

PETITION REPORT: FAIRDALE GARDENS, HAYES

Cabinet Member(s)	Councillor Douglas Mills
Cabinet Portfolio(s)	Community, Commerce and Regeneration
Officer Contact(s)	Ed Shaylor
Papers with report	Appendix A: Location plan Appendix B: Copy of letter to residents

1. HEADLINE INFORMATION

Summary	This report seeks to respond to a petition received by the Council regarding a request for a "No Ball Games" sign to be placed at the cul-de-sac of Fairdale Gardens, Hayes in Townfield Ward.
Contribution to our plans and strategies	Putting our Residents First: Our People. This report contributes to the Safer Hillingdon Partnership Plan.
Financial Cost	Nil.
Relevant Policy Overview Committee	Residents' and Environmental Services
Ward(s) affected	Townfield

2. RECOMMENDATIONS

Meeting with the petitioners, the Cabinet Member:

- 1. notes the views and concerns of the petitioners;**
- 2. discusses with petitioners whether the letter about "Playing Ball Games" delivered to addresses in Fairdale Gardens has been effective in addressing the reported concerns;**
- 3. notes the efforts by a Council officer to try to address the petitioners' concerns through regular contact and discuss other options if the letter "Playing Ball Games" does not alleviate the problem before the petitioners meet formally with the Cabinet Member;**
- 4. advises petitioners that the Council "No Ball Games" signs would be very difficult to enforce and therefore might be counter-productive;**
- 5. informs residents that other legislation can be used that gives police and local authorities powers to deal with persistent ball games, played recklessly; and leading to the risk of damage, which will be considered as anti-social behaviour.**
- 6. instructs officers to request that the Police Local Policing Teams patrol the area from time to time.**

Reasons for recommendations

To address the concerns of the residents of Fairdale Gardens Hayes.

Alternative options considered / risk management

No ball games signs could be erected, as requested by petitioners, but this is not recommended due to the risk that many similar requests for signs could come from other roads in the Borough, enforcement would be difficult and therefore would be unlikely to deal with the under-lying problem.

Policy Overview Committee comments

None at this stage.

3. INFORMATION

Supporting Information

A petition of 23 signatures has been submitted to the Council from residents who live in Fairdale Gardens, Hayes in which the lead petitioner describes the problems as follows:

"Very young children, some of whom may not be aware of road safety are playing during most evenings and weekends at the bottom of a busy cul de sac, namely Fairdale Gardens. The children are not being supervised by their parents. Cars regularly drive quickly and turn around at the bottom of Fairdale Gardens and don't always see the children who sometimes appear from behind parked cars. Parked cars are regularly hit with the ball and the children also retrieve the ball from residents' gardens."

A Community Safety officer has visited some of the petitioners to discuss the problem and consider other options. The officer has written to parents of children in Fairdale Gardens Hayes. In this letter (copy attached at Appendix B), they were advised that the Council had received complaints about children playing ball games on the highway and advised that the ball games are causing a nuisance to other residents. Parents were therefore asked to consider finding somewhere more appropriate for ball games to be played.

Financial Implications

There are no financial implications associated with the recommendations to this report. However, if the purchase of a 'no ball games' sign is subsequently required, the cost can be met from existing community safety budgets.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The letter may have a deterrent effect on this low level anti social behaviour and assist with any enforcement activity that may take place.

Consultation Carried Out or Required

Consultation has been conducted with some of the petitioners and the Police Ward Officer for Hayes Town Centre.

5. CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance has reviewed this report and concurs with the Financial Implications set out above.

Legal

There are no special legal implications with the Cabinet Member meeting and discussing with petitioners their request for a "No Ball Games" sign to be placed at the cul de sac of Fairdale Gardens, Hayes and to consider recommendations 1 and 3 to 6 above.

A meeting with the petitioners is perfectly legitimate as part of a listening exercise, especially where consideration of the policy and factual issues are still at a formative stage. Fairness and natural justice requires that there must be no predetermination of a decision in advance of any wider non-statutory consultation.

In considering any informal consultation responses, decision makers must ensure there is a full consideration of all representations arising including those which do not accord with the officer recommendation. The decision maker must be satisfied that responses from the public are conscientiously taken into account.

Many nuisance activities on the Highway are covered by the Highways Act 1980, including the playing of ball games to the annoyance of a user of the highway which is prohibited under Section 161(3) of the Act. Conviction in a court could lead to a fine or an appropriate alternative if in a youth court.

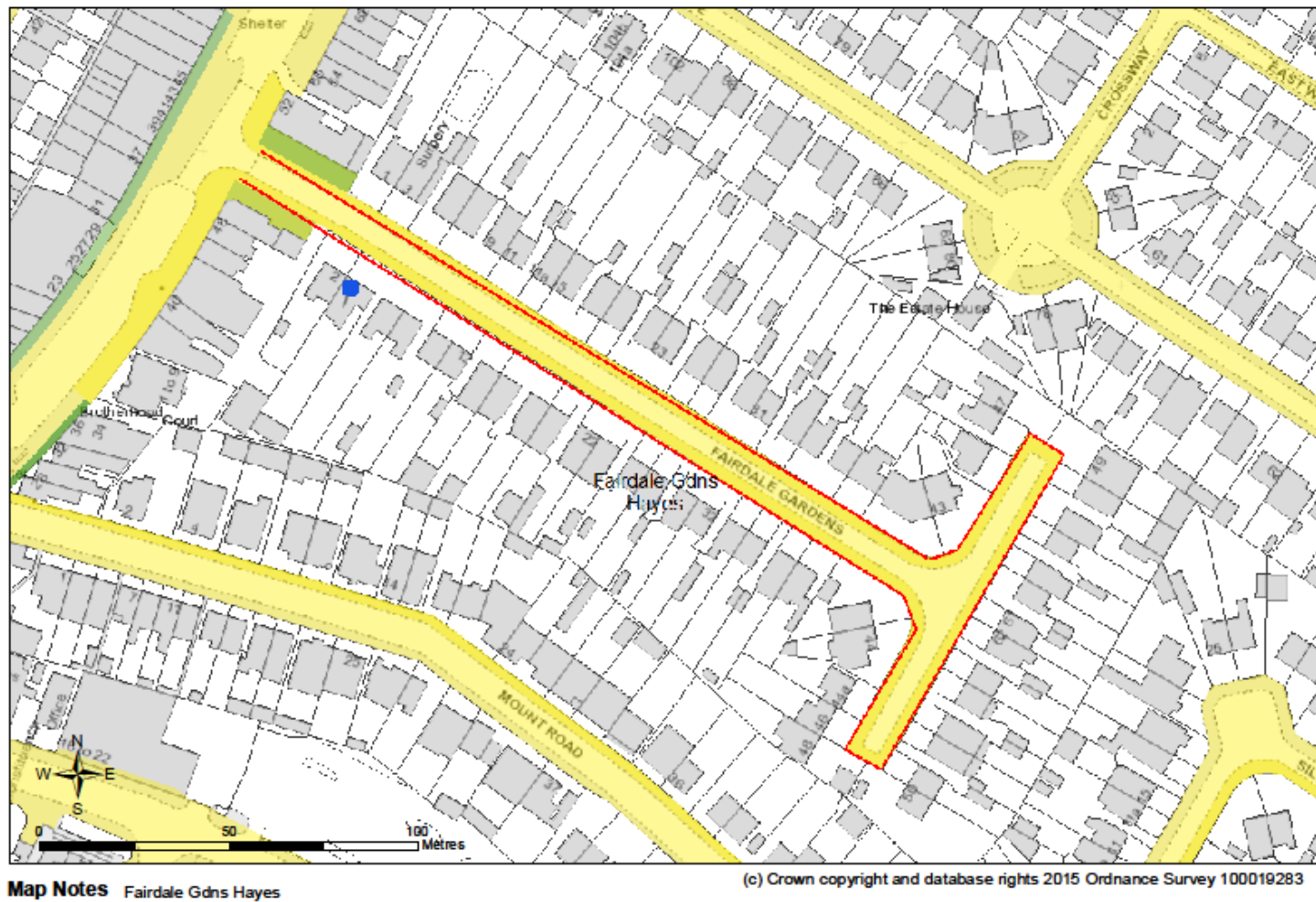
As it is a general requirement, there are no signs needed for enforcement and there are no prescribed signs within the "Traffic Signs Regulations and General Directions 2002" that can be erected on the Highway.

Should there be a decision that further measures are to be considered, then the relevant statutory provisions will have to be identified and considered.

6. BACKGROUND PAPERS

Nil.

Appendix A - location map



PART I – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with Petitioners – 1 October 2015

Appendix B - Copy of letter

The Occupier

Our Ref:FB/Community Safety

Date: 25th August 2015

Dear Sir/Madam,

Re: Playing Ball Games

The council has received complaints alleging your child, and their friends are causing a nuisance to other residents in the area, by playing ball games on the highway, namely **Fairdale Gardens Hayes**. As part of my investigation I write to draw your attention to the matter.

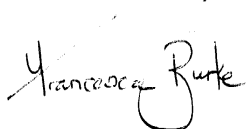
I must advise you that the law does state that playing football, or any other game on a highway to the annoyance of a user of the highway, he or she is guilty of an offence and is liable for a fine.

Further, please be aware if the ball games cause nuisance to residents they may take civil action in the county court for damage to their property. Similarly, the police may also take action if the ball games lead to any damages caused deliberately or recklessly.

Whilst we understand that young people and their parents may wish to benefit from outdoor play and ball games, the highway is not designed for the activities complained of. If your child is involved I trust you will ensure that he or she refrains from playing ball games in the area stated in the future. I am hopeful that further action by our team will not be necessary and that you will share in the council's desire in maintaining a clean, safe and pleasant environment.

If you have any queries or would like to discuss this letter please do not hesitate to contact me on 01895 558612.

Yours Sincerely,



Francesca Burke
Community Safety Officer

Community Safety Team

Residents Services

T.01895 558612

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