

Agenda Item No:

Report To: Cabinet

Date of Meeting: 30 September 2021

Report Title: Play Area Investment

Report Author & Job Title: Amanda Scott, Play and Open Spaces Project Officer

Portfolio Holder Cllr. Matthew Forest and Cllr Bill Barrett
Portfolio Holder for: Culture, Tourism and Leisure; Environment and Land Management



Summary:

Play areas play a vital role in building healthy neighbourhoods contributing to the physical, mental and emotional well-being of local people. Without access to these spaces the quality of life and wellbeing of residents is reduced so it is vital that the Council continues to ensure their play facilities are accessible and imaginative, as well as eco-friendly, durable and low maintenance. A capital Play Regeneration Programme is proposed alongside a Repairs and Renewals Programme to safeguard appropriate play spaces and facilitate opportunities for ongoing improvement.

The Play Regeneration Programme includes three key priority locations that require significant refurbishment so £1.1m capital investment is required to make them fun, innovative, and fully inclusive and accessible.

To further safeguard play spaces, owned by the Council, an enhanced Repairs and Renewal programme is proposed that includes £200,000 in 2022/23 and £100,000 per annum for refurbishment and maintenance of existing play, teen and outdoor gym facilities.

Key Decision: YES

Significantly Affected Wards: Kennington, Park Farm North, Park Farm South, Bybrook

Recommendations: **The Cabinet is recommended to:-**

- I. **Invest £1.1m for a Play Regeneration Programme from the Improvement and Corporate Projects Fund in three key priority play locations - Rylands Road, Bybrook; Central Park, Bluebell Road, Park Farm; and Spearpoint Recreation Ground, Kennington;**

- II. **Delegate the Head of Culture, Tourism & Leisure in consultation with the relevant Portfolio Holder to execute and complete all tasks and documentation necessary to deliver the Play Regeneration Programme;**
- III. **Allocate additional budget of £200,000 in 2022/23, and £100,000 each year thereafter to the Repairs and Renewal budget, earmarked for maintenance, repair and replacement of individual play area assets as agreed by the Head of Environment & Land Management in consultation with the relevant Portfolio Holder.**

Policy Overview: Corporate Plan 2022 – 24
Caring Ashford – Objective CA3, Reduce health inequalities and improve the wellbeing for local people.
 Green Pioneer – Objective GP1, Reduce reliance of fossil fuels in line with our carbon neutral targets.

ABC Local Plan 2020 - 2030, ABC Open Spaces Strategy 2017, ABC Play Areas Policy.

Financial Implications: The cost to deliver identified infrastructure to improve three key play and open spaces is estimated at £1.1m. A further contribution of £200,000 to the Repairs & Renewals in 2022/23 and £100,000 per year from 2023/24 onwards.

Legal Implications: Delivery and scheduling of the projects is subject to planning applications for 2 of the 3 sites.

Project delivery will include tendering and direct contacts with a variety of contractors.

Equalities Impact Assessment: See Attached

Data Protection Impact Assessment: Personal data will not be collected from contributors to consultation phases. More general demographic data such as age and gender may be collected from which individuals will not be identifiable.

Risk Assessment (Risk Appetite Statement): When evaluating the risk impact to the Council the uncertainties in the construction market of availability of workers, materials and parts coupled with a high demand of work may threaten delivery timescales and level of enhancement possible. The project manager will work to fixed price tendering processes and monitor pricing to ensure costs are not inflated beyond the budget and what would construe best value whilst ensuring materials being used do not risk elevating future maintenance costs.

Sustainability Implications:

Access to good quality local community play spaces that are well connected encourages active travel in local communities and reduces carbon emissions from fewer car journeys to access play facilities further afield. Contractor's will be asked to look at and consider sustainable materials whilst ensuring maintenance of such does not put any further pressure on future revenue budgets

Other Material Implications:

Continued support from key officers for the delivery of this programme of works.

Exempt from Publication:

NO

Background Papers:

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Report Title: Play Area Investment

Introduction and Background

1. The Council has been supporting the refurbishment and maintenance of play areas using a mix of funding resources including Council budget, S106 contributions and contribution from the Housing Revenue Account. Successful play refurbishments have taken place where they provide truly accessible, safe spaces in open spaces on well used, well connected footfall routes, with free to use facilities across all age groups. Such provision facilitates the community's ability to access healthy activities with no barriers to provision across all cultural and socioeconomic groups. Further access to free outdoor recreation facilities also encourages more active travel and less car use through walking and cycling to sites, which supports the emerging Green Pioneer corporate objective.
2. A good example of a successful scheme of this nature is the newly refurbished play area and new outdoor gym at Bulleid Place behind Asda in the Aylesford Green ward. Since the play area was enlarged and refurbished and the outdoor gym added as a new facility in 2017, the range of users of all age groups has increased exponentially, increasing outdoor activity and walking locally. Speaking with local residents there is anecdotal evidence that adults from diverse communities are actively using the outdoor gym on a daily basis, helping each other out with different exercises and forming new cross-cultural friendships in a safe environment.
3. Although much work has been completed on play area improvement and day to day maintenance, it is considered a crucial time to invest in aging equipment and improve wider access to free to use play and outdoor gym facilities that encourages more daily physical activity for all ages.
4. Ashford Borough Council owns 55 play areas of which 54 are managed and maintained by Aspire with one managed through a lease agreement with Great Chart with Singleton Parish Council for Cuckoo Park in Singleton. A condition audit of play area sites in the Ashford Borough, including those sites owned and maintained by other organisations such as Parish and Town Councils and privately run housing management companies, provides an overview of the condition and quality of publicly accessible play area facilities. The last full audit of 2019 was reviewed recently and identifies 22 Ashford Borough Council owned play areas are in need of varying levels of refurbishment. This paper puts forward 3 priority sites for investment that require significant improvement as soon as possible.
5. Additionally, more revenue budget ring-fenced for the repair and maintenance of play area, MUGA and outdoor gym facilities is required. Currently Aspire stretch their unscheduled works budget to cover health and safety issues as they arise from regular inspections, but other supplementary repairs such as repainting equipment and replacing larger more expensive items including slides and complete rope systems are only achievable if Aspire have spare budget available towards the end of the financial year. Given the condition

audit it is vital additional investment is included on an ongoing basis so major capital outlay is managed in the future.

Proposal

6. It is proposed that a Play Regeneration Programme of £1.1m for three hub sites within those communities with poor play provision are prioritised for major refurbishment.
7. It is recommended that the following sites are selected for upgrading due to their low scores in the condition audit yet are well located and already attract good levels of footfall:

Rylands Road Play Area, Bybrook, Ward (also within walking distance of a large section of Bookhanger Ward)

Creation of a new recreational hub space. Plans include a new play space, outdoor gym area, Multi Use Games Area, outdoor furniture, cycle racks and new footpaths and landscaping to improve access and connectivity.

£340,000

Spearpoint Recreation Ground Play Area, Kennington Ward

A brand new play space hub including outdoor gym area, outdoor furniture, cycle racks and new footpaths to improve access and connectivity to complement the existing football, tennis and trim trail offer. Officers are looking at an opportunity for improvements to the Public Rights Of Way (PROW) network at Spearpoint that would enhance the linkages and routes to this site, making it easier for local people to access the site and build greater links to the Council's Walking & Cycling agenda.

£360,000

Central Park, Park Farm South and North Wards (the boundary of the two Wards runs through the middle of the park)

A hub site centrally servicing all households in the Park Farm area. Plans include new play spaces, outdoor gym, teen play provision, outdoor furniture, cycle racks, plus remodelling the space to improve access and safety for visitors.

£400,000

Total - £1,100,000

8. Upgrading these 3 sites will benefit **over 4,600** households living within walking distance in the urban area, plus will be visited by other residents who live further afield, making a substantial contribution to the delivery of the Corporate Plan, Ashford's Health and Wellbeing policy, Open Spaces Strategy and support the ambitions of the Local Plan.
9. Additional to the capital Play Regeneration Programme it is proposed that a Repairs and Renewals Programme supports Aspire to enhance their ability to repair and replace individual play facility assets beyond their current scope.
10. This proposal seeks to add an additional sum of £200,000 in revenue funds in year one (2022/23) to the repairs and renewal budget, and then a further £100,000 each year thereafter, specifically for the maintenance of play area

assets as part of Aspire's ground maintenance function. This will ensure the longevity of existing play areas and tackle health and safety issues as they arise onsite. Aspire will have the ability to prioritise work such as repainting equipment and replacing individual pieces of play equipment based on greatest need for repairs and renewals for health and safety and access.

Local Engagement

11. Over the last 3 years residents living near to Rylands Road Play Area and Central Park have individually set up their own community constituted groups to support local fund raising efforts to improve these play areas.
12. Through a range of events and securing funding from Kingsnorth Parish Council, the group campaigning for Central Park play area have successfully funded the supply and installation of 3 small items of new play equipment with associated safety surfacing totalling circa £12,000 with Aspire contributing another £3,000 from their unscheduled works budget. These new items will be repositioned to compliment the new scheme.
13. Equally the group campaigning for improvements at Rylands Road Play Area have raised a total of just over £25,000 towards the area, through a combination of funders providing grants (Kennington Community Council, Ashford Leisure Trust and Tesco bags for life scheme) and events. These funds are confirmed for providing the outdoor gym element of the Rylands Road scheme and as there are conditions to spend the funds in a specified time the outdoor gym will be brought forward as the first item to be completed as part of the overall programme.
14. The Housing department are running a consultation exercise with the Bybrook and Bockhanger communities in relation to the block of space housing the bockhanger shops, car park, kickabout area and where the recent Bockhanger Community Centre was sited. Although the two programmes of work are independent of each other, with Rylands Road Play Area being a short walk away from the shops, there is every expectation that residents will bring the two areas of work together in their minds. To manage this officers from the Cultural Services team are actively supporting colleagues in the presentation of the consultation phase of the Bockhanger scheme and to answer any enquiries as required.

Equalities Impact Assessment

15. Members are referred to the attached Assessment, which concludes that facilities need to be accessible to people of all ages and abilities wherever possible. Appropriate access methods will be developed wherever the landscape and budget allows to ensure the most effective inclusiveness

Consultation Planned or Undertaken

16. It is planned within the programme of works to consult on the designs needs with key local stakeholder groups and ward members to endorse the

approach that will then be developed as part of the detailed design stage for each site as part of the contracted works.

Other Options Considered

17. It is considered that these projects are prioritised due to the strong evidence base set out in the play area condition audit and subsequent mapping exercise and that combined with the Repairs and Renewal programme a more holistic and sustainable play investment programme is provided.

Reasons for Supporting Option Recommended

18. Public Health England datasets indicate that 64.9% of adults aged 18+ living in the Ashford borough are classed as overweight or obese. One of ABC's corporate objectives is to improve rates of obesity in the borough's population so it is important to inspire communities to participate in outside activities to improve health and wellbeing in our population. It has been demonstrated through a range of studies that childhood obesity leads to an increased risk of becoming an overweight adult. Substantial improvements to play and open space facilities and improvement to pedestrian networks facilitates much improved access and inclusivity to outdoor activity across all groups in the community.
19. This investment will encourage a wide range of residents of all ages to spend more time outdoors engaged in meaningful physical, mental and social interactions that benefit communities for the longer term on many levels. It is key to both recovery and the Council's corporate plan ambitions.
20. This support will also encourage wider use of Ashford's cycling and walking network, increasing active travel and reducing short car journeys that are actively damaging the environment thus supporting corporate objectives to achieve zero carbon by 2030.

Next Steps in Process

21. Preparing and delivery of consultation with stakeholders and Ward Members to collate information to feed into the design specification stage.
22. Preparing the details for the design and build specification and tender documents.
23. Preparing the planning application documents for Spearpoint and Central Park.
24. Timescales for works – end by school summer holidays 2022.

Conclusion

25. Rylands Road Play Area, Spearpoint Recreation Ground and Central Park are recognised as a highly valued and important strategic open spaces in the Borough. It is imperative that the work to complete the new facilities is

commissioned as soon as possible so that the works can be delivered and enjoyed by the widest possible audience.

26. Ensuring a further budget is available for Aspire to maintain play areas and carry out further supplementary works and replacements safeguards existing play provision and prevents the possible decommissioning of facilities should equipment fail safety checks.

Portfolio Holder's Views

27. "This capital investment will provide much needed and urgent improvement to address aging equipment and the needs of the community, encouraging children of all ages, backgrounds and abilities to learn and exercise as they play and in so doing contribute to our agenda of healthy and sustainable communities."
Cllr Matthew Forest, Portfolio Holder for Culture, Tourism and Leisure.

"I wholeheartedly welcome this initiative, particularly the support for ongoing repairs and renewal investment which will better enable Aspire to maintain and improve play areas across the borough".
Cllr Bill Barrett, Portfolio Holder for Environment and Land Management

Contact and Email

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Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Armed Forces Community

9. As part of the council's commitment to the Armed Forces Community made through the signing of the Armed Forces Covenant the council's Cabinet agreed in November 2017 that potential impacts on the Armed Forces Community should be considered as part of the Equality Impact Assessment process.

10. Accordingly, due regard should also be had throughout the decision making process to potential impacts on the groups covered by the Armed Forces Covenant:

- Current serving members of the Armed Forces (both Regular and Reserve)
- Former serving members of the Armed Forces (both Regular and Reserve)
- The families of current and former Armed Forces personnel.

Case law principles

11. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or

service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Lead officer:	Amanda Scott, Play and Open Spaces Officer
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	Agreement to endorse the Play Area Investment Delivery Plan and associated S106 funding for capital and maintenance spend.
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	30 th September 2021
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>The Report seeks Cabinet endorsement of the proposed delivery plan for deliver play area and access provision on 3 open spaces. It also seeks authority for revenue funding to support the repairs and renewal budget for playgrounds maintenance.</p> <p>The resulting facility improvements will be available for all residents of the borough.</p>
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. 	<p>The quality of publically available play provision in the Ashford Borough is monitored through site specific condition audits, with a range of factors assessed to provide an evidence base of overall site condition.</p> <p>The audits evaluate accessibility, inclusivity, connectivity, site condition, equipment condition, play value and design. This provides each site with a comparable score which is RAG rated to prioritise sites in need of improvement works. In October 2019 the data showed:</p> <ul style="list-style-type: none"> - 22 ABC play areas scored as Requiring Improvement (Red) - 11 ABC play areas scored as Satisfactory (Amber) - 20 ABC play areas scored as Excellent (Green) <p>A comprehensive Play Area Plan has been developed which maps out this data based on walking distances of 600m or 800m to local provision.</p> <p>This highlights where there are residential areas with no play provision within walking distance, those areas with only Red provision within walking distance and those areas with satisfactory or excellent provision (or overprovision) within walking distance.</p>
Consultation:	While formal consultation is yet to take place proposals have been discussed informally in a range of meetings with both stakeholders and ward members. The resulting

<ul style="list-style-type: none"> • What specific consultation has occurred on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>conversations highlighted that facilities need to be accessible and inclusive to people of all ages and abilities wherever possible. Appropriate access methods will be developed wherever practicably possible to ensure those visitors with protected characteristics are not adversely affected or their enjoyment of the space lessened.</p> <p>Further consultation with stakeholders and ward members will take place to inform the design specification stage – this will include liaising with Ashford Access Group to discuss access options to ensure this is designed in to schemes at the front end before going out to tender.</p>
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Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	Medium	Positive
Middle age	Medium	Positive
Young adult	Medium/High	Positive
Children	High	Positive
<u>DISABILITY</u> Physical	Medium	Positive
Mental	Medium	Positive
Sensory	Medium	Positive
<u>GENDER RE-ASSIGNMENT</u>	None	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	None	Neutral
<u>PREGNANCY/MATERNITY</u>	None	Neutral
<u>RACE</u>	None	Neutral
<u>RELIGION OR BELIEF</u>	None	Neutral

<u>SEX</u> Men	None	Neutral
Women	None	Neutral
<u>SEXUAL ORIENTATION</u>	None	Neutral
<u>ARMED FORCES COMMUNITY</u> Regular/Reserve personnel	None	Neutral
Former service personnel	None	Neutral
Service families	None	Neutral

<p>Mitigating negative impact: Where any negative impact has been identified, outline the measures taken to mitigate against it.</p>	<ul style="list-style-type: none"> Ensure quality of access and inclusivity through design specifications and test these options with appropriate stakeholders.
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<p>Is the decision relevant to the aims of the equality duty? Guidance on the aims can be found in the EHRC's Essential Guide, alongside fuller PSED Technical Guidance.</p>	
Aim	Yes / No / N/A
1) Eliminate discrimination, harassment and victimisation	Yes
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	Yes
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	Yes

<p>Conclusion:</p> <ul style="list-style-type: none"> Consider how due regard has been had to the equality duty, from start to finish. There should be no unlawful discrimination arising from the decision (see guidance above). Advise on whether the proposal meets the aims of 	<p>Due regard has been made to the equality duty, throughout the development of the masterplan and will continue during the delivery phase</p> <p>There will be no unlawful discrimination arising from the decision</p>
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<p>the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.</p> <ul style="list-style-type: none">• How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?	<p>The proposal meets the aims of the equality duty as all sections of the community including those with protected characteristics will benefit from the enhancements to the open space facilities.</p> <p>Monitoring of the policy, procedure or decision and its implementation will be undertaken and reported by the stakeholder group</p>
<p>EIA completion date:</p>	<p>31/08/2021</p>