

EQUALITY ANALYSIS

Change of Use of Playground at Oaklands Primary School

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1. What is the Proposal?

The proposal involves the full transfer of management, maintenance, and exclusive use of Oaklands Playground, located on Oaklands Lane, Biggin Hill, Westerham, Kent, TN16 3DN, to Oaklands Primary School. The playground forms part of the school's 125-year lease, which was granted on 28th August 2015. Under this lease, a covenant allowed public access to the playground from Monday to Friday during school terms between 16:00 and dusk, and throughout the day on weekends and school holidays.

As per the agreement, the Council is responsible for maintaining and repairing the playground under its outsourced contracts, excluding the replacement of equipment or surfacing. The Council has fulfilled these obligations up to this point.

However, the covenant allowing public use of the playground expired on 23rd January 2019, giving Oaklands Primary School the right to end community access under the terms of their lease. The school has since requested that the Council decommission the playground for public use, allowing Oaklands Primary School to have exclusive access and management of the space during operational hours. The recommendations supporting this exclusive use are outlined in Section 2 below.

2. What are the recommendations?

Recommendations for the transfer of Maintenance and Management of Oaklands Playground for Exclusive Use by Oaklands Primary School which will mean no public use or access have been outlined below:

Reduction of Antisocial Behaviour

The playground's current availability as a public facility outside of school hours has led to a rise in antisocial behaviour, which negatively affects the school's ability to use the space during its operational hours. This is supported by data from the Council's Fix My Street system, which has logged several incidents, including:

- Reports of fire damage to playground equipment.
- Deliberate damage to safety surfacing in the playground
- Deliberate damage to playground equipment and infrastructure.
- Deliberate damage to safety fencing intended to secure defective playground equipment
- Theft of padlocks from the playground gate.
- Regular reports of offensive graffiti across the site.
- Litter and other items left behind due to the Antisocial behaviour including sharp glass.

There have been a total of 85 enquiries to the Council's enquiry system since 2015, with the significant majority occurring from 2022 onwards.

By allowing Oaklands Primary School to have exclusive use of the space, the school can exercise greater control over access to the playground. This will prevent unsupervised gatherings, vandalism, noise disturbances during unsociable hours, and littering, all of which currently contribute to the degradation of the space. The school's exclusive management will help maintain a safer and more orderly environment for their students during the school day.

Increased Health and Safety Concerns

When the playground is open to the public outside of school hours, additional health and safety concerns arise due to the antisocial behaviour outlined above. Some of the potential risks include:

- **Damaged Equipment:** Unsupervised use of the playground can lead to acts of vandalism, which has resulted in damaged play equipment. This poses a serious risk to children using the playground during school hours.
- **Hazardous Objects:** Items such as broken glass or sharp objects could be left behind in the playground after unsupervised use, which presents a safety hazard to children and other users of the space.
- **Drug Paraphernalia:** There is an increased chance that hazardous waste, including drug paraphernalia, may be left in the playground, creating further risks for children.
- **Graffiti:** Offensive graffiti may have a negative impact on the mental health and well-being of playground users, especially children.

By restricting unsupervised public access to the playground, these risks will be significantly reduced, ensuring a safer play environment.

Reduced operational use

Under the existing lease arrangement, the Council is not obligated to replace equipment or surfacing, which limits the current use of the space. Existing data highlights that there is inefficient use of available play space due to the piece of existing equipment (climbing frame) that has been fenced off and out of use since 2023. Furthermore, a recent defect summary demonstrates that:

- Four items of existing play equipment have a 3–5-year life expectancy, with no current programme for replacement.
- Existing wet pour is coming to the end of its repairable life, and is likely to deteriorate overtime (and is further impacted by the Anti-Social Behaviour), further preventing use of the space
- Some equipment is not fully accessible due to the supply chain lead times for temporary repairs.
- There is damage to the existing slides which do not meet the Council's intervention levels, including a number of dents to the slide's surface.

Although the playground is mostly operational at present, these maintenance concerns suggest that equipment will need to be replaced in the near future, which is a responsibility that does not fall under the Council's current obligations. Transferring the management of the playground to Oaklands Primary School will allow the school to assess the equipment needs more effectively and decide on the best use of the space for the school to ensure that it is used in a way that meets the needs of their students and school community.

Alternative provision of space

Local demand for playground facilities can be met despite the closure of Oaklands Playground, through the alternative provision of play spaces within the area, as outlined below:

Biggin Hill Recreation Ground

Biggin Hill Recreation Ground is located 0.7 miles from Oaklands Playground. Biggin Hill Recreation ground is a 4-minute drive, 11-minute bus journey (320 or R2) or a 17-minute walk from Oaklands Playground. The Recreation Ground has a children's play area, car park, football, multi-use court, skateboard park, and teenage shelter. The playground is publicly accessible and is opened at 7:30am each weekday, and 9:00am Saturday, Sunday, and Bank Holidays. The closing times range between 16:30 and 21:30, varying throughout the year. The opening times for the Recreation Ground coincide with the existing public use of Oaklands Playground. Potential investment in this playground for improvements is being considered via Platinum Jubilee Parks Fund, and Council and idverde officers are supporting community groups to improve the playground (via painting days and additional fundraising).

Kings Road Recreation Ground

Kings Road Recreation Ground is located 0.2 miles from Oaklands Playground. Kings Road Recreation Ground is a 1-minute drive or 6-minute walk (no bus routes availability due to close proximity). The Recreation Ground has a children's playpark with equipment such as swings, rocking equipment, a multi-use games area and rotary play. This playground is open 24/7.

Therefore, given the close proximity of two other play facilities located within less than a mile-radius to Oaklands Playground, the impact of closing the space for public use can be easily mitigated by ensuring correct signage and signposting of available alternative provision, both of which provide similar play facilities and operational hours.

Additionally, across the borough there are a total of a further 64 playgrounds in parks and open spaces that are publicly accessible and managed for the benefit of residents by the Council.

Communication and engagement

An engagement strategy will be developed to inform key stakeholders, local residents and community groups of the decision to decommission the playground for community use. This will include, but not be limited to:

- Letters to residents providing details on the closure of this playground for community use, whilst providing details of alternative provision within the local area.
- Engagement with Ward Cllrs on the decision, to help support the communications with local residents.
- Signage advertising the closure, whilst also sign pointing to nearby facilities.
- Publication of the decision on the Council's website, with an accompanying press release to support the distribution of information, including the utilisation of the Council's social media platforms.

With consideration given to the reasons outlined above, it is recommended that Oaklands Primary School assume full responsibility for the playground within its demise, as allowed by the rights specified in their lease. This transfer will permit the school to manage and exclusively use the space during its operational hours.

3. Who is affected by the Proposal?

Identify the main groups most likely to be directly or indirectly affected by the recommendations.

Directly Affected Groups/Individuals

- **Local Residents:** Residents who currently use the playground between 16:00 and dusk, on weekends, and during school holidays will lose access. However, this can be mitigated by communications directing them to other nearby facilities to accommodate this loss of playground provision.
- **Students:** Students who use the playground will be positively impacted by a reduction in anti-social behaviour, decrease in health and safety risk and potential for improved operational use of the space.
- **Families of Students:** Families with children at the school will see advantages from the decommissioning, including a safer and more functional play area. However, families whose children do not attend the school and who currently use the playground may be affected by the closure.

Indirectly Affected Groups/Individuals

- **Nearby Residents:** Residents near Biggin Hill and Kings Hill Recreation Grounds may see increased use of these facilities, which could raise the risk of antisocial behaviour at these sites.
- **Local Businesses:** Businesses near the playground could experience a slight reduction in foot traffic due to the playground closure, though the impact is expected to be minimal as there is only one business within a 0.6-mile radius.

Age

Check box if impact identified

Check box if not applicable

Additional Equalities Data (Service level or Corporate)

Include data analysis of the impact of the proposals

The impact on older people was further considered based on Bromley being identified as a Borough with an aging population and from the findings of the statistics provided in the guidance templates and updated 2021 Census data which have been checked and analysed in order to inform this assessment.

- JSNA 2021 data showed the proportion of older people in Bromley (aged 65 and over) is expected to increase gradually from 17.8% of the population in 2021 to 18.7% by 2025 and 20.2% by 2031.
- The pattern of population change in the different age groups is variable between wards
- The Census Data 2021 showed that the population for Biggin Hill was 10,800. 23% of the population is over 65 so is higher than the general population of Bromley. The JSNA assessment projects that the number of people over 65 will increase by 18% by 2031.
- The Census Data 2021 showed that 23% of the population of Biggin Hill is aged 18 and younger compared to 21% of the borough overall.
- The JSNA projects that there would be a small decrease in the population aged 4 and under by 2031, however the population overall is projected to remain largely stable.

What is the proposal's impact on the equalities aims?

There will be a direct impact on the younger people who are the most likely users of the playground. However, as there is not predicted to be a large increase in this population by 2031, the impact will remain the same over time. The times during which the playground is currently accessible to the public are also limited.

There will be an indirect impact on older people, who may currently take relatives such as grandchildren to the playground and may need to find alternative provision.

What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?

- Engagement with playground users to communicate the service changes.
- Clearly communicate location and opening times of nearby alternative provision of play facilities

Disability

Check box if impact identified

Check box if not applicable

Additional Equalities Data (Service level or Corporate)

Include data analysis of the impact of the proposals

Both Borough and ward data for Biggin Hill has been considered which shows that Bromley has Greater London's joint third lowest proportion of residents who identified as being disabled with limited activities. Further research identified that the top 5 causes of years lived with disability in Bromley has remained the same over the last ten years. This includes musculoskeletal disorders, mental disorders, other non-communicable diseases, neurological disorders, and diabetes & CKD. There has been an increased impact to years lived with disability caused by unintentional injury, digestive diseases, and nutritional deficiencies. There has been a decrease in the impact caused by chronic respiratory diseases, cardiovascular diseases and maternal & neonatal diseases. One of the main burdens of disability in Bromley is mental health disorders. The estimated prevalence of common mental health disorders in Bromley is 15.1% for 16+ years and 9.1% for 65+ years (PHE: Fingertips, 2017).

- Analysis of 2021 census data show 85% residents are not disabled, 7% are not disabled but have a long term physical or mental health condition with no limitations in their activities. 8% stating they had a disability that limited their day-to-day activities a little and 7% limited a lot, ward data mirrors this trend
- The Census Data 2021 shows that the 14.3% of the population in Biggin Hill consider themselves to have a disability (as defined by the Equality Act 2010) which is slightly higher than the Bromley average of 13.9%

What is the proposal's impact on the equalities aims?

- The closure and need to use alternative provision could have a potentially negative impact on people with disabilities as it could interrupt their routine, and travel plans to access alternative provision.
- The closure will impact on those with disabilities who may visit the playground the limited period of public availability to use any specific equipment.

What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?

- Engagement to ensure all those with disabilities and other impacted groups are fully informed of the changes and supported in the transition to alternative provision.
- Ensure that alternative playgrounds make provision for all types of disability including disability accessible equipment and learning through play.

Pregnancy and maternity

Check box if impact identified

Check box if not applicable

Additional Equalities Data (Service level or Corporate)

Include data analysis of the impact of the proposals

The data in the EA template has been updated due to the availability of 2021 Census data. The number of live births in Bromley has been decreasing over the last few years.

- In 2008 there were 4,000 births in Bromley, which rose to 4,300 in 2016 but fell to 3,600 in 2020. In 2022, there were 3,431 live births in Bromley, England, and Wales. This is fewer than other London boroughs, including Newham (5,598), Croydon (4,872), and Barnet (4,621). Birth rates vary between wards.
- The highest rate is in Clock House and the lowest in Farnborough and Crofton. In 2021, 22.4% of households in Bromley included a couple with dependent children, an increase from 20.7% in 2011 but fell across England.
- In 2020, Bromley's rate of multiple births was 15.6 per 1,000 births, which is similar to London's 15.2 per 1,000 and slightly higher than England's 14.4 per 1,000.
- The population projections for children aged 0-4 years in Bromley are currently fairly static but are projected to fall in the mid-2020s before recovering again.
- Total fertility rate (TFR) by local authority district, England, and Wales, 2022 is 1.52% in Bromley compared to 1.62% in Bexley and 1.63% in Croydon.
- The Bromley Children and Young Person Joint Strategic Needs Assessment 2022, shows that the Birth Rate in Biggin Hill is around 63 births per 1000 women aged 15-44. This is around the Bromley average of 65 births per 1000 women and is the 13th Highest by Ward.

What is the proposal's impact on the equalities aims?

- There may be an indirect impact on pregnant women or those with small children who may experience difficulties in finding alternative playground provision.
- However, as the population projection for children aged 0-4 years in both Biggin Hill and Borough wide is expected to fall before recovery, it is not anticipated that this issue will worsen significantly over time.

What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?

- Users will be signposted to alternative provision.
- Ensure that alternative provision make provision for this group (e.g. places to sit and equipment for young age groups).

Race

Check box if impact identified

Check box if not applicable

Additional Equalities Data (Service level or Corporate)

Include data analysis of the impact of the proposals

The 2011 and 2016 data set out in the EA template has been updated due to the publication of the 2021 Census data. Key changes are set out below:

- Major changes show 8.3% of Bromley residents identified their ethnic group within the "Asian, Asian British or Asian Welsh" category, up from 5.2% in 2011. The 3.1 percentage-point change was the largest increase among high-level ethnic groups in this area.
- In 2021, 76.5% of people in Bromley identified their ethnic group within the "White" category (compared with 84.3% in 2011), while 7.6% identified their ethnic group within the "Black, Black British, Black Welsh, Caribbean or African" category (compared with 6.0% the previous decade).
- The percentage of people who identified their ethnic group within the "Mixed or Multiple" category increased from 3.5% in 2011 to 5.4% in 2021.
- Census Data 2021 shows that 92.9% of Biggin Hill Ward identified their ethnic group within the 'White' Category (significantly higher than the borough average).

What is the proposal's impact on the equalities aims?

No impact identified on this equality group.

What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?

- N/A- Residents and playground users to be signposted to alternative provision

Religion and belief

Check box if impact identified

Check box if not applicable

Additional Equalities Data (Service level or Corporate)

Include data analysis of the impact of the proposals

The most up to date 2021 Census data has been analysed along which shows an increase on the number of residents having no religion.

- In 2021, 37.3% of Bromley residents reported having "No religion", up from 26.0% in 2011. The rise of 11.3 percentage points was the largest increase of all broad religious groups in Bromley.
- In 2021, 48.3% of people in Bromley described themselves as Christian (down from 60.7%), while 6.4% did not state their religion (down from 7.8% the decade before).
- In 2021, 50.8% of people in Biggin Hill described themselves as Christian, 41.5% of people described themselves as having 'No Religion', both of which are slightly higher than the Bromley average. 6% did not state their religion.

What is the proposal's impact on the equalities aims?

No negative impact on this equality group.

What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?

N/A - Residents and playground users to be signposted to alternative provision.

Gender/Sex

Check box if impact identified

Check box if not applicable

Additional Equalities Data (Service level or Corporate)

Include data analysis of the impact of the proposals

The Data set out in the EA template has been considered along with the latest 2021 Census data which shows Bromley has 13,500 more females than males, with a population split of 52% female and 48% male. Refer also to the gender re-assignment section.

- The 2021 census also found that 2.7% of people aged 16 and over in Bromley identify as LGB+, which stands for gay or lesbian, bisexual, or other sexual orientation. In terms of gender identity, the 2021 census found that 0.07% of people in Bromley identify as trans women, which is the lowest percentage in London.
- Census Data 2021 shows that Biggin Hill has more Females than Males, at the same proportion as the borough average (52% Female, 48% Male). Data on Gender reassignment is not available at the Ward Level.

What is the proposal's impact on the equalities aims?

No negative impact on this equality group.

What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations

N/A - residents and playground users to be signposted to alternative provision.

Sexual orientation

Check box if impact identified

Check box if not applicable

Additional Equalities Data (Service level or Corporate)

Include data analysis of the impact of the proposals

The 2018 data in the EA template has been considered along with newer 2021 Census data and APS data which shows the sexual identities of residents. In the 2021 census, Data in this section are only available at local authority level. For smaller areas, such as wards or super output areas, data for the corresponding local authority is shown. 2.7% of people aged 16 and over in Bromley identified as LGB+, gay or lesbian, bisexual, or other sexual orientation. This is lower than the percentages in other Southeast London boroughs, such as Lewisham (6.1%) and Greenwich (4.5%). 5.1% of those aged under 35 in Bromley said they identified with an LGB+ sexuality.

Sexual Orientation Percentage

- Heterosexual or straight - 90%
- Gay or lesbian - 1.5%
- Bisexual - 0.9%
- Pansexual - 0.1%
- Asexual - 0.1%
- Queer - 0.0%
- All Other orientations - 0.1%
- Not answered - 7.3%

Data on Sexual identities of residents is not available at the Biggin Hill Ward Level.

What is the proposal's impact on the equalities aims?

No negative impact on this equality group.

What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?

N/A- Residents and playground users to be signposted to alternative provision.

Gender re-assignment

Check box if impact identified

Check box if not applicable

Additional Equalities Data (Service level or Corporate)

Include data analysis of the impact of the proposals

The EA template gives limited data for this category. The 2021 Census provides a detailed breakdown for the first time-see Bromley data below which sets out the gender preferences of residents with 94% stating they were the same gender as at birth:

- Gender identity same as at birth - 94%
- Gender different from birth - 0.2%
- Identifying as Trans women - 0.1%
- Identifying as Trans man - 0.1%
- Nonbinary - 0.1%
- Other - 0.0%
- Not answered - 5.6%

Data on Gender Reassignment is not available at the Biggin Hill Ward Level.

What is the proposal's impact on the equalities aims?

No negative impact on this equality group.

What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?

EQUALITY ANALYSIS: Change of Use of Playground at Oaklands Primary School

N/A - Residents and playground users to be signposted to alternative provision.

Marriage and Civil Partnership

Check box if impact identified

Check box if not applicable

Additional Equalities Data (Service level or Corporate)

Include data analysis of the impact of the proposals

The data in the EA template has been considered along with the latest 2021 Census data and service data. The latest data shows that out of Bromley residents aged 16 years and over, 36.5% said they had never been married or in a civil partnership in 2021, up from 33.6% in 2011.

- In 2021, just under one in two people (47.8%) said they were married or in a registered civil partnership, compared with 48.5% in 2011. The percentage that had never married or never registered a civil partnership was 36.5% The percentage of adults in Bromley that had divorced or dissolved a civil partnership decreased from 8.3% to 8.0%, with 2.1% separated but still in legally married or in a civil partnership. 5.7% of the partnership were widowed or a surviving civil partnership.
- The increase in the percentage of people aged 16 years and over who had never been married or in a civil partnership was greater in Bromley (2.9 percentage points) than across London (2.1 percentage points, from 44.1% to 46.2%). Across England, the percentage increased by 3.3 percentage points, from 34.6% to 37.9%.
- These figures include same-sex marriages and opposite-sex civil partnerships in 2021, neither of which were legally recognised in England and Wales in 2011. Same-sex marriages have been legally recognised in England and Wales since 2014 and opposite-sex civil partnerships have been recognised since 2019.
- In 2021, 51.7% of people in Biggin Hill said that they were married on in a registered civil partnership (higher than the Bromley average), whilst 32% of people said they had never married and had never registered a civil partnership (lower than the borough average). 8.2% of people had divorced or dissolved a civil partnership, with 1.9% separated but still legally married or in a civil partnership. 6.2% were a widowed or a surviving civil partnership partner.

- Overall, the legal partnership status of Biggin Hill largely matches the Bromley average, with a slightly higher proportion of those married or in a civil partnership or as a widow from a marriage or civil partnership.

What is the proposal's impact on the equalities aims?

No negative impact on this equality group.

What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?

N/A Residents and playground users to be signposted to alternative provision.

Other groups affected

Check box if impact identified

Check box if not applicable

Additional Equalities Data (Service level or Corporate)

Include data analysis of the impact of the proposals

- The EA template highlights the need for consideration to be given to other user group who may be affected by this proposal which includes those who do not readily fall within the protected characteristics, such as children in care, people who are affected by socio-economic disadvantage or who experience significant exclusion or isolation because of poverty or income, education, locality, social class or poor health, ex-offenders, asylum seekers, people who are unemployed, homeless or on a low income. The needs of those who categories have been considered alongside the listed equalities groups and no further negative impacts were identified.
- Whilst it is not considered that there will be negative impacts on these groups, Carbon Management and Greenspace through its service does undertake several initiatives to support these groups including:
 - Its established educational programme at the Bromley Environmental Educational Centre at High Elms (BEECHE) in which emphasis is placed upon outdoor learning and to enables participants to pursue their interests in Science and Nature. This service is offered to local schools including to those with learning disabilities. The BEECHE centre is a 10-minute drive from Oaklands Playground and is partly accessible by local Bus R8.
 - Local Open Spaces can also facilitate social networking between different members of the community helping to combat loneliness and social isolation. This can include gatherings of individuals with a shared purpose or interest such as Friends Group. Both Biggin Hill Recreation Ground and Kings Road Recreation Ground are part of the 'Biggin Hill Friends of Parks' a volunteer group dedicated to helping preserve the parks and public green spaces in Biggin Hill for the benefit of residents and visitors.

What is the proposal's impact on the equalities aims?

No negative impact on this equality group.

What actions can be taken to avoid or mitigate any negative impact or to better advance equality and foster good relations?

N/A Residents and playground users to be signposted to alternative provision.

4. Conclusion and reporting guidance

Set out your conclusions below using the EA of the protected characteristics and submit to your Director for approval.

If you have identified any negative impacts, please attach your action plan to the EA which addresses any negative impacts identified when submitting for approval.

If you have identified any positive impacts for any equality groups, please explain how these are in line with the equality aims. Review your EA and action plan as necessary through the development and at the end of your proposal/project and beyond.

Retain your EA as it may be requested by Members or as an FOI request. As a minimum, refer to any completed EA in background papers on reports, but also include any appropriate references to the EA in the body of the report or as an appendix.

This analysis has concluded that the closure of the Oaklands playground for public use will overall have a minimal impact on the community and residents, and any impact can be fully mitigated by the alternative provision of play facilities outlined above. The public closure of the playground will have a positive impact on Oaklands Primary school children due to the reduction in anti-social behaviour, the school's ability to increase operational use, and a reduction in health & Safety issues.

An engagement plan, in line with the strategy outlined above, will be developed to ensure that all stakeholders are effectively updated and kept informed on the timescales of the proposal. This engagement strategy will also include information on the alternative play provision available close to the site. The data provided within this EIA demonstrates the minimal impact on the local population.

Outcome of analysis

Outcome 1

No change required where the assessment has not identified any potential for discrimination or adverse impact and all opportunities to advance equality have been taken.

Outcome 2

Adjustments to remove barriers identified by the assessment or to better advance equality. Are you satisfied that the proposed adjustments will remove the barriers identified?

Outcome 3

Continue despite having identified some potential adverse impacts or missed opportunities to advance equality. In this case, the justification should be included in the assessment and should in line with the duty have 'due regard.' For the most important relevant policies, compelling reasons will be needed. You should consider whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact.

Outcome 4

Stop and rethink when an assessment shows actual or potential unlawful discrimination.

Appendix 1 – Equality Assessment Action Plan

please list actions that you plan to take as a result of this assessment, continuing a separate sheet if necessary. If appropriate these actions should be added to any business/service plan for the function.

Impact

Closure of playground on frequent users.

Action to be undertaken

Produce a Communications Strategy providing details on the proposal, including reference to the alternative play provision available.

Desired outcome

Residents and stakeholders are aware of the closures another play spaces that can be used.

Action owner

Hannah Jackson / Mollie Lyon

Target date

January 2025