

**Brenchley Gardens Fencing Proposal**

<b>Final Decision-Maker</b>	Communities, Housing and Environment Committee
<b>Lead Head of Service</b>	William Cornall, Director of Regeneration and Place
<b>Lead Officer and Report Author</b>	Jennifer Stevens, Head of Environment and Public Realm
<b>Classification</b>	Public
<b>Wards affected</b>	High Street Ward

**Executive Summary**

This report provides the Committee with a progress update following their decision in November 2021 to pursue the night-time closure of Brenchley Gardens. The report seeks the approval of the Committee for the next steps to the project, specifically approving the proposed location to enable planning permission to be acquired, gaining the views of the immediate community who live alongside the park and agreeing funding for the installation and daily locking of the gates.

**Purpose of Report**

Decision

**This report makes the following recommendations to this Committee:**

1. That the Committee agrees the proposal to install fencing and gates between Maidstone Museum and St Faith's Church, as set out at point 2.4, to enable planning consent to be sought.
2. That the Committee agrees the funding of the additional capital and revenue costs from existing budgets as outlined in points 2.5 and 2.6.
3. That the Committee agrees that a full consultation is undertaken with the residents of McKenzie Court whilst planning consent is acquired.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Communities, Housing and Environment Committee	Tuesday 1 March 2022

# Brenchley Gardens Fencing Proposal

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

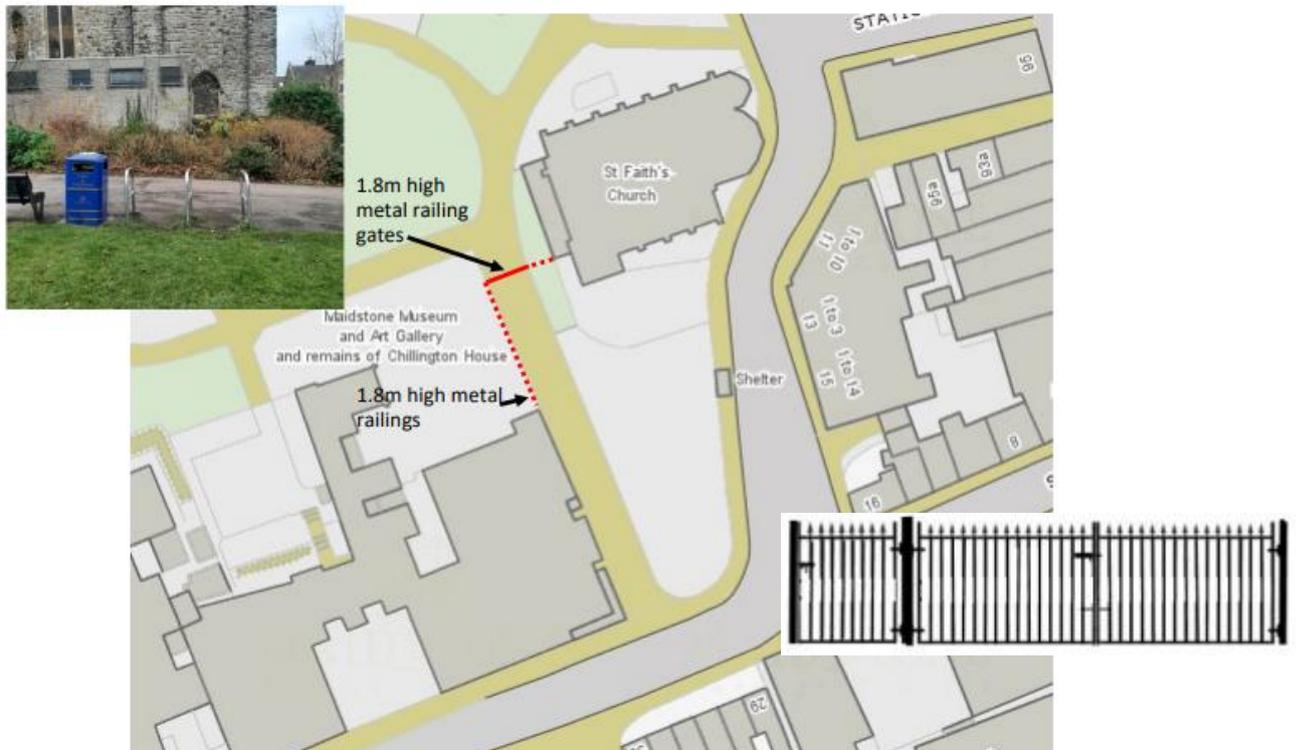
Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>The proposal to extend fencing around the perimeter of Brenchley Gardens will enable the Park to be locked at night and is intended to reduce anti-social behaviour. This will support the achievement of a Safe, Clean and Green Borough.</p>	Head of Environment and Public Realm
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The proposal has been designed to ensure the heritage of the park is respected whilst protecting it from anti-social behaviour.</p>	Head of Environment and Public Realm
<b>Risk Management</b>	The key risks associated with this proposal are outlined in Section 5.	Head of Environment and Public Realm
<b>Financial</b>	Accepting the recommendations will demand new capital spending of £30k and an increase in revenue costs of £11k per annum. Funding from the existing Parks Capital budget is available to fund the installation of the fencing and the additional revenue costs will be met from existing budgets.	Section 151 Officer & Finance Team

<b>Staffing</b>	<p>Project management of the installation of the fencing will be delivered with our current staffing.</p> <p>However the closure of the park at night will have staffing implications. It is proposed that the closure is carried out by an external security contractor, the costs of which have been included in this report.</p>	Head of Environment and Public Realm
<b>Legal</b>	<p>By virtue of Section 17 of the Crime and Disorder Act 1998 it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)</p> <p>The proposal relates to a measure which is intended to reduce crime and disorder.</p> <p>However, there are competing interests in relation to the property rights of the residents of McKenzie Court which will need to be fully explored before any final decision can be taken.</p>	Interim Team Leader (Contentious and Corporate Governance)
<b>Privacy and Data Protection</b>	No implications identified	Policy and Information Team
<b>Equalities</b>	<p>The recommendation set out in this report is not a service change as the park will still be available to all visitors, however like other Parks, will be closed at night to reduce the likelihood of anti-social behaviour. The night-time closure of the park will not specifically affect any group of individuals with protected characteristics and therefore a Equality Impact Assessment has not been completed.</p>	Equalities & Communities Officer
<b>Public Health</b>	<p>We recognise that the recommendations will not negatively impact on population health or that of individuals.</p>	Public Health Officer
<b>Crime and Disorder</b>	<p>The recommendation will have a positive impact on Crime and Disorder. The Community Protection Team have been consulted and mitigation has been proposed</p>	Head of Housing & Community Services

<b>Procurement</b>	A specification has been prepared for the gates and fencing and should planning consent be granted, a tendering exercise will be carried out for the work in line with procurement rules.	Head of Service & Section 151 Officer
<b>Biodiversity and Climate Change</b>	Protecting the park against anti-social behaviour is also likely to have a positive impact on maintaining biodiversity within the park. It will ensure improved oversight of the park enabling work to be undertaken that enhances biodiversity and habitat creation.	Biodiversity and Climate Change Officer

## 2. INTRODUCTION AND BACKGROUND

- 2.1 On 30 November 2021, the Community Protection Manager presented the Communities, Housing and Environment Committee with a Follow Up Report on Brenchley Gardens. The report set out several actions intended to disrupt and deter anti-social behaviour within the park, including upgrading CCTV and reinstalling the 'frills' to the Bandstand.
- 2.2 During this meeting, the Committee requested that work to enable the Park to be closed at night was progressed as soon as possible.
- 2.3 Since November, the Parks and Open Spaces Team have been working on proposals to enclose the park in fencing which would enable the park to be fully closed overnight. Five options for fencing were circulated to the Committee Members by email in December 2021 and as no specific feedback was received, the most viable option has been taken forward.
- 2.4 The map below shows the proposed fencing route between Maidstone Museum and St Faith's Church which would enable the closure of the park. Other options including encapsulating the open space opposite Maidstone Museum were considered; however, this route provides the greatest security, avoids existing utilities and is projected to be the lowest cost option.



- 2.5 The proposed design shown above in section 2.4 is anticipated to cost £30,000 to install. This includes a reasonable contingency for archaeological consultants as explained in section 2.9 and potential material price increases. This will be funded from the Parks capital budget.

- 2.6 The daily closure of Brenchley Gardens will also require a security contractor to ensure it is empty before locking the four sets of gates around the park. This will require them to encourage any individuals within the park to leave. Given the anti-social behaviour reported leading to the decision to lock the park overnight, it is not considered appropriate to use the Council's grounds maintenance staff to carry out the closure. A quotation of £11,000 per annum has been provided by a Security Industry Authority (SIA) company for this work. It is proposed to fund this from existing revenue budgets.
- 2.7 There are several challenges to this project. Whilst they are not insurmountable, it is important that the Committee are aware of them when considering the proposal.
- 2.8 The proposed location of the gates and fencing will leave a small area of open space facing Station Road and St Faith's Street open at all times. This is the area opposite the entrance to Maidstone Museum. However, enclosing this area would generate significantly higher costs and would create weak spots in the fencing around the area of the Church. It is possible that congregations of people could occur on this area of land, however it is completely open, is well lit and could be easily accessed by the Police due to its proximity to the road.
- 2.9 Brenchley Gardens sits within an area of archaeological interest and therefore it is possible that during the work items of interest could be uncovered that would delay the work and give rise to increases in cost. The projected cost for this project includes an allowance for this however the extent of any finds and the associated costs are difficult to predict.
- 2.10 Whilst there has been informal dialogue in the past with the residents of McKenzie Court, a formal consultation has not been completed. It is proposed that this is carried out at the same time as planning permission is sought and will ensure any comments from the residents can be considered by the Committee prior to the locking regime being put in place. Whilst the other entrances to the park can be locked and secured, there is no ability to stop the residents of McKenzie Court from access the park at night. This could be seen as a risk, as the park could become a private garden for those residents.

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### **3. AVAILABLE OPTIONS**

- 3.1 The Committee could agree to the recommendations set out in this report to enable the night-time closure of Brenchley Gardens for the lowest capital and revenue costs. The delivery timetable seeks to overlay actions wherever possible to shorten the lead-time, however there is a requirement for planning permission and the unknown factors surrounding the area of excavation may impact this.
- 3.2 The Committee could decide that a different approach to the project delivery is employed and that not all of the actions identified including full consultation with residents are necessary.

- 3.3 However, the Committee could decide that an alternative route of fencing should be considered, however this is likely to delay the project and increase the installation costs. The route proposed has been designed to minimise the amount of fencing required and utilise the security provided by the existing buildings.
- 3.4 Alternatively, the Committee could decide that the night-time closure of Brenchley Gardens is no longer required and other measures to reduce anti-social behaviour should be explored.
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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The preferred option for this project is to seek planning consent for the fencing and gates as outlined in Section 2.4 and to simultaneously carry out a full consultation with residents of McKenzie Court and seek funding from the Policy and Resources Committee. This will minimise the delivery timetable and cost for the project and enable actions to be taken as swiftly as possible. The alternative options will likely delay the project or result in increased costs.
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#### **5. RISK**

- 5.1 The key risks associated with the delivery of these recommendations are highlighted within the body of the report under sections 2.7 to 2.10.
- 5.2 However, there are also risks associated with not delivering this project and the impact the anti-social behaviour is having on the local community, visitors to the park and specifically local young people. These have been outlined in detail in previous reports and as a direct outcome, the Committee has requested that the route of locking the park overnight is progressed.
- 5.3 There is also a risk that whilst the negative behaviours at Brenchley Gardens could be reduced by these measures, the anti-social behaviour might be displaced to another public area rather than ceasing altogether.
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#### **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 The Committee have discussed the issues associated with Brenchley Gardens previously and as a direct result have requested that this course of action is progressed.
- 6.2 It is proposed that a full consultation with the residents of McKenzie Court is carried out to ensure that any concerns they may have, are not overlooked and can be addressed in this proposal.
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#### **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

7.1 The next steps should the Committee agree the recommendations are:

- Submit planning application
  - Consultation with residents from McKenzie Court
  - Procure gates / fencing based on specification
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## **8. REPORT APPENDICES**

None

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## **9. BACKGROUND PAPERS**

None