

Meeting	Decision Session - Executive Member for Environment and Climate Change
Date	9 February 2022
Present	Councillors Widdowson

6. Declarations of Interest

The Executive Member was asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests or any prejudicial or discloseable pecuniary interest that they might have in respect of the business on the agenda. None were declared.

7. Minutes

Resolved: That the minutes of the Decision Session held on 12 January 2022 be approved and signed by the Executive Member as a correct record.

8. Public Participation

It was reported that there had been 6 registrations to speak at the session under the Council's Public Participation Scheme.

Jo Lindley spoke on item 4. Ms Lindley stated that she did not believe the area of the ballot undertaken by officers was large enough to properly represent the views of the community. She stated that she did not receive notification of the results of the ballot, which was promised by officers and that she wanted a quantification of the strength of feeling of the respondents. Ms Lindley further stated that the park was built as a public open space, not just for the use of immediately local residents and that dog walkers had been using the site for over 20 years. She argued that the fence provided benefits to York residents and that there were no good reasons for removing it.

Neil McLeay spoke on item 4. He stated that the park was labelled as a children's play area in the original planning documents and that children had used the space for over 20 years without interference from dogs. Mr McLeay argued that in recent years, dog owners had been using the space

within the fence so often as to make the space unsuitable for children. He argued that the process of the consultation was unsatisfactory and stated that a wider ballot was needed. Mr McLeay also left a written representation which he provided to the Executive Member and officers.

Paul Hannah spoke on item 4. He stated that he had lived in the area since 1989 and that there had been no issues around dogs until social media had encouraged dog walkers to visit the site. Mr Hannah brought a letter from a City of York Council Animal Health Officer dated 26 May 2004 confirming that the area was banned to dogs. He argued that footfall on his street had become untenable in recent years and that the people closest to the park were the most impacted, not the whole estate. He asked the Executive Member to honour the results of the ballot and expressed his concern about lack of communication from the Council.

Neville Murphy spoke on item 4. He stated that plans of the area when the estate was being built showed that the park was a children's play area and that the fence was installed in place of play equipment, while arguing that the area had always been banned to dogs. He stated that signs banning dogs had been vandalised several times and that there were currently none in place. Mr Murphy argued that dog walkers predominantly arrived in cars and vans and were not usually residents of the estate, claiming that the large number of dog walkers stemmed from a Facebook group which encouraged people to use the site. He argued for the fence to be removed to discourage dog walkers.

Caroline Ryder spoke on item 4. She stated that she was a local resident and District Commissioner for Acomb Girl Guiding. Ms Ryder argued that the area was an invaluable space that was made safe for Guide activities by the fence currently in place and that she was unaware of any issues of dog waste or litter. She stated that removing the fence would mean the space would become less safe for the children and unsuitable for Guide activity. Ms Ryder referred to the Green Infrastructure Strategy, which stated that such areas were multi-purpose for supporting healthy lifestyles, therefore the site could be used for both dogs and children.

Karen Murphy spoke on item 4. She stated that she was happy to see the Guides using the field during the summer months, even if there were some parking issues arising from that, however she argued that many dog walkers parked at the end of her drive year-round. Ms Murphy stated that some dog walkers had been rude and that she felt her grandchildren were not safe in the play area since they had begun arriving in large numbers a few years ago.

9. Birkdale Grove - Play area fence consultation

This report sought approval for the removal of the metal fence around Birkdale Grove “play area”. A local consultation on this proposal generated comments from the immediate and wider local community which were provided to inform the Executive Member’s decision. The Head of Environmental Services and the Operations Manager, Public Realm were in attendance to present the report and respond to questions.

Key points raised during the presentation of the report included:

- Officers apologised to the Executive Member and to residents for the late delivery of letters and slow communication around the consultation.
- The Local Plan recorded the space as amenity open space, however no play equipment was ever installed.
- The whole site measured 95x50 meters, with the fenced area measuring at 75x30 meters.
- Dog walkers had used the space for several years, and opinion was divided amongst local residents on whether they ought to be able to use the space.
- Three ‘no dog’ signs were installed in January 2021, some of which were later damaged.
- The Council’s legal department had confirmed that signs were only advisory and could not be enforced without the initiation of a separate legal process.
- The idea of removing the fence as a means of solving the impasse was discussed with the local ward councillor, and it was decided to hold a ballot of local residents. The streets to be surveyed were agreed with the local ward councillor.
- 57 households were balloted, with the expectation that a simple majority of the households of replied would decide the ballot. 19 responses were received, with 11 for the removal of the fence (58%) and 8 against (42%).
- Residents both within and without the ballot area sent comments to the Council arguing for the fence to be retained, which were included within the report.

Comments from the Executive Member included:

- That the fenced area was not completely secure.
- After having heard arguments for and against, there was a need to re-run the consultation and ballot.

Resolved:

- i. That the decision be deferred to a later date to provide an opportunity for Cllr Lomas, as Ward Member for Acomb, to liaise with residents of the adjoining housing estate and other users of Birkdale Grove, in order to investigate potential alternative solutions to the issue, including but not limited to:
 - That the fence remains in place and the area be only used as a children's play area.
 - That the fence remains in place and funds from the Acomb ward budget be accessed to install children's play equipment.
 - That the area is designated as both for children and dogs.
 - That the fence be removed.
- ii. That the ballot be rerun, with a wider voting area and some form of weighting in favour of those residents closer to Birkdale Grove, with details to be decided by the Ward Member.
- iii. That officers work with the Ward Member to assess and review local parking arrangements.
- iv. That the Parks and Open Spaces team undertake a review of Birkdale Grove, to ensure that the fence is properly secured, that there is a rota for cleaning the park, and to explore the option of installing more dog waste bins.

Reason: To build a consensus on the best solution for residents on the Birkdale Grove play area fence.

Cllr P Widdowson, Executive Member

[The meeting started at 3.03 pm and finished at 3.44 pm].