

# SCOTTISH BORDERS COUNCIL AUDIT AND SCRUTINY COMMITTEE

MINUTE of Meeting of the AUDIT AND SCRUTINY COMMITTEE held in Council Chambers. Council Headquarters, Newtown St Boswells on Thursday, 24 October 2019 at 10.00 am

Present:- Councillors S Bell (Chairman), H. Anderson, K. Chapman, J.A. Fullarton, S. Hamilton, N. Richards, H. Scott, E. Thornton-Nicol.  
Apologies:- Councillor S Scott.  
Also Present - Councillors S. Aitchison, C. Hamilton, S. Marshall, W. McAteer, E. Robson.  
In Attendance:- Service Director Assets & Infrastructure, Clerk to the Council, Lead Education Officer (L. Munro), Trainee Democratic Services Officer.

## AUDIT & SCRUTINY BUSINESS

### 1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 23 September 2019.

### **DECISION**

**APPROVED for signature by the Chairman.**

## SCRUTINY BUSINESS

### 2. **PETITIONS**

#### 2.1 **Petitions Procedure**

There had been circulated copies of an extract from the Audit and Scrutiny Committee Petitions procedure. The Chairman advised that, due to the similar nature of the petitions to be heard, there would be a slight change to the formal petition process and that both petitions would be heard, and then the Committee would come to its conclusions which may or may not be the same for each petition. Councillor Robson had notified the Chairman that he wished to make a statement in support of the Kelso petition and the Chairman had agreed to this request, with the statement being made after the officers' responses to Committee. The Chairman further advised that sadly the Hawick petitioner, Mr Greg Dalgleish, was not able to be present at the meeting due to a family bereavement and Councillor McAteer would present the petition on his behalf. The Chairman asked that Councillor Marshall pass on the Committee's condolences to Mr Dalgleish.

#### 2.2 **Kelso Play Parks Petition**

There had been circulated copies of a petition entitled "Save Kelso's Playparks", which had received 502 signatures. The form was accompanied by comments made by the signatories as part of an online petition. There had also been circulated copies of a briefing note by the Service Director Assets & Infrastructure in response to the petition. In the statement within the petition, it was explained that the smaller, local parks in Kelso currently threatened with closure were well-used by the under-12s. Although the investment at Shedden Park was to be applauded, access was still needed to local parks, especially for smaller children in Kelso. These parks should also attract investment to keep them smart and in full working order. There was a plea to 'keep our playparks'.

#### 2.3 The Chairman welcomed Kirsty Wichary, Lead Petitioner, to the meeting and invited her to present her petition. In support of the petition statement, Mrs Wichary advised that she

had come to the meeting to appeal to the child in everyone. Shedden Park was welcomed as a destination park but it was mainly for older children, and not a neighbourhood park, and would mainly be used at weekends; these other local parks were for younger children, close to home, where parents often took toddlers. Should the local parks close, the ones remaining would be too far away either for children to be able to go there on their own to meet their friends, or for parents to take younger children for an hour and still come home in time for tea. Investing in technology was great with the recent introduction of I-pads for older children, but if parents had the choice they would likely have preferred children to have outdoor lives, with evidence that access to green spaces for children to play was better for them than being stuck at home using electronic devices. Reducing access to play parks could have a detrimental impact on children's mental well-being and ability to interact. Mrs Wichary referenced evidence produced at the Fifth Ministerial Conference on Environment and Health in Italy in 2010, Ben Fogle, the Joseph Rowntree Foundation and Fields in Trust about the benefits of green spaces, outdoors being an ideal location for learning and where children could be themselves. The Chairman congratulated Mrs Wichary on her eloquent and articulate presentation. Members of the Committee then asked a number of questions about the use of the local parks, the age range of children using them, the distance to parks, and the use of High School facilities. Mrs Wichary responded, advising that she lived on one side of town so could not comment on the use of all parks, but some could do with some investment to keep them smart and in full working order. The High Croft Co-op park was used a lot, with local children using that as a meeting place. However, those based further away needed to access this through a woodland path which would need to be a supervised trip and again reiterated that it was part of a child's experience of freedom to be allowed to access nearby parks themselves. All of the parks to be de-commissioned were mainly for use by younger children from toddlers to the age of eight. By keeping smaller parks, that meant younger children could access play space 5 minutes from home and slightly older children could go there alone. There was a perceived threat to children which was not the case when the previous generations were growing up, but times had changed, and parents were unwilling to allow younger children to travel too far from home on their own while still allowing them to have a sense of freedom and responsibility. Some of the local parks had been put in place as a condition of planning permission for new housing. The High School facilities could be used but at a cost.

2.4 The Service Director Assets & Infrastructure (Mr Martin Joyce), the Neighbourhood Services Manager (Mr Jason Hedley), and the Neighbourhood Area Manager (Mr Craig Blackie) were also present at the meeting to present the Council response to the petition. Mr Joyce made a key clarification that the Council was not seeking to remove play spaces or parks but to remove equipment, so that the equipment in those remaining neighbourhood parks could be enhanced. Mr Hedley then thanked all those who had contributed to the petition and presented details from the briefing note. A report had been presented to the Cheviot Area Partnership in June 2019 which had given details of the 9 play parks in the Kelso area that were recommended for decommissioning and 7 for retention. A consultation had also been undertaken inviting feedback from the public via email and telephone, with responses detailed in section 4 of the briefing note. In comparison with other similar local authorities, Scottish Borders Council provided a large number of play parks but a low level play experience. The table in section 6 of the report gave commentary on the concerns raised during the consultation which covered: children's health and wellbeing; parks or safe spaces available to communities; the usage of the equipment through regular inspections and wear and tear; future maintenance of sites with no equipment. Mr Hedley confirmed that the amount of maintenance required for play park equipment depended on the amount of usage with some tell-tale signs e.g. bark displacement under equipment. None of the play parks were supervised and the Council did not promote unsupervised play. Any increase in demand in the retained parks would allow further investment in play equipment.

2.5 Councillor Robson addressed the meeting and queried the number of inspections and when they had taken place as being critical to ascertain play values. If the assessments

for play value and fit score analysis had been carried out during the working day when children were at school as this was not a fair reflection of use. He noted the Inspectors also assessed parks for wear and tear and commented that this was a very difficult mechanism to assess on usage and assessments should be carried out in the evenings or during the holidays. The parks in question were predominantly used by mothers with toddlers and younger children who could be seen from home, and much of the equipment was designed for this younger age group. He also asked if reconsideration be given to Rosewood Gardens where the equipment was for younger children and the park was relatively new, having just been built a few years ago. He also queried the cost of removal of equipment and what would happen to the removed equipment. In response, Mr Joyce advised that the inspections were carried out throughout the year so some would take place during school holidays and he undertook to look at what would happen with removed equipment. However, the access to those play parks would remain and the Early Years expansion programme would also provide greater opportunities for outdoor play.

- 2.6 In response to Members' questions, Mr Joyce explained that when Council had approved the new play parks this had been on the basis of it being cost neutral for the revenue budget. The annual cost of maintaining the full programme of the new play facilities was estimated at £30k which needed to be contained within the existing budget of £100,000. Much of the cost was in staff resource for inspections and the new equipment in the destination play parks required a greater degree of inspection. The cost of removal would need to be met from this budget. It was difficult to break down the cost of inspection/maintenance of equipment per park as that depended on location and the number of pieces of equipment in each park. For a very rough estimate, if the budget was divided by the number of play parks this worked out at about £400 per park, but again depending on the amount of equipment this could vary considerably from park to park. With regard to the cost of removal, this would depend on the type and amount of equipment but could be a few thousand, depending on what needed to be done. Members raised concerns that exact costs of maintenance for the new parks and removal of play equipment was not known. Officers confirmed that Equality Impact Assessments had been undertaken for each of the new destination play parks with no negative impact identified for protected groups. A consultation on the removal of equipment from play parks had been undertaken at the request of attendees when details had been presented to Area Partnership meetings, and details from that consultation had been provided in section 4 of the briefing note.
- 2.7 Mr Joyce confirmed that the new play parks had been designed for all age groups and to be all inclusive so they had a broader range of play equipment. As examples, a double swing which could be used by 2 wheelchair users had been installed at Harestanes play area; some swings had reclined backs and harnesses had been provided. Specific engagement with local groups had not been carried out but the designers of the new play parks were experts in that field and had designed the parks within the constraints of locale and budget. The aim was to have a sustainable play park portfolio going forward. Once play equipment was removed the areas would be grassed over and communities would also have opportunities to decide what to do with that space through the Community Empowerment Act regarding food growing and community asset transfers. Currently, the Council did not adopt play parks in new housing estates for maintenance and developers were required to provide this or it was a factored service paid by residents. Where it was not possible to put in new play areas in new housing developments, then developers could make a contribution to enhance existing facilities instead e.g. Clovenfords. Mr Joyce undertook to have a further look at Rosewood Gardens park but emphasised that difficult decisions had to be made around play parks.

### 3. **HAWICK PLAY PARKS PETITION**

- 3.1 The Chairman then welcomed Councillor McAteer, deputising for the Lead Petitioner, Greg Dalgleish, to present the petition on “Stop Scottish Borders Council Closing Play Parks”. The petition had been accompanied by a statement which advised that bigger and better facilities should not be justified for the removal of the smaller parks that were situated in various housing estates in Hawick and the Borders. The comments associated with the petition and on social media made it clear that these smaller parks were still well used and had been described as a safe place to play and exercise close to many homes. Not everyone was able to access the likes of Wilton Lodge Park on a regular basis and children with additional needs also found these areas too busy and noisy. The petitioners called into question how the Council had carefully looked at playparks that were not used as much and to explain how they arrived at that decision. They also questioned why some parks were in a poor state of repair and if these had been neglected over the years, then this should not be justification for removal. Priority 2 within the Borders Director of Public Health Report 2018 highlighted that investment in children’s play was one of the most important things that could be done as a community to support children’s health and wellbeing. The statement concluded that the Council was above the national average for play park provision and that position should not change.
- 3.2 Councillor McAteer advised that the principal petitioner, Mr Dalgleish, had put a power of work into the town and this was effectively closing play parks. Residents had a right to determine how Council money should be spent and the decision on play parks should be re-considered by full Council. The new destination play parks were a great success but there was not enough evidence to show that these local play parks were not needed by the community. The consultation exercise carried out with Elected Members and at Area Partnerships simply gave details of the closures and did not seek representative views as the plan to remove the playparks had already been made. Smaller parks were still well used and were a safe place to play. By failing to maintain play parks the Council had contributed to their lack of use and account had to be taken of the health, wellbeing and safety of young people and their needs. These smaller parks provided a starting place for play and were the bedrock for future play parks as young people were the future of the Borders.
- 3.3 Members then asked about specific play parks at Sleepy Valley, Burnfoot Community School and Millersknowe. Councillor McAteer advised that Burnfoot School play park was a central congregation point for youngsters, with Sleepy Valley a perfect place, with wide open space. To give some context, the population of Burnfoot was similar to Jedburgh. With the removal of play equipment from smaller parks, parents would need to make a deliberate decision to visit a park further from home. This could make it difficult for parents with smaller children to walk to and allow their children adequate time to play. There were 4 newer play parks – Hislop, Leeburn, Mayfield and Wilton Court.
- 3.4 There had been circulated copies of a report by the Service Director Assets and Infrastructure on the Plays Parks Petition, Hawick which gave a response to various points in the petition. Mr Hedley then displayed some photographs of the play equipment which was to be removed. The Fields in Trust organisation advocated access to open space and provided tools for officers to use. The FIT score/play value was based on set criteria, such as number of slides, whether it was fenced, access to a bin. With regard to investment in smaller parks, there were issues with older equipment pre-1988 as often parts were not available so it would not be a case of repairing or replacing like for like as standards had changed. Geography had been part of the assessment of the smaller play parks but not travel distance. If a town only had one play park then that remained. Mr Joyce confirmed that if equipment was removed then there could be investment in the remaining parks not just the destination parks. Other facilities such as that provided through the expansion of early years, 3G pitches and new community hubs would also be available. In terms of the size of a community, that varied across the Borders, but there had been representation on travel distance to some parks so some had already been retained in Galashiels, Innerleithen and Peebles. Engagement had taken place with Elected Members at Area Partnership meetings. With regard to the Members’ Reference

Group, Mr Joyce advised that this had been raised at a Council meeting, and confirmed, following an email from the Convener to all Members, this was being taken forward on a more informal basis. Mr Joyce further confirmed that Officers would be open to access any funding as there was a need to create a long term, sustainable future for play parks across the Borders. With regard to Hawick play parks, Mr Joyce was re-considering the one at Hislop Gardens.

- 3.5 The Chairman thanked both Mrs Wichary and Councillor McAteer for presenting the 2 petitions and the officers for their input. Members then considered their next steps. Councillor Scott expressed concern about the lack of a robust consultation process prior to the decision on removing play equipment, and the lack of clarity on how savings were to be made when specific costs were not available. Councillor Anderson suggested that the matter be referred back to full Council. Councillor Fullarton commented on the difficulties in resourcing all play parks and balancing the investment in destination play parks against the smaller parks closer to home. Councillor Chapman also raised the issue of the cost of removal of equipment and the spread of the smaller play parks.
- 3.6 A 15-minute recess was called while Committee members considered what motions to put forward.

#### VOTE

*Councillor Anderson, seconded by Councillor Thornton-Nicol, moved that the 2 petitions be referred back to Scottish Borders and that "Scottish Borders Council re-assesses its original decision made on 31 May 2018 in relation to the capital programme 18/19 and investment in play areas and outdoor community spaces to 'delegate authority to the Service Director Assets and Infrastructure, after consultation with local Members, the Chief Financial Officer and the Chief Legal Officer, to declare play parks obsolete or those surplus to requirements and arrange for the removal of equipment and disposal, if appropriate.' The Service Director is requested to prepare a fully costed report on options for future and existing play park provision for consideration at the next meeting of Council."*

*Councillor Fullarton, seconded by Councillor Hamilton, moved as an amendment that "while we welcome the petition and the views expressed by the communities of Hawick and Kelso, the impact of retaining every play park could delay the Capital Programme and will impact on the existing Revenue Budget going forward and therefore we reluctantly propose no further action is taken".*

*On a show of hands Members voted as follows:-*

<i>Motion</i>	-	5 Votes
<i>Amendment</i>	-	3 Votes

*The Motion was accordingly carried.*

#### DECISION

##### DECIDED:-

- (a) to refer the petitions to Scottish Borders Council; and
- \* (b) to RECOMMEND that Scottish Borders Council re-assesses its original decision made on 31 May 2018 in relation to the capital programme 18/19 and investment in play areas and outdoor community spaces to 'delegate authority to the Service Director Assets and Infrastructure, after consultation with local Members, the Chief Financial Officer and the Chief Legal Officer, to declare play parks obsolete or those surplus to requirements and arrange for the removal of equipment and disposal, if appropriate.' The Service Director should be requested to prepare a fully costed report on options for future and existing play park provision for consideration at the next meeting of Council.

#### 4. **COMMUNITY ACCESS TO SCHOOLS**

4.1 With reference to paragraph 3 of the Minute of 19 April 2018, there had been circulated of a report by the Interim Services Director Children & Young People, providing details for a proposed review of community access to schools. Ms Lesley Munro, Lead Education Officer, presented the report, which was in response to a request from the Audit and Scrutiny Committee for a scoping paper on community access to schools. While there was no specific policy relating to which schools were available for community use, the report covered the work planned to produce a new policy for community access to schools. Given the many differences across the Borders with regard to community access to schools and the amount of information that would need to be gathered, it was proposed that a steering group of officers be convened to take this forward. Initially, the group would carry out a full analysis of all community use of schools recorded over a twelve-month period. This work would be reported to the Audit & Scrutiny Committee by June 2020. The next stage would be for the group to formulate policy and undertake consultation, prior to any new policy being presented for Elected Member approval. The final stage for the group would be to monitor the implementation of the new policy and processes. This would include evaluation of user groups at key points in the first year of implementation. The outcome of this evaluation and the impact of the policy would then be reported to the Audit and Scrutiny Committee by August 2021.

4.2 Members welcomed the report although asked if the work could be expedited. It was confirmed that an interim report would be provided to the Committee by June 2020, but advised that this was a complex piece of work for officers, with many historic practices and charges across different localities and venues, not just schools. It was important to get parity across the area for all organisations. Quarterly briefings on progress could be issued to Members. The Chairman expressed concern about the length of time it had taken to get the scoping report and proposed adding in to the end of the recommendation, "with a view to concluding this matter as soon as possible." This was unanimously accepted.

#### **DECISION**

**AGREED to APPROVE the process for reviewing community access to schools, with a view to concluding this matter as soon as possible.**

*The meeting concluded at 13:35 pm*