

REPORT FROM THE CLERK TO LYDIARD MILLICENT PARISH COUNCIL – Closure of Play Area in the Recreation Field.

1. Purpose of Report

This report is to set out and record the steps taken by the Clerk to temporarily close the play area following changes made by the Government on Social Interaction which came into force on Monday, 14th September 2020; to allow the Council time to consider those steps that might need to be taken for the play area to safely reopen.

2. Background

Members will be aware of information from the World Health Organisation stated this pandemic, caused by the Corona virus (COVID 19) has been present in China and some parts of Europe since the end of last year (2019) causing many thousands of deaths. In the early part of this year cases were found within the United Kingdom.

Over the summer period there were several changes, with “lock down” being lifted and Social Distancing guidelines being introduced with no large gatherings taking place. With indications of a “second wave” and the R number raising the Government has changed its message from guidance to regulation, introducing fines for those found not to be adhering to the rules.

3. Background affecting Lydiard Millicent

Although taken nearly ten years ago, the 2011 census¹ is the most reliable demographic information at this time. Lydiard Millicent recorded a population of 1,570 with 21.7% above retirement age compared with the Wiltshire average of 18.2%. Population density in 2011 was 2.49pph² compared with 1.45pph on average in Wiltshire.

At the beginning of this pandemic a resident approached the Parish Council wishing to set up a voluntary group, in line with the majority of other parishes

¹ Office of National Statistics, via Wiltshire Council website

² Persons per hectare

throughout the country. A meeting was held in the Jubilee Club House, attended by the chairman and vice chairman.

On Government orders the play area was closed to the public during the lock down period. It was later announced that play areas could open early July if it was safe to do so. A Risk Assessment (RA), carried out on 3rd July, was circulated to all Councillors who responded, after considering the RA, that the play area should be re-opened, after safety areas were refreshed (new play bark laid by volunteers), and the equipment was thoroughly cleaned.

4. Legal

There is provision within this legislation to delegate authority to other bodies or an Officer of the Council (LGA³ 1972 s101). In addition to s101 there are provisions for the other bodies or Officer of the Council to carry out any actions which are calculated to facilitate, or is conducive or incidental to, the discharge of any function [LGA 1972 s111 & s112(1)].

Insurance is in place which indemnifies the Council, so long as it is a Council or officer decision and not a decision made by individual councillors; any decision made by individual councillors may require that individual to be personally responsible, especially if challenged.

Clerks operate within a Scheme of Delegated Authority, this may be through a written policy, embedded within Standing Orders, or through common practice as indicated within legislation.

5. Financial Implications

Council Standing Orders⁴ and Financial Regulations⁵ detail how Lydiard Millicent Parish Council wish urgent situations to be dealt with. There is a financial limit of £1,000 outside any budget allocation which the clerk is able to spend, in cases of extreme risk, in consultation with the chairman and vice chairman⁶.

³ Local Government Act

⁴ Adopted October 18 ref: 121/18

⁵ Adopted March 17 ref: 025/17

⁶ Financial Regulation 4.5

At the time the RA was carried out in July to re-open the play area no budget for the on-going identified extra measures were made; as this cost will be on-going it does not fall within the clerk's emergency provision. Cleaning and inspections are recommended at least weekly (more often on regularly used sites) on public play areas, this is stipulated in the Councils insurance policy. Some safety signs were purchased and placed around the site, showing the original Government advice.

6. Clerks rationale for temporarily closing the Play Area

- 6.1. Government Guidelines changed – the Prime Minister issued a statement that new regulations were to be brought into effect Monday, 14th September. Anyone failing to keep to the new regulations, (a maximum of six in a group all socially distancing, etc), would face a fine of £100, increasing for further offences.
- 6.2. On speaking to the local PCSO he advised they had been briefed to take firm action with anyone in groups of more than six, whether indoors or outdoors.
- 6.3. The original RA for opening the play area had not been adhered to, in that the equipment, to the clerk's knowledge, had not been cleaned since re-opening, and there is not a robust inspection regime in place.
- 6.4. Locally, Swindon had experienced an increase in Corona virus cases and there had been some visitors to the site from within that area. Although this number was likely to be very low there was no way to confirm that assumption.
- 6.5. The Parish of Lydiard Millicent has a population of 1,570 with the 2011 census revealing that 21.7% are over retirement age; this is the age group most at risk from complications of COVID19.
- 6.6. Regulations were being confirmed and finalised right up until Monday 14th; this made it difficult to keep fully abreast of the changes that needed to be made, despite constant observation of the Government and other appropriate national bodies' websites and statements.
- 6.7. The clerk is only authorised to make basic decisions unilaterally in an emergency. Temporarily closing the play area until contact with

Councillors was made was proportionate considering the dangers being highlighted from national government sources.

- 6.8. It was the clerk's intention to discuss the issues with councillors in order to proceed with other safety measures, if it was considered by councillors that a budget would be agreed upon.

7. Chronology of Actions taken by the Clerk

- 7.1. The RA was updated to take account of all new information, a copy of which is attached to this report.
- 7.2. Re-reading of all relevant Government documentation, links can be found at the end of this report.
- 7.3. Discussions took place with colleagues to understand what actions they were going to take. Parishes were all taking different approaches, some had been able to seek a Council resolution, some were wording suitable notices, one parish had its Health & Safety Officer visit sites to check they could comply with regulations, some play areas were still closed.
- 7.4. By chance, the local PCSO⁷ attended the JCH⁸ and so the new regulations were discussed; highlighting that Wiltshire Constabulary had been instructing its officers regarding the new regulations.
- 7.5. An update e-mail was sent to all Councillors at 10.55 appraising of the situation previously mentioned in the Friday weekly update, setting out findings, indicating that locks would be placed on the play area as a temporary measure until such time as a Council meeting could be arranged.
- 7.6. The clerk had written to all Councillors with a full explanation of intended actions. The chairman had been on holiday the previous week and had not been in contact, no Councillor had replied to the e-mail, or contacted the clerk by 2.30pm.
- 7.7. Several temporary notices were made informing members of the public the play area would be closed for a short period, due to the new

⁷ Police Community Support Officer

⁸ Jubilee Club House, Meadow Springs

regulations being implemented nationally. A detailed website article was also written and uploaded to the Council website advising residents of the decision taken and justification for the actions.

- 7.8. During this time three separate families asked why the play area was locked. An explanation was given and they all understood and accepted the reasoning, one family wished their thanks passed on to the Council for taking such care over the safety of their child and the safety of the elderly within the parish.
- 7.9. Two replies were later received from Councillors (3.15pm & 3.53pm) raising various concerns and suggestions, all notices were in place at the time of the Councillors replies. Responses to these e-mails were replied to on Monday night, suggesting next actions.
- 7.10. One resident attended (approximately 4.30pm) on her own at the Recreation Field to enquire if the play area was open. She was checking before suggesting a visit with her grandchildren. On discussion she understood the reason for the temporary closure, adding that she would like to see the play area open as she brings wet wipes to clean the equipment first. She knew one of the Councillors and would speak to him, giving her views.

8. Further Actions during the week

- 8.1. Additionally, there were concerns about use of the wider Recreation Field by football and cricket teams. The clerk requested (via e-mail at 5.43pm) a briefing with the chairman and vice chairman for later in the week, to discuss the wider implications of the new regulations, and consider a way forward.
- 8.2. An e-mail was sent to Wiltshire Council requesting advice about opening play areas in this current situation.
- 8.3. A variety of poster templates were collected from other clerks in readiness to continue quickly if a Council Resolution was made to open again.
- 8.4. Vice chairman spoke to clerk on phone, discussing clerks action and what needed to be carried out before the play area could be re-opened.

- 8.5. A briefing meeting with the chairman and vice chairman was arranged to discuss the recreation field for Friday afternoon at 3pm via ZOOM.
- 8.6. The chairman e-mailed Friday afternoon to request the meeting took place physically at the JCH.
- 8.7. The chairman refused to stay for the meeting, therefore the meeting took place with the clerk and vice chairman.
- 8.8. A council meeting is arranged for Wednesday 23rd September.

9. **Recommendations**

It is recommended that the Council re-opens the play area once the following measures have been authorised.

- ✓ Appropriate, dedicated signage setting out regulations;
- ✓ A cleaning regime is put in place;
- ✓ Adaptions are made to equipment to conform with new regulations;
- ✓ Random inspections are arranged to monitor compliance within the play area, and around the whole site. Inspections must be formally recorded; a rota of staff and councillors would make the task less onerous.
- ✓ Consideration should be given to what happens in the future if, or when, the current situation changes.

DEBORAH BOURNE
Parish Clerk / RFO

Links to Government Documents used:

<https://www.gov.uk/government/publications/coronavirus-outbreak-faqs-what-you-can-and-cant-do/coronavirus-outbreak-faqs-what-you-can-and-cant-do>

<https://www.gov.uk/government/publications/coronavirus-covid-19-meeting-with-others-safely-social-distancing/coronavirus-covid-19-meeting-with-others-safely-social-distancing>

<https://www.gov.uk/government/publications/coronavirus-covid-19-meeting-with-others-safely-social-distancing/coronavirus-covid-19-meeting-with-others-safely-social-distancing>

<https://www.gov.uk/government/news/coronavirus-covid-19-what-has-changed-9-september>