



# Havering

L O N D O N   B O R O U G H

## OVERVIEW & SCRUTINY BOARD AGENDA

<b>7.00 pm</b>	<b>Tuesday 24 May 2016</b>	<b>Council Chamber - Town Hall</b>
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Members 16: Quorum 5

### COUNCILLORS:

#### **Conservative (7)**

John Crowder  
Steven Kelly  
Robby Misir  
Dilip Patel  
Viddy Persaud  
Carol Smith  
Linda Trew

#### **Residents' (3)**

June Alexander  
Nic Dodin  
Barbara Matthews

#### **East Havering Residents'(2)**

Gillian Ford (Chairman)  
Linda Hawthorn

#### **UKIP (2)**

Ian de Wulverton  
Lawrence Webb (Vice-Chair)

#### **IRG (2)**

David Durant  
Graham Williamson

**For information about the meeting please contact:  
Richard Cursons 01708 432430  
[richard.cursons@oneSource.co.uk](mailto:richard.cursons@oneSource.co.uk)**

## **Protocol for members of the public wishing to report on meetings of the London Borough of Havering**

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

## **OVERVIEW AND SCRUTINY BOARD**

Under the Localism Act 2011 (s. 9F) each local authority is required by law to establish an overview and scrutiny function to support and scrutinise the Council's executive arrangements.

The Overview and Scrutiny Board acts as a vehicle by which the effectiveness of scrutiny is monitored and where work undertaken by themed sub-committees can be coordinated to avoid duplication and to ensure that areas of priority are being reviewed. The Board also scrutinises general management matters relating to the Council and further details are given in the terms of reference below. The Overview and Scrutiny Board has oversight of performance information submitted to the Council's executive and also leads on scrutiny of the Council budget and associated information. All requisitions or 'call-ins' of executive decisions are dealt with by the Board.

The Board is politically balanced and includes among its membership the Chairmen of the six themed Overview and Scrutiny Sub-Committees.

### **Terms of Reference:**

The areas scrutinised by the Board are:

- Strategy and commissioning
- Partnerships with Business
- Customer access
- E-government and ICT
- Finance (although each committee is responsible for budget processes that affect its area of oversight)
- Human resources
- Asset Management
- Property resources
- Facilities Management
- Communications
- Democratic Services
- Social inclusion
- Councillor Call for Action

## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

### **2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive.

### **3 DISCLOSURE OF INTERESTS**

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

*Members may still disclose any interest in an item at any time prior to the consideration of the matter.*

### **4 REQUISITION OF EXECUTIVE DECISION 16/48 - PREVENTING DAMAGE AND INJURY IN PARKS AND OPEN SPACES** (Pages 1 - 14)

### **5 URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which will be specified in the minutes, that the item should be considered at the meeting as a matter of urgency

**Andrew Beesley**  
**Committee Administration Manager**

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# Overview & Scrutiny Board

24 May 2016

## REPORT

**Subject Heading:**

Requisition of Executive Decision 16/48  
Preventing damage and injury in parks and open spaces

**CMT Lead:**

Andrew Blake Herbert – Group Director of Communities and Resources

**Report Author and contact details:**

Richard Cursons - Committee Officer  
[richard.cursons@havering.gov.uk](mailto:richard.cursons@havering.gov.uk)

**Policy context:**

Parks and Open Spaces Strategy 2013-15

**Financial summary:**

There are no significant, immediate additional costs arising from the Cabinet report.

**The subject matter of this report deals with the following Council Objectives**

Havering will be clean and its environment will be cared for	[X]
People will be safe, in their homes and in the community	[X]
Residents will be proud to live in Havering	[X]

**SUMMARY**

In accordance with paragraph 17 of the Overview & Scrutiny Committee Rules, a requisition signed by two Members representing more than one Group (Councillors Ray Morgon & Keith Darvill) has been received calling in an Executive Decision of 5 May 2016.

The text of the original decision, the grounds for the requisition and a response received from the Head of Cultural and Leisure Services are shown below.

<b>RECOMMENDATION</b>
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**That the Board considers the requisition of the Executive Decision and determines whether to uphold it.**

<b>REPORT DETAIL</b>
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An Executive Decision dated 5 May made the following decision:

The decision is to allow the Parks Protection team officers, once attested, to continue to undertake operations immediately outside the boundaries of parks and open spaces, to lawfully prevent access to those spaces by people who it is believed will cause damage to the park, break Parks Bye Laws and /or cause harm to themselves or other users of the park and open spaces.

**Reasons for the requisition:**

A requisition was received on 10 May 2016, signed by Councillors Morgon and Darvill. The grounds of the requisition were as follows:

1. Why are additional powers sought for outside parks and in open spaces so soon after the previous Cabinet decision to attest Parks Protection Officers.
2. There is a lack of definition to determine what “immediately outside” a park means and how would this apply to an open space.
3. There is no information on how many arrests have been carried out by Parks Protection Officers since they have gained the power to arrest.
4. There is no information on what incursions or inappropriate access Parks Protection Officers intend to stop with the new powers, will this include stopping travellers gaining access to council land and how will officers determine the type of use a person(s) may intend to make of a park or open space.

5. There is no information on the likely cost savings.
6. There is no data or evidence to support the need for additional powers outside parks and in open spaces.
7. There is no information as to what powers (and under what legislation) will Parks Protection Officers have to prevent a person(s) having access to a park or open space.
8. Given the intended powers there is no information on what assessment of the additional risk and potential insurance claims has been made.
9. There is no information on what partnership arrangements are now in place with the police.
10. Since the attestation of Parks Protection Officers, there is no information on how many persons have been arrested, summoned to court and for what offence.
11. Given the extra responsibilities given to Parks Protection Officers and the potential risks involved, there is no information on how this might affect the service as a result of the council wide review of Terms and Conditions of employment.
12. There is no information on whether Parks Protection Officers have to power to use their batons to stop entry onto council land.
13. Since the Attestation of Parks Protection Officers have any complaints been made against officers.
14. Since the Attestation of Parks Protection Officers have any officers sustained any injuries.
15. Given the limited number of Parks Protection Officers, there is no information on what resources will be in place to protect outside the parks as well as within, particularly when a park has several access points.

Cllr Ray Morgon

Cllr Keith Darvill

**Appendix – Executive Decision 16/48**

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**Havering**  
LONDON BOROUGH

16/48  
Decision  
Now Made

## Notice of KEY Executive Decision

<b>Subject Heading:</b>	Preventing damage and injury in Parks and Open Spaces
<b>Cabinet Member:</b>	Councillor Roger Ramsey Leader of the Council  Councillor Melvin Wallace Lead Member Culture and Communities
<b>CMT Lead:</b>	Andrew Blake Herbert Group Director Communities and Resources
<b>Report Author and contact details:</b>	Simon Parkinson Head of Culture and Leisure Services X2199 Simon.Parkinson@havering.gov.uk
<b>Policy context:</b>	Parks and Open Spaces Strategy 2013-15
<b>Financial summary:</b>	It is proposed to continue to allow Parks Protection Officers the ability to lawfully try to prevent incursions and other inappropriate access from taking place in parks and open spaces. This will reduce costs to the Council and will therefore save money.
<b>Reason decision is Key</b>	Significant effect on two or more Wards
<b>Date notice given of intended decision:</b>	

**Key Executive Decision**

<b>Relevant OSC:</b>	Towns and Communities
<b>Is it an urgent decision?</b>	No
<b>Is this decision exempt from being called-in?</b>	No

**The subject matter of this report deals with the following Council Objectives**

Havering will be clean and its environment will be cared for	<input checked="" type="checkbox"/>
People will be safe, in their homes and in the community	<input checked="" type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

## **Part A – Report seeking decision**

### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

The decision is to allow the Parks Protection team officers, once attested, to continue to undertake operations immediately outside the boundaries of parks and open spaces, to lawfully prevent access to those spaces by people who it is believed will cause damage to the park, break Parks Bye Laws and / or cause harm to themselves or other users of the park and open space.

### **AUTHORITY UNDER WHICH DECISION IS MADE**

Part 3, Responsibility for Functions, section 2, Executive Functions, 2.1 General Functions, Policy matters, (f) to promote strategic and Council-wide initiatives to improve the quality, efficiency and effectiveness of the Council's services to the public; and section 2.4 Quality of Life Functions, Leisure and Cultural Services, (f)(vi) taking responsibility for provision and upkeep of the Council's public parks, gardens, open spaces, allotments, cemeteries and burial ground.

### **STATEMENT OF THE REASONS FOR THE DECISION**

At its meeting on 16<sup>th</sup> December 2015 Cabinet agreed that the permanent Parks Protection team officers would be attested, so that they would be able to more effectively deal with the more serious incidents that can sometimes arise in parks and open spaces. This decision was subsequently ratified at a meeting of the Overview and Scrutiny Committee on 12<sup>th</sup> January 2016. One of the recommendations agreed by Cabinet confirmed that the attestation powers could only be used inside the boundaries of Havering's parks and open spaces.

The reason why it was agreed that the attestation powers could only be used in parks and open spaces was to prevent issues arising in parks and open spaces being dealt with outside of those spaces. There was a particular concern to avoid chases outside of the park that might put members of the public and staff at risk.

It has subsequently become clear that some of the Parks Protection team's operations, which seek to lawfully prevent access in to parks and open spaces by people who it is believed will cause damage to the park, break Parks Bye Laws and / or cause harm to themselves or other users of the park and open space, take place at the entrance to the park or open space in question. These operations can sometimes take place immediately outside of the boundary of the park.

Preventing access to a park and open space has been an important factor in reducing the number of potential incursions in Havering, thus avoiding disruption to the management and operation of these spaces, as well as reducing the likelihood that extra costs will arise. It is believed that there is a significant level of public support for these operations.

**Key Executive Decision**

Following further discussion with Lead Members it is clear that the intention of the previous Cabinet decision was to prevent issues arising inside parks and open spaces being dealt with outside of those spaces and not to prevent lawful operations to prevent entry from continuing to go ahead.

The decision covered in this report represents an exception to the decision made by Cabinet at its meeting on 16<sup>th</sup> December 2015, which was to only allow attestation powers to be used within the boundaries of parks and open spaces.

**OTHER OPTIONS CONSIDERED AND REJECTED**

The option of discontinuing operations by Parks Protection officers to prevent access to parks and open spaces has been rejected for the reasons set out in this report.

**PRE-DECISION CONSULTATION**

The Lead member was consulted prior to the report being finalised.

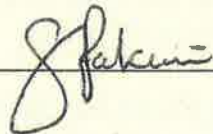
It is believed that there is strong public support for lawfully preventing incursions in to parks and open spaces, so no further consultation was believed to be required.

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Simon Parkinson

Designation: Head of Culture and Leisure Services

Signature:



Date:

16/4/16

## **Part B - Assessment of implications and risks**

### **LEGAL IMPLICATIONS AND RISKS**

The legal implications and risks remain the same as those included in the Cabinet report, "Attestation of Parks Protection Officers", dated 16<sup>th</sup> December 2015.

The Leader of the Council has the power to take decisions that would otherwise need to be taken by Cabinet.

Kamaljit Jandu - Senior Lawyer Enforcement

### **FINANCIAL IMPLICATIONS AND RISKS**

Lawfully preventing access to parks and open spaces by individuals who might cause damage or inappropriately use facilities could result in potential extra costs to the Council being avoided.

All other financial implications and risks remain the same as those included in the Cabinet report, "Attestation of Parks Protection Officers", dated 16<sup>th</sup> December 2015.

Cleared by Comie Campbell Interim Strategic Finance Business Partner – 21/03/2016

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

The human resources implications and risks remain the same as those included in the Cabinet report, "Attestation of Parks Protection Officers", dated 16<sup>th</sup> December 2015.

Geraldine Minchin – Strategic HR Partner

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The equalities and social inclusion implications and risks remain the same as those included in the Cabinet report, "Attestation of Parks Protection Officers", dated 16<sup>th</sup> December 2016.

Savinder Bharna – Corporate Equalities and Diversity Officer

### **BACKGROUND PAPERS**

Report to Cabinet on 16<sup>th</sup> December 2015: "Attestation of Parks Protection Officers"

Report to the Overview and Scrutiny Committee on January 12<sup>th</sup> 2016.



## Part C – Record of decision

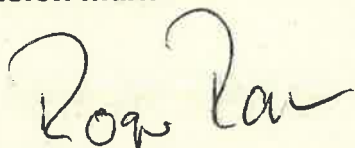
I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

### Decision

Proposal agreed

### Details of decision maker

Signed:



Name: Councillor Roger Ramsey  
Leader of the Council

Date:

~~24.4.16~~ 5.5.16

### Lodging this notice

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration & Interim Member Support Manager in the Town Hall.

#### For use by Committee Administration

This notice was lodged with me on 5/5/16

Signed



Response of the Head of Cultural and Leisure Services to the requisition of the  
“Preventing damage and injury in parks and open spaces” Executive Decision  
16/48

1. Why are additional powers sought for outside parks and in open spaces so soon after the previous Cabinet decision to attest Parks Protection Officers?

Unfortunately the focus on ensuring that the Parks Protection Team could only exercise their attestation powers within parks and open spaces meant that the issue of preventing access into a park or open space from the outside, which is required on occasions, was overlooked. The Executive Decision seeks to address this issue and confirm that Parks Protection Officers can exercise their powers immediately outside parks, within the parameters set out in the report. No additional powers are being sought.

2. There is a lack of definition to determine what “immediately outside” a park means and how would this apply to an open space?

It is not possible to be exact about the distance from the parks and open spaces gates as every instance will be different. The officers will be required to demonstrate that they took appropriate action to prevent access that might result in damage to individuals or to the park. In the vast majority of instances this is expected to be immediately outside the park or open space boundary. Standard Operating Procedures will require officers to demonstrate that they have taken reasonable and proportionate action and that the action could be reasonably defined as having taken place “immediately outside” of a park or open space, taking account of the circumstances that arose at the time.

3. There is no information on how many arrests have been carried out by Parks Protection Officers since they have gained the power to arrest?

Cabinet agreed that they would receive a report reviewing the use of the attestation powers after one year of operation. However, an interim review has highlighted that since the February attestation, Parks Protection Officers have made arrests as constables on seven (7) occasions for offences of robbery, going equipped to steal, public order and drugs; plus one arrest has had to be threatened in order to obtain a name and address for Byelaw Offence of driving an unauthorised quad bike in a park.

4. There is no information on what incursions or inappropriate access Parks Protection Officers intend to stop with the new powers, will this include stopping travellers gaining access to council land and how will officers

determine the type of use a person(s) may intend to make of a park or open space?

It would not be appropriate to refer to particular groups in the community who might be prevented from entering parks and open spaces. Parks Protection Officers will assess every situation on its merits and come to a judgement on whether damage is likely to be caused by an individual or group of people, taking account of the Standard Operating Procedures that the officers are required to comply with.

5. There is no information on the likely cost savings?

It is not possible to identify actual cost savings; but experience shows that repairing damage in parks and open spaces can be very expensive.

6. There is no data or evidence to support the need for additional powers outside parks and in open spaces?

Officers believe it is important to prevent access where damage could be caused, whether there have been incidents in the past or not. In fact, there have been several incidents over the years, at various locations across the borough, which have resulted in damage and expenditure being occurred.

7. There is no information as to what powers (and under what legislation) will Parks Protection Officers have to prevent a person(s) having access to a park or open space?

There would need to be strong suspicion of any offences before action would be taken, and such action would be under criminal law acting as a constable.

8. Given the intended powers there is no information on what assessment of the additional risk and potential insurance claims has been made?

Risks of wrongful arrest and civil claims for damages remain similar to those now. There have been no such claims since the start of the PPS where any persons arrests have been made in the interest of public safety (ie before attestation powers were provided).

9. There is no information on what partnership arrangements are now in place with the police?

Attestation powers should strengthen partnership working where matters very close to parks, relating to parks offences, can be dealt with by parks



constables, which might otherwise have to be reassigned to Met or Essex police.

10. Since the attestation of Parks Protection Officers, there is no information on how many persons have been arrested, summoned to court and for what offence?

Please see the answer to question 3 above.

11. Given the extra responsibilities given to Parks Protection Officers and the potential risks involved, there is no information on how this might affect the service as a result of the council wide review of Terms and Conditions of employment?

There are no extra responsibilities being given to Parks Protection Officers as a result of this Executive Decision. The same responsibilities are to be applied in a slightly wider area, taking in areas of land immediately outside parks and open spaces.

12. There is no information on whether Parks Protection Officers have the power to use their batons to stop entry onto council land?

No use or threat of use of batons has been necessary thus far since attestation powers have been used.

13. Since the Attestation of Parks Protection Officers have any complaints been made against officers?

No complaints have been raised.

14. Since the Attestation of Parks Protection Officers have any officers sustained any injuries?

No injuries have been sustained.

15. Given the limited number of Parks Protection Officers, there is no information on what resources will be in place to protect outside the parks as well as within, particularly when a park has several access points?

Each park will be dealt with according to the situation encountered. As a service, for officer safety reasons, the exact officer resources are never disclosed.

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