

BRENTWOOD BOROUGH COUNCIL

MEMORANDUM

TO: ESTATES & VALUATION SURVEYOR – Adrian Tidbury

CC

**FROM: DEPUTY OPERATIONS MANAGER PARKS & OPEN SPACES – Stuart Anderson
CORPORATE HEALTH AND SAFETY – David Wellings**

MY REF: 901 - 13

DATE: 5th September 2017

**RE: Health & Safety Review of Use of Second Cricket Square and Outfield – Courage
Playing Fields**

With reference to the above matter, both myself and the Council's Health & Safety Officer [David Wellings] have now had an opportunity to visit site and view for ourselves the situation with regard to the location of the secondary cricket square and outfield at Courage Playing Fields and in particular the potential interaction of the playing of cricket and general amenity users of the site.

Background

Outline of Current Issues being Reviewed

Courage Playing Fields is one of two publicly accessibly open spaces in the Ward of Shenfield maintained by Brentwood Borough Council, it is the only site in the Ward that has equipped play facilities for recreational use.

The site is also adjacent to St Marys Primary School and also St Marys Church both of which are off of Hall Lane. There are also residential properties that back on to the playing fields. The site has a substantial tarmac footpath [approximately 3m wide] which runs through the site from the junction of Chelmsford Road and Shenfield Road through to Hall Lane and the entrance to St Marys Church. In addition to this the footpath is also part of the designated Public Rights Of Way network in the Borough and is listed as footpath PROW 272-23. This will mean that the footpath will have certain protection under statute as a Public Right Of Way. This element will be managed by Essex County Council as the Highway Authority for the region. The footpath is used regularly and extensively during the day by the pupils of St Mary's School which utilise the entrance from the playing fields as the main pedestrian access to the school. In addition to this there are also two equipped play areas adjacent to the main footpath [one for toddler aged children and the other for older children of greater ability]; there is also a set of swings located on the opposite side of footpath adjacent to the centenary floral garden. All three

areas with play equipment are fenced off with 1.2m high fencing; the two larger play areas have metal bow top railings with 16mm diameter bar and the single set of swings a wooden and metal mesh fence approximately 1.2m in height.

Running along the edge of the footpath on the playing fields side is a line of semi mature trees which range in height from 10 – 15m, these are predominantly deciduous species.

On the main field adjacent to the footpath is a large green open space which forms part of the Courage Playing Fields. This field makes up approximately 30% of the overall size of the site and is generally accepted by the public as the main field for public recreation. In the centre of this field there is an established cricket square with two wickets located within it. The orientation of the square is such that it runs parallel to the footpath and the play areas. This could result in a ball being hit in either the direction of the play facilities or the entrance way from the adjoining field. Although the adjoining field has another cricket square on it, this is also publicly accessible, and regularly used for recreational use by members of the public.

The cricket pitch on the second field adjacent to the play areas does have an outfield line marked on it which is positioned approximately 52m from the centre of the nearest wicket. The line of the footpath is 60m from the nearest wicket and the play area is 63m from the nearest wicket. Under the International Cricket Council (ICC) law 19.1 the playing area shall be a minimum of 137.16m from boundary to boundary square of the pitch, with the shorter of the two square boundaries being a minimum of 59.43 metres. This means that as it currently stands the outfield line currently marked on site does not allow for sufficient distance to accommodate the 59.43m needed.

Findings

Courage Playing Fields is without doubt a popular and heavily used local amenity. As one of only two publicly accessible open space amenities in the ward of Shenfield the demand on its land is significant from multiple users, often with conflicting interests. It is understandable that there will be conflict in these interests with members of the public wishing to enjoy a public facility that is funded by the tax payer as well as conveniently located near residential properties. Conversely, the cricket club wish to enjoy the use of a cricket square that is has invested significant resources into preparing and maintaining and for which they have permission from the Council to use therefore a proactive and balanced approach and conclusion needs to be sought.

Taking the above into account it is felt that there are currently not sufficient steps being taken to safe guard the public or residents from the risk of being hit by a flying or bouncing cricket ball. Although there are mitigating factors that may prevent a ball reaching the footpath and play area, such as the line of trees and railings, these can not be relied upon to stop a ball in motion due to velocity and solidness of the ball. It is very possible that a well struck 'six' could at least penetrate into the area of the footpath and depending on trajectory and angle of descent could also travel over the height of the play area railings [1.2m high] and into either play area. The effects of this type of incident would be serious if a child or adult was hit.

The Council is advised that temporary netting is placed along the boundary of the footpath on match days, but it is not known if this does actually occur, nor how high this netting is and, even if netting is placed out it may not be sufficient in height to prevent a ball from travelling over it.

Under the Occupiers Liability Act 1957 and 1984, section 3 of the Health and Safety at Work Act the Council has a duty of care to all those using the site both within the club and also the wider general public and so it must be mindful to fulfil its obligations both now and into the future when deciding upon the use of its land. Alerting users of the risks by signage only, would be considered inadequate given the age and demographic nature of the visitors and residents that use the playing fields for their enjoyment.

Recommendations

It is recommended that a two-phased approach be taken in addressing this matter with the phases being set out below:

Phase One – As soon as is reasonable practicable and without delay, before the commencement of the 2018 cricket season, that the club purchase, at its own expense, a commercial and professional temporary netting system. That it consists of mobile posts that can be placed along not only the length of the entire boundary of the main footpath running through the site, but that it extends in front of the set of swings to the south east of the site, adjacent to the centenary floral garden. In addition, there will be a need to provide temporary netting at each entrance onto and off of the field along the easterly boundary. These areas of netting should extend three metres into the field from the line of trees to provide safe refuge for any member of the public traversing from the main cricket field which has public access, onto what is considered the main public field of the site, where the secondary cricket square is located. The height of the netting should be, as a minimum, 4 metres from ground level. The netting system should be such that it can be installed before the start of a match and then removed at the end of the match and, stored for use another time. It is also advised that the club take photographic evidence of the existence of the netting and its use each time the square is used either for practice or if a match is taking place.

It is also recommended as part of phase one that clear and obvious signage is placed at each entrance on the site that may be used by a member of the public that clearly states that the game of cricket is being played and, that there may be the risk of flying cricket balls. To ensure these are as clear as possible it is recommended that these signs be professionally made 'A' boards that are placed out at each entrance before the commitment of a match and, then removed again at the closure of the match. By undertaking such a step, the club will ensure that a member of the public has to walk past a sign before entering an area where cricket is being played and, as such the person's may not be able to claim they were unaware of a match in progress, subject to several caveats.

Phase Two – In light of the risks outlined in this report and the likelihood of serious injury being sustained to a member of the public if they were struck by a travelling cricket ball the use of the second field for cricket is not sustainable in Health and Safety terms in the long term. Therefore, it is recommended that the use of the second field be revised to provide a long-term solution, with steps taken to support the club in establishing a new square and outfield on the section of field to the far side of the main cricket facility. (This field is 'part 776' as set out in the Deed of Gift 1950). This area of land is located away from the main facilities and amenities of the site, such as play areas and surfaced designated footpaths and, so the control of the public and the areas they access would be a much easier process. This action would also allow the club to focus all its activities on a central field, which may allow for greater flexibility of the games played, and, the manner in which the club can manage the facilities provided on Courage Playing Fields i.e. wickets etc. It would also significantly reduce risk of injury to members of the public and residents.

Should you require any further information then please do not hesitate to contact us.

DEPUTY OPERATIONS MANAGER PARKS & OPEN SPACES

CORPORATE HEALTH AND SAFETY