



## BRISTOL OVERVIEW AND SCRUTINY

### Report of the Scrutiny Inquiry Day

“How do we make our parks and green spaces safe for everyone?”

Final recommendations of the Neighbourhoods Scrutiny Commission, April 2015

This report sets out recommendations to the Mayor and the Assistant Mayor on the Council's approach to dealing with anti-social behaviour in parks and green spaces

## **Executive Summary and Key Recommendations**

Bristol City Council's Neighbourhoods Scrutiny Commission is responsible for contributing to policy development and scrutinising the performance of the Council's Executive. It hosted a Scrutiny Inquiry Day on 17<sup>th</sup> November 2014 to consider the Council's approach to dealing with anti-social behaviour and nuisance in parks and green spaces in relation to the possible introduction of bylaws and in the light of the new powers recently conferred by the 2014 Anti-Social Behaviour, Crime and Policing Act.

There has been widespread public and media interest in this issue and all Bristol councillors were invited to the Inquiry, along with a range of community representatives and Avon and Somerset Police.

The Inquiry's main objectives were:

- to explore and debate the mechanisms available to the Council and the police to deal with nuisance and anti-social behaviour in parks and green spaces
- to assess the respective advantages and disadvantages of these
- to explore how best to influence behaviours

The Commission is of the view that supplementary localised responses may well be required in addition to city-wide regulations.

A number of key issues arose as a result of consideration of the evidence at the Inquiry, in the following areas:

- Principles of Enforcement
- Communication and Community Engagement
- Resource Issues

The overriding principles agreed by the Commission are firstly, that residents and visitors should be enabled to enjoy Bristol's parks and green spaces with the concurrent wellbeing and public health benefits to this, and that positive behaviour in parks should be supported. This is our starting point but where we cannot effect behaviour change, it is important that some form of effective measures are available to deal with behaviour that impacts negatively on others. The Council should ensure it has access to a variety of different measures so that it can take a flexible approach.

To this end, the Commission's **key recommendations** are as follows:

The starting position for BCC and partners will be to support the positive use of our parks and green spaces, taking an initial problem solving approach through neighbourhood working to tackle local issues by effecting change in behaviour. This will not always be successful and to support a proportionate enforcement approach we should:

1. Review the proposed list of byelaws (attached at Appendix 5) in line with the above principles, with a view to revising the wording and with the overall aim of adopting the bylaws where a problem solving approach is not effective.  
Ensure particular attention to references to tree climbing, barbecues and ball games.
2. Consider the use of the ASB legislation to tackle problems where this is more appropriate than the use of bylaws.
3. Clarify and promote the measures that are in place to address issues around dogs and dog fouling.
4. Develop a clear communications strategy to ensure that there is no public confusion, and to ensure that people are not deterred from using parks and green spaces. Communications expertise will be required to lead the development of this.
5. Ensure that reports are brought back to the Neighbourhoods Scrutiny Commission on:
  - a) An agreed timelined costed plan setting out the implementation of the above recommendations
  - b) the impact of these recommendations
  - c) any legal or other action taken under the bylaws

The key recommendations should be read in conjunction with the key issues set out later in this report, as these issues underpin the recommendations.

## **1. Background to the Inquiry**

In 2012, Avon and Somerset Constabulary approached the Council asking for byelaws be developed so that nuisance behaviours could be more effectively tackled in parks and green spaces across the city. Officers from the Council and partners agencies had previously been looking at how to tackle issues raised by local residents and parks users regarding anti-social behaviours in a number of parks and green spaces. The police had confirmed that they could not take effective enforcement action in many cases, due to the lack of comprehensive byelaws. Byelaws can only be introduced if there is evidence to show that the issues covered pose a significant problem and are not able to be resolved using existing powers.

Public consultation was subsequently carried out between 7<sup>th</sup> June and 13<sup>th</sup> September 2013 to gauge public opinion on the issue. There were 967 responses, of which 78% agreed that byelaws would be useful. However, concerns were raised about a number of the stated byelaws – particularly those covering climbing trees, lighting fires, ball games, skating/skateboarding, and children over the age of 14 in play areas. Questions were asked as to how the byelaws would be enforced, and the principles of the Council’s Enforcement Policy.

On 10<sup>th</sup> December 2013, the Neighbourhoods and Communities Scrutiny Commission discussed the development of byelaws and endorsed this approach.

Proposals for the adoption of byelaws were scheduled for discussion at the Full Council meeting of 18<sup>th</sup> March 2014. However the report was withdrawn before the meeting because of concerns over a small number of specific byelaws and the possible “banning” of some positive activities in parks that were considered to warrant further consideration.

Subsequently, a report was brought to the Neighbourhoods and Communities Scrutiny Commission on 10<sup>th</sup> April 2014, where councillors recommended that a scrutiny inquiry day be held to allow more detailed consideration of the issues involved, and how best to tackle nuisance and anti-social behaviour in parks and green spaces, including re-engagement with key stakeholders .

An additional factor was that the new Anti-Social Behaviour, Crime and Policing Act 2014 introduced a number of anti-social behaviour provisions, which took effect towards the end of 2014. This raised the possibility that these new powers may be used as a complementary way of preventing and tackling nuisance and anti-social behaviour.

## **2. The Inquiry Day**

The Inquiry Day was held on 17<sup>th</sup> November 2014 at City Hall in Bristol, and a range of people were invited, including councillors, community representatives, Council officers and Avon and Somerset Police. (Attendance list at Appendix 1)

The scene was set with an introduction to the main issues giving cause for concern in parks and green spaces. This was then followed with examples of problem solving approaches, and an outline of the possible legal approaches, including the new powers conferred by the 2014 Anti-Social Behaviour Policing and Crime Act. A speaker from Leeds City Council shared their experience of the implementation of byelaws in parks, and representatives from the Parks Forum and Stoke Park Steering Group put forward their views and discussed this issues faced by young people and how to tackle these. The participants then broke up into small groups to assess the information they had been given and to draw conclusions. (Programme at Appendix 2)

Following the Inquiry, the Commission's recommendations will be sent to the Mayor, the Assistant Mayor for Neighbourhoods and the Cabinet Advisor for Neighbourhoods.

## **3. Key Issues identified**

### ***A. General Principles of Enforcement for the Council and its partners***

There was general agreement on principles relating to enforcement:

- enforcement should be linked to local priorities
- enforcement should be proportionate, not draconian and used as a last resort
- there should be consistency from all agencies in enforcement.
- there is a need to recognise the difference between anti-social behaviour and the need for young people to seek adventure.

It was recognised that some of these issues are reflected in the Council's Enforcement Policy for Regulatory Services

### ***B. Communication and Community Engagement***

The Inquiry agreed some general principles that should be used to inform communication and engagement. There was unanimous consensus that

education and persuasion were critical in order to ensure a collaborative approach to whichever approach was adopted to address anti-social behaviour in parks and green spaces. In particular, the following issues are key:

- Positive engagement with the community should be recognised as essential in order to educate people as to why a particular course of action is being taken and to engender a common understanding. Engagement should include explaining why people are being asked to modify their behaviour (reasons might include for example, the impacts of nuisance on other people, public safety issues) and clarification of the possible sanctions.
- Community engagement should make clear that the intention is to avoid any draconian use of legal powers, with the preferred route being the use of prevention and education (raising awareness) to tackle issues in a collaborative manner, with enforcement to be used only if necessary. The primary focus of engagement is to support education and persuasion in order to change behaviour, not to “lay down the law”. It was a particular point of interest that the speaker from Leeds City Council had pointed out that in over 5 years of having byelaws there had been no prosecutions - the intention had always been to influence behaviour in a positive manner and this was considered to have been successful.
- The views of young people should be actively sought via Neighbourhood Partnerships, youth groups, schools and universities as part of engagement but also with the objective of informing and educating as part of preventative work.
- It needs to be recognised that a “community” may not just be a designated geographic area, and may not correspond with the council’s Neighbourhood boundaries.
- Communication should take place at a local level as well as in a wider context.
- Information about what regulations are in place on particular sites needs to be made available on relevant websites as well as on the sites themselves. Any signs/notices etc should be easy to understand and unambiguous. Note that signage can be positive, as well as setting out the “rules”.
- There should be a consistent message from all partner agencies when carrying out community engagement.
- Local people need to be involved in self-policing where possible – successful self-policing relies on development of a community spirit, for example, dog owners being involved in promoting responsible dog ownership.

### ***C. Resource Issues***

The Inquiry highlighted a number of issues around resourcing, specifically concerns that the resources available to effectively address local priorities around anti-social behaviour in parks and green spaces as well as any additional work around engagement and consultation, be properly considered. The new orders set out in the 2014 Act may require collection of additional data and creation of a new evidence base, and subsequent consultation with affected communities. As this could be required every three years in order for the order to be refreshed or reviewed, this could constitute a significant resource implication which if not addressed could become an impediment to implementation. This was a particular concern in that it was felt that the success of any measure adopted would depend on effective communication and engagement with the community. The following issues were particularly highlighted:

- Local priorities in respect of anti-social behaviour in parks need to be identified, together with the resource to fund the proposed resolution. This needs to involve a wide range of parties including local councillors, Council staff, police, local community groups and registered landlords. Neighbourhood Delivery Teams should be a key element of this and should be responsible for taking the lead in tackling issues and identifying solutions as well as directing resources to the identified problem.
- Clarification should be provided as to how the increased level of work around engagement, consultation and prevention is to be resourced and if this can be delivered using existing resources.
- Specify the additional procedures or structures that need to be developed and put in place in order to ensure that implementation of new measures to deal with anti-social behaviour can be properly supported, and identify any resource implications incurred by this.

## **4. Appendices**

Appendix 1 – Attendance List

Appendix 2 – Inquiry Programme

Appendix 3 – Areas of consensus noted

Appendix 4 – Additional issues raised

Appendix 5 – Proposed byelaws

## Appendix 1

### Attendance List

Name	Organisation
Lesley Alexander	Councillor
Charlie Bolton	Councillor
Martin Fodor	Neighbourhoods Commission
Rhian Greaves	Neighbourhoods Commission
Fi Hance	Neighbourhoods Commission
Wayne Harvey	Vice Chair, Neighbourhoods Commission
Margaret Hickman	Councillor
Gary Hopkins	Councillor
Chris Jackson	Councillor
Gill Kirk	Councillor
Jeff Lovell	Chair, Neighbourhoods Commission
Sue Milestone	Councillor
Glenise Morgan	Councillor
Steve Pearce	Chair, Overview and Scrutiny Management Committee
Daniella Radice	Councillor
Jenny Smith	Councillor
Rob Telford	Councillor
Mark Wright	Councillor
Abdulrazak Dahir	Neighbourhood Co-ordinator, BCC
Alison Comley	Strategic Director, Neighbourhoods, BCC
David Elson	Bristol Older Peoples Forum
Emily Smith	Neighbourhood Co-ordinator, BCC
Fraser Bridgeford	Parks Forum
Gemma Dando	Service Manager, Neighbourhood Management, BCC
Pauline Powell	Team Leader, PT&R, Legal Services, BCC
Peter Anderson	Service Manager, Crime and Substance Misuse Service, BCC
Richard Fletcher	Neighbourhood Engagement Manager, BCC
Simon Frosdick	Business Development Manager, Parks and Countryside, Leeds City Council
Stephen Davey	Local Policing Support Inspector, Avon and Somerset Police
Mike Prior	Avon and Somerset Police

Stuart Pattison	Crime Reduction Manager, BCC
Steve England	Chair of Stoke Park Steering Group
Tracey Morgan	Service Director, Environment and Leisure, BCC
Lucy Fleming	Scrutiny Co-ordinator
Romayne de Fonseca	Policy Advisor
Shana Johnson	Democratic Services Manager
Suzanne Ogborne	Democratic Services Officer
Taj Butt	Assistant Democratic Support Officer

## Appendix 2

<p style="text-align: center;"><b>Bristol City Council</b> <b>Neighbourhoods Scrutiny Commission</b> <b>How do we keep our parks and green spaces safe for everyone?</b> <b>Scrutiny Inquiry Day</b> <b>Monday 17<sup>th</sup> November 2014, 9.15am – 1.15pm</b> <b>City Hall, College Green, Bristol BS1 5TR</b></p>
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<b>Programme</b>	
9.15am	Registration and refreshments
9.30am	Introduction by Cllr Jeff Lovell, Chair of Neighbourhoods Scrutiny Committee
9.35am	Setting the scene - what are the main issues in our parks and green spaces?  Richard Fletcher, Parks Operations Manager, Environment and Leisure Stephen Davey, Local Policing Support Inspector, Avon and Somerset Police
10.00	<i>5 minutes for participants to capture ideas on post-it notes</i>
10.05	Examples of problem solving approaches  Gemma Dando, Service Manager, Neighbourhood Management Stuart Pattison, Crime Reduction Manager
10.15am	Legal approaches <ul style="list-style-type: none"><li>• Existing legal powers</li><li>• The new Anti-Social Behaviour, Policing and Crime Act 2014</li><li>• Byelaws - what are they and how do they work?</li></ul>

	Pauline Powell, Senior Solicitor, Legal Services Stuart Pattison, Crime Reduction Manager Gemma Dando, Service Manager, Neighbourhood Management
10.50am	<i>5 minutes for participants to capture ideas on post-it notes</i>
10.55am	Independent speaker (1)  Simon Frosdick, Business Development Manager, Parks and Countryside, Leeds City Council
11.25am	<i>5 minutes for participants to capture ideas on post-it notes</i>
11.30am	<b>BREAK</b>
11.40am	Fraser Bridgeford, Bristol Parks Forum
11.55am	Independent speaker (2)  Steve England, Local conservation educator and Chair of Stoke Park Steering Group
12.05pm	Q&A session with Panel
12.20pm	Discussion groups/worktables <ul style="list-style-type: none"> <li>- each table to look at the different mechanisms for addressing nuisance/ASB in parks and green spaces</li> <li>- to consider the options available, the evidence base required for each of these and the process involved</li> <li>- to identify opportunities/challenges from each particular approach</li> </ul>
1.05pm	Summary feedback from the tables <ul style="list-style-type: none"> <li>- after feedback, tables to be asked if they have identified a preferred option, and if so what and why</li> </ul>
1.15pm	Conclusion and End

## Appendix 3

### Areas of consensus noted in relation to byelaws

- Byelaws can be applied consistently across a number of areas.
- They have already been drafted for Bristol.
- They will be permanent – no requirement to refresh every three years.
- Having byelaws as “background” legislation can be used as a basis for persuading people to modify their behaviour.
- Given the legal wording of byelaws and the earlier history of these in Bristol, if the decision is taken to implement these, it will be important to emphasise through engagement that the intention is not to enforce these in an inflexible manner but to ensure that any responses are proportionate and fair.

### Areas of consensus noted in relation to the new powers conferred by 2014 Act

- These powers allow for specific localised intervention to address a particular issue in a particular area. They appear to be able to be used very flexibly, and therefore may be perceived to be more responsive and reactive by the community.
- General concern that these powers are as yet untested and may be difficult to enact and/or resource intensive.
- Ongoing work is required to decide whether to “refresh” every three years – who will be responsible for instigating and carrying this out? What community engagement will be included as part of this?
- There is a risk that those who “shout loudest” will dominate the agenda – what measures will be put in place to guard against this, and who will adjudicate where there are differing views within a community?

## Appendix 4

### Additional Issues raised

The Inquiry suggested that there is near universal agreement on some issues (such as dog fouling), and divergence of opinions on others (such as barbecues) – and that these should be distinguished between, as they may need to be dealt with in different ways:

- Consideration should be given to having more designated areas for particular activities such as barbecues or dog walking – which may involve relocating or zoning activities where possible.
- Review what is already in place regarding dog restrictions in particular parks and determine whether changes are required to these or whether these should be extended to other areas.

Questions were also raised about whether the introduction of park wardens was viable:

- Consider carrying out a cost/benefit analysis of the case for dedicated park keepers/rangers who could play a part in education/engagement (and also enforcement), versus the cost of legal action.