 The Home Office has identified alcohol misuse as a significant contributor to crime levels and in particular 60% of local crime audits have related public order problems to alcohol. The County Trading Standards department has been asked to comment on any local issues relating to under-age purchase of alcohol.
- 7.4 There are a number of powers available to the Police including the Confiscation of Alcohol (Young Persons) Act 1997 which enables an officer to confiscate alcohol from under age drinkers in public places such as streets or parks, and require the person to state their name and address. The officer may arrest, without warrant, a person who fails to comply with a request under the Act and such failure to comply constitutes an offence which carries a fine not exceeding £500.
- 7.5 The Criminal Justice and Police Act 2001 enables local authorities, as of 1 September 2001, to designate public places where nuisance, annoyance or disorder are associated with the consumption of alcohol. In such designated public places, a constable may confiscate alcohol and may arrest without warrant, any person who fails to comply with a request to surrender alcohol. The maximum fine is again £500. The former bye-law provisions did not have powers of arrest and confiscation and have been replaced by this new stronger provision.
- 7.6 The police, as of 20 January 2004, have a new power under the 2001 Act to issue penalty notices to persons over sixteen years of age where they are 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, avoids 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 is applicable where behaviour is likely to cause harassment, alarm or distress.
- 7.7 The Crime and Disorder Act 1998 also makes 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 is behaviour which is likely to cause harassment, alarm or distress to other people, whether or not it is criminal in itself. The ASBO can require a person not to do specific acts or not to go to certain places or approach certain people. Any breach of the Order is a criminal offence.
- 7.8 The Anti-Social Behaviour Act 2003 contains further provisions enabling the police to disperse groups of two or more persons under the age of sixteen years, who are unsupervised in public places after 9.00pm and return them to their homes. There are also

further powers of dispersal where a Superintendent has given an authorisation for the locality.

7.9 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 have not yet been brought into force.

## 8. Issues To Consider

8.1 Amongst any other relevant matters, the Review Board may wish to turn its mind to:-

- the nature and scale of the problems complained of by Riversdell Close residents
- factors contributing to those problems
- who is creating those problems
- effects of the fence on
  - residents of Riversdell Close
  - park users
  - others
- alternative or additional options for dealing with the problems, their cost and practicality
- a view on whether the fence should remain

### **THE REVIEW BOARD IS ASKED to -**

- i) note the petition submitted to Council on 11 December 2003 regarding the fencing at Riversdell Close; and**
- ii) consider the evidence before it and report to Council on the merits of the decision of the Leisure and Environment Committee to erect a fence between Riversdell Close and Gogmore Farm Park.**

(NOTE: The Review Board report will 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. The Committee cannot, however, alter the Review Board's report).

### **(TO RECOMMEND)**

#### Background Papers

None

## 7. EXCLUSION OF PRESS AND PUBLIC

If the Review Board is minded to consider the foregoing reports in private session it is the

### **OFFICERS' RECOMMENDATION that -**

**where appropriate, the press and public be excluded from the meeting during the discussion of the reports under Section 100A(4) of the Local Government Act 1972 on the grounds that the reports in question would be likely to involve disclosure of exempt information of the description specified in appropriate paragraphs of Part 1 of Schedule 12A of the Act.**

### **(TO RESOLVE)**

**PART II**

**Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection**

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)