

IN THE MATTER OF
AN APPLICATION TO REGISTER LAND AT
STOKE LODGE PLAYING FIELDS AS
A TOWN OR VILLAGE GREEN
UNDER SECTION 15(2) OF THE COMMONS ACT 2006

BETWEEN:

MR MEYER – APPLICANT

AND

BRISTOL CITY COUNCIL & ORS – OBJECTORS

STATEMENT OF TONY HAVENS

I, Tony Havens, will say as follows: -

1. I am now retired but was previously employed by Bristol City Council from about 1985. At the time of my retirement in 2014 I was employed by the Council as a Technical Officer in its' Children and Young People Services Directorate (CYPS). I was responsible for maintenance of Stoke Lodge Playing Fields, among other sites, and ensuring that it met CYPS requirements.
2. I am very familiar with the site at Stoke Lodge Playing Fields (the Site) not only as a result of my employment with Bristol City Council but many years before that I used to play in the grounds of the playing fields as a young boy (from about the age of 9 years). The only reason I was able to use the facility was because I was friends with the son of the caretaker of the Site otherwise I would not have been allowed on the Site. Even back then I was aware that members of the public were not allowed to use the Site as I remember the caretaker constantly having to "shoo" people off the Site and asking them to leave as they were trespassing.
3. The caretaker or groundsman, as he may have been called, used to live on the Site and dealt directly with trespassers, but even all those years ago I recall that the caretaker had difficulty in controlling members of the public from trespassing onto the Site. I can also state, although I cannot recall the exact dates, that some or all of the Site was fenced off but the fencing was constantly vandalised. In my view therefore, particularly as the perimeter of the Site is so large, unless a fleet of cars were driving around it the whole time, it would be impossible to police 24/7.
4. Over the years, including during my time employed by CYPS, I am aware that there have been numerous incidents at the Site including vandalism, graffiti, damage to fencing and on one occasion there was an arson attack on the pavilion.
5. I have seen the directions of Philip Petchey dated January 2013 and in particular, I have read paragraphs 10 – 13 of Mr Petchey's report in which he raises questions about the circumstances in which the sign in the grounds of the adult learning centre was erected. Mr Petchey has expressed interest as to not only **when** the sign was put up but also **why** it was put up. I have been contacted by the Council and asked

to make this statement as I am regarded as the person best placed to answer these questions.

6. I cannot recall the exact dates but it would have been around late 2008/early 2009 that I was given the responsibility of commissioning new signs to be displayed at the entrance to the Site. I know that there are other signs around the Site but I specifically recall arranging for a new sign to be displayed in the grounds of the adult learning centre. This was because this was considered to be the main entrance to the Site accessed by members of the public. The sign in question is clearly displayed in a prominent position at an access point to the playing fields and therefore it should be obvious to a member of the public that the sign applies to the Site.
7. The sign was clearly intended to apply to the Site and its' intended purpose was to advise members of the public that they would need to get permission from the Council if they wanted to use it. It is therefore true that this sign was put up because the Council did not want members of the public to use the Site.
8. There were various reasons as to why the Council did not want members of the public to use the site but I recall that trespassing was becoming a real concern to CYPS. The main reason for the new signage was to safeguard the children who were using the Site with permission due to a number of issues such as people walking their dogs on the Site and failing to clear up after them, acts of vandalism, graffiti and general trespassing. The Site is an important educational facility that is regularly used by a school, a football club, and other organisations with the permission of the Council. It is therefore a Site that is regularly used by children.
9. It was also decided that as Avon County Council had been abolished in 1996, the signs were out of date and needed to be replaced. This was following advice received from a barrister after what I remember to be the "Packers" TVG case.
10. At the same time that discussions were taking place within CYPS about replacing the signs, consideration was also given as to whether the Site ought to be fenced off but this suggestion was temporarily put to one side because of funding and because of previous problems of trespassers vandalising the fencing. As a result of Council's having to make significant savings, fencing was not really a viable option. The new signage was erected in early/mid 2009.
11. To conclude the decision was made to erect the sign at the adult learning centre in order to keep members of the public off the Site for the following main reasons:-
 - i. Safeguarding of children
 - ii. To prevent acts of vandalism and graffiti
 - iii. To update the Avon County Council signs

I believe that the facts stated in this witness statement are true.

Signed.....*G. Lawrence*.....

Dated.....*1-2-2016*.....

