

Appendix 5 – response from Merton Park Ward Independent Residents Group

RUTLISH SCHOOL AND JOHN INNES PATH CONSULTATION

Merton Park Ward Independent Residents (MPWIR) councillors have been the elected representatives of Merton Park Ward since 1990. They are sponsored by the Merton Park Ward Residents' Association (MPWRA) which has 459 members; many live close to the John Innes Park and Recreation Ground and use the path connecting them on a regular basis.

MPWIR has supported the present consultation as it did the previous consultation on closure of the footpath in 2010. We have publicised the consultation in FORUM, our ward newsletter, and via our email alerts, which go to c.600 residents. We distributed the consultation survey to over 2500 households in the ward. We have taken soundings of residents' views at monthly meetings of MPWRA, without advancing any view ourselves.

In 2010 we came to the conclusion that closure of the footpath could not be justified, it would have been a disproportionate response to an unquantified if extreme risk. Cabinet agreed with this view, as did 60% of those responding to the consultation. It is instructive to consider what has changed since to justify a second consultation on the same proposal. No documented evidence has been provided of incidents necessitating closure of the gates at either end of the path in six years since the last consultation, apart from two occasions when they were closed in response to a bomb hoax. The incident log, promised after the last consultation, has not been kept by the school. This severely weakens the case for closure.

What is new is a report from the MPS "Designing out crime" unit, written in response to a request for a security survey of the Rutlish site. This is not a risk assessment, because it does not attempt to estimate the probability of an incident. What it does provide is a comprehensive

catalogue of so many security failings that the report has been withheld from the public consultation for fear it might serve as an invitation to crime. (It has been seen by the ward councillors.) Some of these failings could be addressed easily, by better signage and the enforcement of existing procedures to safeguard pupil security. But the report also advises "In order to ensure full child protection the footpath needs to be closed during the school working day" and concludes "until the footpath is secured any changes to the perimeter will be ineffective". As ward councillors we feel bound to take note of this recommendation from the MPS.

Should the path be closed, the school will have addressed one of the security failings on the site. If this step is taken we would expect the council to ensure the other police recommendations were implemented at the same time. This could be done by granting a temporary licence for closure of the footpath that would become permanent only when all the MPS recommendations had been implemented; failure to implement in full within an agreed time limit would result in the licence being revoked.

But with closure the council will acquire two liabilities it does not have at present, by virtue of its duty of care to residents in the public realm. This concerns us greatly as ward councillors; we cannot accept closure of the path without some mitigation of these new risks it precipitates. Transfer of risk from school to council occurs in two ways:

1. Residents who use the path as a traffic free route to traverse from west to east will be forced to divert along Cannon Hill Lane, Manor Road, Watery Lane and Church Path to reach Mostyn Road, bringing them into contact with traffic. Watery Lane is narrow with poor sight lines for drivers and pedestrians, and has no footway between the school and Church Path. It is a hazardous alternative for mothers with push chairs and toddlers, or elderly residents with slower reflexes.
2. Closure of the path will reduce footfall in the Park, as would-be visitors from the west will have to walk all around the perimeter to

enter and exit via the Mostyn Road entrance during the school day – this greatly reduces its attractions when compared with the present west – east through route. It also introduces the risk of an unwelcome encounter on the path leading to the gate if it is locked. At present the path provides an escape route, but once it is sealed there is no way out from this side of the Park. Anyone who felt threatened would have to retreat all the way back to the Mostyn Road entrance. This could be blocked by an assailant, and the overgrown hedgerows add to the sense of isolation and heighten user perceptions of an unsafe environment. Unless these fears are addressed, we believe visits to the Park will fall, not just for the most vulnerable groups such as mothers with toddlers but all users, and the west side will become a no-go area. Not what we want to see for our Green Flag-winning Park.

Should Cabinet be minded to close the path, members need to be aware that closure will be strongly resented by some residents who point out that the path pre-dates the school, that pupils are exposed to myriad other risks as they go to and from school, and that other solutions could be found that would avoid closure of the path. The Innes Foundation must be fully consulted before the path is closed, since it alone has the authority to grant easement of the covenants protecting its status as “a pathway connecting the two pieces of ground”.

But other residents share the concerns of the school, and the MPS report cannot be ignored. However the path should not be closed until the risks generated by closure have been addressed. Previously liability rested with the school – closure will now transfer it to the council. On behalf of the residents of Merton Park Ward, the councillors expect Cabinet to face up to the new risks their decision could bring.

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