

TITLE OF REPORT: POLICY RELATING TO PLAY AREA FENCING (KING GEORGE V PLAY AREA)

REPORT OF THE HEAD OF ENVIRONMENT AND LEISURE SERVICES

1. SUMMARY

- 1.1 The purpose of this report is to inform Members of the Hitchin Committee of the current methodology adopted by the Council for the provision of children’s play areas.

2. FORWARD PLAN

- 2.1 This report has not been notified in the Forward Plan.

3. BACKGROUND

- 3.1 Historically on a national basis, children's play areas were contained in small fenced in enclosures. Until recently this approach was adopted by NHDC. However current national governing body guidelines recognise that children benefit far more by having played integrated into the wider environment, rather than confining it to small enclosures. The current guidelines therefore recommend trying to avoid fencing in play areas.

4. ISSUES

- 4.1 At the September 2010 meeting of Cabinet the following policy relating to fencing in play areas was agreed:

- (1) *Prior to any proposed changes, NHDC will undertake an individual site risk assessment and provide or replace fencing only where a recognised need on grounds of health and safety or to improve design has been established. Notices explaining the proposal will be displayed at the site;*
- (2) *NHDC will engage independent specialist risk assessment companies such as RoSPA to undertake annual risk assessments of play areas and be guided by their recommendations.*

- 4.2 Appendix 1 provides the rationale the policy was based on.

- 4.3 In the case of King George V play area in accordance with the policy adopted by Cabinet a risk assessment was undertaken by officers to determine if fencing was required at this location. The assessment showed that there was little justification to provide fencing for the play area. Appendix 2 details the risk assessment undertaken.
- 4.4 In addition to the risk assessment undertaken by council officers, RoSPA who are an independent body specialising in children's safety undertook their own assessment of the newly provided play area. Their assessment identified no concerns about the lack of fencing and whilst the risk assessment is being undertaken the inspector commented on how pleased he was to see that you play area has not been confined by fencing.
- 4.5 It is appreciated that dogs can be intimidating to young children. However this is equally the case either in or outside a play area. In fact where un-responsible pet owners purposely place dogs within the confines of a fenced play area, the effects are even worse as children only have limited means of escape. It is also important to realise that one of the roles of NHDC's Animal Warden is to promote responsible pet ownership and he is keen to know about any specific issues.

5. LEGAL IMPLICATIONS

- 5.1 The Council provides parks, pleasure grounds and open spaces under the discretionary powers given to it by the Public Health Acts, the Open Spaces Act 1906, the Local Government (Miscellaneous Provisions) Act 1976 and the Local Government Act 1972. These executive powers are wide and additionally can be supplemented by the more recent introduction of the well-being power which enables a local authority to do anything which promotes the economic, social or environmental well-being of the area. The proper management of green spaces aligns favourably to the exercise of the well-being power.
- 5.2 Recent policy documents which may have relevance to this area include 'Open Space Strategies: best practice guidance' a practical guidance document from CABE (Commission for Architecture and the Built Environment, the government's advisor on architecture and public space) and new guidance on the 'Power to promote well-being of the area: statutory guidance' issued by DCLG.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 In addition to the risk assessment undertaken by council officers on an annual basis all the councils play facilities have an independent risk assessment undertaken.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 7.1 None contained within this report.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 8.1 The councils policy relating to fencing was endorsed by Cabinet in September 2010.

9. RECOMMENDATIONS

- 9.1 It is therefore recommended that any dog or other animal that is found to be causing a nuisance is reported to NHDC's Animal Warden.
- 9.2 That comments from the Area Committee relating to this report are referred to the Portfolio Holder for Leisure for consideration by Cabinet.

10. REASONS FOR RECOMMENDATIONS

- 10.1 To maximise the play value of the councils play areas by adopting best practice and current guidelines.

11. ALTERNATIVE OPTIONS CONSIDERED

- 11.1 Not applicable.

12. APPENDICES

- 12.1 Appendix 1. Rational for fencing policy
- 12.2 Appendix 2. King George V Play Area fencing assessment

13. CONTACT OFFICERS

- 13.1 Steve Geach, Parks & Countryside Development Manager, Tel: 01462 474553

14. BACKGROUND PAPERS

- 14.1 NHDC's Green Space Strategy

APPENDIX 1. RATIONAL FOR FENCING POLICY

Historically since the late 1980's although many parks and open spaces were unfenced, fencing was erected around play areas. Current guidance questions this approach and does not favour a blanket approach to fencing. It concludes that many locations would be enhanced by adopting a more open approach and not containing play areas or open space into fenced enclosures.

It is therefore NHDC intention to move away from a general approach to fencing in some play areas and open spaces and to adopt best practice and current guidance in relation to fencing. A risk assessment will be undertaken for individual locations to determine specific requirements.

Summary of current guidance

In August 2008 Play England and the Government launched new design guidance titled *Design for Play: A guide to creating successful play spaces*. This is non-statutory guidance containing advice and ideas on how to transform children's play spaces. The guidance has been endorsed by the Health and Safety Executive and Royal Society for the Prevention of Accidents and supports play area providers in demonstrating best practice and innovative design in the development of play sites.

The decision about whether or not to put a fence or boundary round a play space will depend on many factors specific to the location and potential use of each site. Fenced boundaries around play spaces tend to make them feel segregated from their surroundings and there is a growing view that the presence of fencing can discourage some children from using the play space. Fencing can also imply that this is where children are meant to be – and that they only belong there, rather than elsewhere in the public domain. Internal fencing which separates different age groups is rarely needed and the removal of this will usually improve the feeling of the play space.

On the other hand, although there is no legal requirement or recommendation for fencing in industry standards, a barrier may sometimes be desirable. Parents and carers – especially of younger children – may appreciate the sense of security which a fenced boundary creates to keep their children safe from straying outside the play space or from dogs. However, there may be other more satisfactory ways of creating boundaries that add to the play value of the space and make it feel more pleasant to use. Planting a hedge; creating a change in level; placing the whole space in a shallow hollow in the ground; surrounding it with a low wall where people can also sit; the possibilities are numerous. Though fences can be partly effective in keeping dogs out, on some sites owners have even taken advantage of the fencing to let their dogs run free inside the play spaces; on one site in east London, the training of fighting dogs inside play spaces was stopped quickly by the removal of the boundary fencing. Fencing may be limited in its effectiveness by virtue of its height and the limited effectiveness of entrance gates and grids. In many locations it should be possible to adopt a much more positive attitude to the management of dogs rather than fencing them out.

The general feeling by Play England is that we should not be fencing children in, but managing the behaviour of dogs, as this was originally the primary reason for introducing fencing. We have all been lulled into a false sense of security regarding fencing

However, this does not mean that fencing cannot be used, but there should be a justification for its use. This could be a line of fencing along the length of a main road to protect children from running out into it, but that does not then mean that the equipment has to be 'fenced in' beyond that. The use of mounds or planting to provide a visual boundary can also be considered. Therefore Officers will undertake an individual site risk assessment and ask the following questions each time a site is to be redeveloped:

1. Does the site really need to be fenced in? If so – what is the purpose of the fence?
2. Is a fence necessary or might another type of boundary be effective?
3. What type of boundary would add play value and complement the look of the setting?
4. How could the presence of dogs be dealt with positively on the site?

NHDC will also engage independent specialist risk assessment companies such as RoSPA to undertake annual risk assessments and will be guided by their recommendations.

APPENDIX 2. KING GEORGE V PLAY AREA FENCING ASSESSMENT

Concern	Comment	Severity	Action
Movement conflict with -			
Vehicles	None except maintenance vehicles	Very low	None
Cyclists	Occasional usage	Low	Retain log walk as barrier to movement conflict
Pedestrians	Well used path adjacent to play area	Low	Retain log walk as barrier to movement conflict
Sports pitches	Rugby pitches	Low	Berm to confirm delineation of areas Signage None
	MUGA	Already fenced	
Water course	None	N/A	None
Overhead cables	None	N/A	None
Sloping, uneven ground	Level	N/A	None
Injurious landscape	no	N/A	None
Animals			
Horseriding	No reports	Very low	None
Dogs strays	No reports	low	Signage to report incidents
Dogs attacking	No reports	low	Dogs banned from play area Signage Enforcement
Dogs excrement	Average occurrence	low	Dogs banned from play area Dog fouling banned in park Signage Enforcement Dog bins in park Promote responsible dog ownership Target irresponsible ownership Dog exercise area
Other animals/wildlife	Deer have been seen	Very low	None