

## Summary notes of meeting on 14 September 2018

Hosted by Darren Jones MP

Attended by Councillor John Goulandris and:

- Cotham School (three representatives)
- We Love Stoke Lodge (Emma Burgess, Helen Powell)
- Save Stoke Lodge Parkland (David Mayer, Alan Preece)

*Note: This record is based on contemporaneous notes taken on behalf of SSLP/WLSL; however, these are not formal minutes and we have not sought to agree them with other parties. We have attributed comments made to the party on behalf of which the speaker was attending, as we understand there may be sensitivity by other parties about their remarks being attributed to them personally.*

**Darren Jones** opened the meeting by suggesting that time should not be spent discussing the signs erected by the school over the summer; however **Cotham School** indicated a wish to do so.

### **Cotham School:**

Over the summer contact has been made with schools suggested by WLSL that use 'open access' playing fields *[Note - the school defined this as 'open to public access when they are not being used' i.e. public/private land, rather than 'without a perimeter fence'. The original information provided by WLSL related to 'open field' sites i.e. without a perimeter fence. Free public access isn't the same point - the school's safeguarding risk related to 'stranger danger' i.e. people being able to access the site with malicious intent when students are on site].*

Only Bristol Free School had 'main' playing fields of this nature (at the Greenway Centre) and the school has not so far been able to obtain a copy of the relevant risk assessment. The school pointed to a BCC officer's comment at the July meeting that the Council had reviewed its 2014 risk assessment for Stoke Lodge and had said that its recommendations were 'what was expected of schools'. *[Note - this is not in fact what the BCC officer said - the actual words were that a Council officer had reviewed the paperwork and said that it was 'measured'.]*

In order to use Stoke Lodge, the school requires some kind of security; the school's position is unchanged and when it or third party hirers are not using the facilities there would be access to the public through a gate.

### **SSLP:**

Ofsted recommendations on safeguarding playing fields apply only to fields attached to school buildings where this might compromise school building security.

### **Cotham School:**

This only applied where the field was the main playing area and was not to do with school buildings *[Note: this statement about Ofsted guidelines is not accurate.]* Stoke Lodge is Cotham's 'own and main' playing field. The school noted that members of the community treat the site with respect (picking up litter, painting out graffiti etc). However, it was seen as unfortunate that signs have been damaged and that individuals had made comments to contractors and/or taken photos of school staff removing posters from Stoke Lodge. At the last meeting it was suggested that the school would take the first opportunity to keep the proposed gates to Stoke Lodge locked; these individuals might be 'trying to provoke' the school to do just that. However, the school wanted to trust the community to treat the site with respect and didn't think they needed to go that far.

The School offered update on the work being done with the Council: the school had a workshop meeting with Council staff earlier in the summer holiday, and a further senior meeting. They were seeking agreement on how the school would use the site, how to get back on site as soon as possible, and other matters. The school's safeguarding assessment was recorded as 'sound' *[see correction above]* but questions had been raised as to whether it was tight enough. The Council has informed the school that two of the signs are permitted but not three, so two will be staying *[Note: the basis for this conclusion by the planning team is being investigated; it is not clear that listed building consent issues have been taken into account. It is also not clear whether the school intends to apply for permission for the third sign or to take it down.]*

**Cotham School:**

The school wished to comment on activity at Stoke Lodge over the summer - objectively, the school had been subject to 'mischief and pranks' plus a great burden of Freedom of Information (FOI) requests which were not 'endearing' the community to the school. The school proposed to set up a 'sounding board' of people to come and work with the school, including the University, the Adult Education Centre, SSLP and WLSL and others from local sports clubs - but to participate in this, the school required that the Facebook campaign and FOI requests 'must stop'.

**SSLP** asked for clarification that the school had not moved from its position - it wants and intends to put up a fence but will open up the area to the community when it is not in use.

**Cotham School** confirmed this and said that the school had dismissed the suggestion of landscape boundaries but that the precise specification of the fence was not yet clear. In particular, the school was reviewing whether or not it would provide perimeter walkways. Some of the boundary could be chainlink fence hidden by hedging (as is currently the case) but there would need to be new, higher fencing around the arboretum, the play park and elsewhere.

**WLSL:** The account of what other schools had said about their playing fields is surprising, as this does not match the information from parents and children using those schools, and the schools we ourselves have contacted.

**Cotham School** agreed that there are examples of schools using open access fields, but not for their 'main' playing fields, whereas Stoke Lodge is Cotham's 'main' playing field and has been since 2002. Fencing was a DfES requirement - Ofsted simply say that safeguarding must be 'adequate'. There are examples of other schools where one of the reasons why the school has failed its inspection is that there is no fence. When Cotham had its last inspection (earlier in 2018), they were not using Stoke Lodge so this was not an issue. **SSLP** asked whether the inspectors had visited or seen a risk assessment for Coombe Dingle Sports Complex. **WLSL** pointed out that the school has never completed any risk assessment at all for Coombe Dingle, as confirmed on behalf of the school at the last meeting. **Cotham School** emphasised that it wished the job title 'Facilities Manager' to be used rather than 'caretaker'.

**Cotham School** suggested that the conversation should move on to what activities the community wanted to carry out on the field - the school could not see what the community wants to do that would be a problem, other than walking dogs.

**Darren Jones** asked for clarification of the school's comment that safeguarding may need to be tightened.

**Cotham School:**

A new risk assessment is being carried out but although this is not complete the school has already determined that a fence will be required. They are discussing a range of issues with the Council including: curtilage issues, the risk assessment, the pavilion and getting the school back on site. The previous risk assessment has been reviewed by the Council and the school expects the new risk assessment to be 'tougher'. At the next meeting with Council staff the school intends to make it clear that it views additional hedging as insufficient to mitigate risks.

**Darren Jones** asked for clarification about the areas where the school had suggested that existing boundaries might be acceptable.

**Cotham School:**

The school's inclination now was to push the fences further to the boundaries of the property; a perimeter walkway had been possible but the school queried whether it was wanted by the community and this was now under review.

**Darren Jones** said that he could see two positives:

- a commitment on both sides to engage with the 'sounding board'
- agreement from the school to work partially with the existing perimeter.

**WLSL** asked for clarification that the school was rejecting all the community's proposals and suggesting a larger perimeter fence instead of our proposed alternatives to fencing that would meet the school's identified safeguarding risks. **Cotham School** asked for a reminder of what the community's proposals (put to the school for consideration over the summer in preparation for this meeting) were. **WLSL** listed natural boundaries (hedging) securing the existing perimeter through natural means instead of metal fencing, accessible gates with a signs showing when sports pitches were in use and a charter for conduct during these times (e.g. dogs on leads and kept to the perimeter).

**Cotham School:**

Chain link fencing among the hedges may be repaired so it looks the same; the arboretum and play park need a higher, non-climbable fence. The school had proposed an access point on West Dene - it was not clear whether the community 'wanted' a right of way there [*Note - a right of way has been applied for*] but if there was a right of way it would be fenced on both sides. The school noted that the Stoke Lodge estate had originally been farmland and would have been securely fenced between fields. There were aerial photos to prove that there had been secure fencing when it was a farm. **WLSL** suggested that it was much more likely that hedges would have been used rather than security fencing on the farmland at the time, and in any case it was unlikely that there were aerial photos given that the house was built in 1836.

**Darren Jones** asked for confirmation that the Council had said a fence would require planning permission.

**Cotham School:**

The school has challenged this view and hoped to hear back in the next few weeks.

**Darren Jones** asked when the school envisaged the 'sounding board' meeting. **Cotham School** said that no plans had been made but, when pressed, suggested that it might be once every couple of months but 'might be short-lived'. It would be administered internally by the school. The school is keen to work with the Adult Education Centre as their neighbours at Stoke Lodge.

**WLSL:**

It is very disappointing that the school seems to be redefining terms and would now only consider parallel sites that were 'main playing fields' (such that any school with a pitch on its own site was dismissed from consideration). In particular, **WLSL** noted that the Council has just invested a very large amount of money redeveloping the playing fields used by Fairfield School (Muller Road Recreation Ground) including a brand new pavilion; there is no perimeter fence and there is full public access; Fairfield School had been very active in promoting this to the community as its playing fields, that it shares with the public. In addition, contrary to the school's earlier statement, the DfES had confirmed in response to Darren Jones' investigations that there is no mandatory requirement for perimeter fencing. In fact, **WLSL** has commissioned its own risk assessment from someone with professional expertise in the field (though the report was unfortunately not yet available); the inspector had commented that it could never be a sensible approach to try to secure a site of the size of Stoke Lodge through perimeter fencing. In fact, although he had not seen **WLSL**'s package of proposals, the suggestions he had come up with were very similar - hedging boundaries, removable pitch fencing, etc. There is no reason at all why the school cannot provide sports at Stoke Lodge without a fence.

**Cotham School:**

Although it is useful to compare the situation of other schools, at the end of the day the Cotham governors have to be confident and comfortable in their own risk assessment. The Fairfield governors may have worked through those issues, but they have other on-site playing fields as well. **WLSL** questioned why this was relevant - either a site is safe or it is not, regardless of whether it is on-site or off-site. A proportionate and practical approach to risk assessment was required. **Cotham School** said that the new on-perimeter fence proposal was proportionate and practical because it used some existing fencing, and would be cheaper. There was a danger of the proposal running out of control financially. **WLSL** agreed with this final statement.

**SSLP** cited the example of St Katherine's School, where all the playing fields are completely open.

**Cotham School:**

This left the governors of the school open to 'Ofsted risk'. This was the school's own decision, and the

Cotham governors had taken the decision to fence based on the advice of the school. This advice was taken based on the 2014 risk assessment and therefore partly on the behaviour of the public when the school was previously using Stoke Lodge.

**Councillor:** is the school was prepared to talk about ways that they could use the site, rather than pressing the 'nuclear button' for a fence - for example, limiting the area available for dog use, keeping dogs on leads etc? Stoke Lodge is a community asset and has been for years. It is 'kidology' to think that a fence provides safety - it does not; sometimes the greater danger comes from within. If the key issue is dog mess then there are other options that can be tried before putting up a fence. A Council byelaw already exists to say that dogs must be on a lead. **SSLP** pointed out that the existing signs had never been enforced and there was no dog warden; effective signs and a byelaw should resolve the issue.

**Cotham School:**

The school does not consider that the byelaw applies to Stoke Lodge - the land had been private to the Council and was now private to the school. The school required protection via a fence.

**SSLP:** the school does not have sole use of the land; the lease is subject to community use.

**Cotham School:** the lease refers to sports club use.

**WLSL:** this is untrue - the lease is 'subject to all existing rights and use... including use by the community' as at 31 August 2011

**Darren Jones** said that the decision as to whether a risk assessment mandates a fence is one for the school to take and there is limited scope to challenge this; the Council's decision about planning permission is the next hurdle - if it is required, then the school will have to follow that process. If the Council says it is not required, then the community can engage (or not) in the 'sounding board' process. His suggestion was to wait to see what the Council had to say.

**Cotham School:**

If the community wants to be part of the 'sounding board' then members would have to behave in a professional manner.

**Darren Jones:** it is not appropriate for the school to try to set limits on the public's use of social media.

**Cotham School:** the school intends to investigate references that had been made on social media .

**WLSL:**

FOI requests to the school were intended to obtain information to assist in the mediation process; we appreciate that it could be onerous to reply, but the requests were not malicious. Rather, WLSL is looking for information to establish the challenges faced by the school. For example, the school had rejected an FOI request to disclose any incident reports in relation to interactions with members of the public and dogs which it claims occurred frequently when it was using Stoke Lodge. If we can understand the incidents on site, we can look at how to address them. *[Note: the school has repeatedly referred to frequent incidents at Stoke Lodge (at the July 2018 meeting a representative of the school described these incidents as being 'daily at least once a week'). If such incidents in fact occurred, the school is obliged to have created an incident report at the time. However it has never disclosed any incident reports, including to a police officer who requested access to them following a Neighbourhood Partnership meeting several years ago at which the school had raised these allegations.]*

**Cotham School:**

Requests could be made informally to the school rather than through the official (public) FOI channels such as WhatDoTheyKnow.com.

**Darren Jones** hoped that these issues could be discussed as part of the 'sounding board' process; this would also allow the community to be involved in the specification of the proposed fence.