

# ILMINSTER TOWN COUNCIL

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Town Clerk: Joy Norris

29<sup>th</sup> October 2013

Dear Councillor

A meeting of the **OPEN SPACES COMMITTEE** which you are summoned to attend will be held on **Tuesday 5<sup>th</sup> November 2013 at 19:30hrs**. The meeting will be held in the Council Chamber, Council Offices, North Street, Ilminster.

The business to be transacted at the meeting is outlined on the Agenda below. Any reports listed as "to follow" will be made available as soon as possible, and in any event at least 30 minutes before the start of the meeting.

Yours sincerely

Joy Norris  
Town Clerk

## OPEN SPACES AGENDA

1. **Apologies for absence.**  
To receive apologies for absence from Councillors unable to attend the meeting.
2. **Declarations of Interest.**  
To receive any declarations from Councillors and Officers of interests in respect of matters to be considered at this meeting, together with an appropriate statement regarding the nature of interest.
3. **Minutes.**
  - a) To confirm the minutes of the meeting held on 24<sup>th</sup> September 2013 as a correct record.
  - b) To consider the action list relating to the Open Spaces committee (attached)
4. **Use of Recreation Ground - Armed Forces Day 2015**  
A presentation will be made by Mr McAllister concerning the use of the recreation ground on 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> June 2015 for an Armed Forces Day.
5. **Wardens Report.**  
To receive the report from the Senior Open Spaces Warden about recent warden activities in Ilminster.

## **Iminster Town Council**

### **6. Financial comparison**

To receive information about the Open Spaces expenditure and commitments to date when compared with the 2013/14 budget (attached are actual figures to 30.09.13, and you will be provided with actual figures to 31.10.13, at the meeting).

### **7. Litter & Hedge Cutting**

To consider the Town Council's position regarding litter collection and hedge cutting as currently undertaken by the District Council.

### **8. Bye-laws**

To consider amendments to bye-laws in light of comments from the Department of Communities and Local Government.

### **9. Cemetery Wall (North) repairs**

To consider work needed to the cemetery wall on the north side of the North wall.

**ILMINSTER TOWN COUNCIL  
OPEN SPACES COMMITTEE MINUTES**

Minutes of a meeting of the **OPEN SPACES COMMITTEE** held in the Council Chamber, Ilminster on Tuesday 24<sup>th</sup> September 2013 at 19:30hrs

**Present:**

Chairman: Cllr C Goodall

Councillors: Cllr P Burton, Cllr V Higgins, Cllr V Keitch, Cllr D Miller, Cllr A Shearman, Cllr S Shepherd, Cllr J Sothern, Cllr S Storey, Cllr E Taylor and Cllr L Vjeh

**In Attendance**

Officers: Mrs M Clayton (Senior Administrator), Mr A Jones (Senior Open Spaces Warden)  
Miss J Norris (Town Clerk)

A member from the local press and 2 members of the public attended this meeting.

**48. Apologies for absence**

Apologies for absence were received from Councillor Austin, Councillor Lawson, Councillor Swann, Councillor Pallister

**49. Declarations of Interest**

There were no declarations of interest made.

**50. Minutes.**

**RESOLVED**

- a) that the minutes of the meetings held on 13<sup>th</sup> August 2013 are a correct record.
- b) to update the action list relating to the Open Spaces committee.

Issues brought to the attention of the Committee included:

- The landscape design Company 'Redbay' will be starting work on Thursday 26<sup>th</sup> September 2013.
- South Somerset District Council has awarded the Town Council a grant of £7,000 for the Landscape Designer.
- A grant from Somerset County Council for flooding protection work has been awarded to the project put forward jointly by the Town Council and the West Ilminster Flood Mitigation Group.
- Police are aware of the problems with vandalism at the recreation ground and are dealing with this matter.

**51. Wardens Report.**

The Committee received the report from the Wardens about recent warden activities in Ilminster.

Discussions included the following:

- The Britten's Trust entrance referred to in the Warden's report is the footpath from the hammerhead entrance to the canal. There is an area of this path that is worn away.
- There has been positive feedback from members of the public regarding the work to Herne Hill.
- Councillors and staff are still in the process of finding out who is responsible for cutting the hedge along Canal Way.
- Members of the public have commented on the new benches that have been put in Britten's Field and have said it has transformed the area.

Chair's initials

## Iminster Town Council

### 52. Financial Comparison

The Committee received information about the Open Spaces expenditure and commitments to date when compared with the 2013/14 budget.

Minor amendments to the financial comparison sheet are to include the following:

- The potential income for burials should be shown as the difference between the actual and the budget figure, because there will be burial fees between now and the end of the financial year.

**The report was noted.**

### 53. Presentation.

A presentation was made by Zoe Harris from South Somerset District Council concerning the Thursday Market.

The District Council would like to know if the Town Council is interested in entering into discussions about taking over the management of the Thursday market.

Discussions on this item included the following:

- The District Council would be able to advise how the Town Council could run the market on a day to day basis
- The Town Council once had a sub- committee for the market, which may be able to re-form.
- The costs to run the market, at present, are approximately £7,000
- The income received from the stalls, for a year, is £4,500
- There will not be any funding from the District Council to take over the running of the market.
- Other Councils which have recently taken over the management of their markets, have amalgamated the market duties with the office staff's regular day to day duties.
- The Market Supervisor's job description includes putting out cones around the bays, putting out signs, checking Health and Hygiene certificates are in place, making sure that the stalls are set up to the required Health & Safety standards, collecting money from stallholders, carrying out some admin work and banking money at the end of the day.
- The market should close at 1.00pm but some stall holders are occasionally on site until 5.00pm.
- Volunteers may help to set up the market each week and stallholders could come to the office to pay their rent.
- A business case would need to be drawn up taking into account and considering all the above before a decision whether the Town Council is willing to take over the market can be made.
- The present Market Supervisor will be leaving the position at the end of October and relief staff have been booked in until the end of November.
- The District Council will need a decision by the end of October if possible.

**RESOLVED** that a Sub- Committee for the market is set up immediately and a business plan is compiled.

### 54. Iminster Armed Forces Day

The Committee was asked to consider the use of the recreation ground on 19<sup>th</sup> 20<sup>th</sup> and 21<sup>st</sup> June 2015 for an Armed Forces Day.

After some discussion it was agreed that the Committee would need additional information from the fundraising Organiser, detailing what types of events would be held on the recreation ground.

Councillor Higgins will approach the applicant for further information.

Chair's initials

## Iminster Town Council

### 55. Cemetery Lodge Repairs

The Committee was asked to consider appointing a contractor to carry out the internal and external repairs to the Cemetery Lodge

Topics discussed during the consideration of this item included the following:

- More than three contractors have been contacted for a quotation, but only one has responded.
- The internal repairs will cost £375 (exc.vat)
- The external repairs will cost £850 (exc.vat)
- The cost to carry out these repairs will be paid from budget heading 762 but will be offset by the rental income (budget heading 630)

**RESOLVED** that the contractor is appointed to carry out the internal and external repairs to the cemetery lodge as per their quotations dated 31<sup>st</sup> July 2013 and 29<sup>th</sup> August 2013, at a total cost not exceeding £1225 (exc.vat).

### 56. Churchyard Railings

The Committee was asked to consider appointing a contractor to paint the churchyard railings

Issues discussed during the consideration of this item included the following:

- The Minster's churchyard is a closed churchyard and therefore the Town Council has responsibility for its maintenance.
- A Memorandum of Understanding between the Church and the Town Council clearly states that the railings and gates must be maintained by the Council.
- The quotations that have been received, are to paint the railings in one go.
- The budget for 2013/14 to the churchyard railings does not cover the costs involved, and therefore would mean that only part of the railings could be painted.
- If the Committee wants the railings painted in one go, the work could be delayed until the Spring when there would be a new budget for 2014/15 which could include this work as a specific project and where a provision could be made for the cost of future work to be done.
- From a budgetary point of view, it would be better for the work to be postponed until April 2014

#### **RESOLVED**

- i. that the work to paint the churchyard railings is postponed until April 2014.
- ii. that all the churchyard railings should be painted at the same time
- iii. that provision is made in the 2014/15 budget for railings to be painted.

The Meeting closed at 20:50hrs

Chair's signature and date

Open Spaces Action List for meeting on 5<sup>th</sup> November 2013

No	Meeting Date and Minute Number	Topic	Action (To Do)	Action By	Action Taken	Date Completed
1	O.S 11.12.12	Safety Surfaces Item 8	Need to measure the area at the side of the skate park and obtain quotes	Marilyn/ Tony	1)Waiting for measurements. 2)Measurements rec'd – awaiting quotes 3)Rec'd prices but now need to include other smaller areas. 4) Waiting for sizes of all areas from Tony 5) Sizes received – Working out how much to order and which will work out as the cheapest (as at 02.08.13) 6) Put on hold until we have received the Open Spaces Review masterplan	
2	OS 31.01.13	Workshop Entrance Item 10	Town Clerk to approach Cricket Club to see if they will contribute towards the cost of replacing the surfacing outside the workshop entrances <ul style="list-style-type: none"> <li>• Prices obtained for the work needed to be done for the area outside the Cricket Club's entrance</li> <li>• Need to obtain more up to date quotes for all the areas that need new matting surface</li> <li>• Need to obtain quotes for concrete to be laid instead of</li> </ul>	Joy	On hold pending Open Spaces Review	

Open Spaces Action List for meeting on 5<sup>th</sup> November 2013

No	Meeting Date and Minute Number	Topic	Action (To Do)	Action By	Action Taken	Date Completed
			matting • Arrange for the Committee to view other local areas that use this matting • Find out the life expectancy of the matting			
3	OS 02.07.13 19 & 21	Strawberry Bank-Planters and MTIG	See if we need permission to plant bulbs on the roundabout at Station Road – What planting can or cannot be done on the roundabout?	Joy/ Michelle		Waiting for a reply from District Council should be a reply by 30.09.13
4	OS 13.08.13 38	Warden's Report	Town Clerk to contact PC Stewart as to what can be done to prevent vandalism on play area – maybe use of the camera?	Joy	Pending	Police are dealing with this matter <b>COMPLETE</b>
5	OS 24.09.13 52	Financial Comparison	Amend the following on Financial Comparison sheet: 1) The potential income for burial should be the difference between actual and budget-heading 626 2) Remove the variance for reserves heading 580	Michelle	Amendments made 30.09.13	<b>COMPLETE</b>
6	OS 24.09.13 53	Presentation Thursday Market	Find out the Councillors who were on the previous Market Subcommittee	Joy/Marilyn	1) No notes of previous meeting 2) New group now formed – Mayor, Chair of Open Spaces, Chair of Resources, Cllr Vjijeh and Cllr Keitch will meet on 08.10.13	<b>COMPLETE</b>
7	OS 24.09.13 54	Ilminster Armed Forces Day	Request further information from Fundraising Organiser on what events they would like to hold on the Rec.	Cllr Higgins	1) Cllr Higgins had not been able to contact the organiser 2) Staff received and	

Open Spaces Action List for meeting on 5<sup>th</sup> November 2013

No	Meeting Date and Minute Number	Topic	Action (To Do)	Action By	Action Taken	Date Completed
8	OS 24.09.1355	Cemetery Lodge Repairs	RESOLVED that the contractor is appointed to carry out the internal and external repairs to the cemetery lodge as per their quotations dated 31.07.13 and 29.08.13 at a cost not exceeding £1225		email from organiser asking if a decision had been made. 3) email sent requesting further information on 11.10.13 4) Another email sent on 23.10.13 Approved by OS on 24.09.13	See CEM Resolutions COMPLETE
9	OS 24.09.13 55	Cemetery Lodge Repairs	Contact Elder & Froy to inform them that the work has been approved	Michelle	Phoned 25.09.13	COMPLETE
10	OS 24.09.13 56	Churchyard Railings	RESOLVED i. That the work to paint the churchyard railings is postponed until April 2014 ii. That all the churchyard railings are painted at the same time iii. That provision is made in the 2014/15 budget for the railings to be painted	Joy	Approved by OS 24.09.13 1) Add to agenda planner for Feb 2014 2) Speak to contractors who sent in a quote.	See OS Resolutions COMPLETE



**Open Spaces Resolutions – Progress Chart**

No	Committee Minute Date and Topic	Resolution	Date Approved at Full Council Meeting	Progress to date
1	Warden's Workshop OS 23.10.12	Resolved the delegated authority is given to the Town Clerk to take appropriate measures for securing the wardens equipment store and expenditure incurred to be within the financial limits given in the standing orders	04.12.12	1) Waiting to see what happens with the Rec Review
2	Winterhay Lane Recreation Ground FENCING OS 23.10.12	Resolved that subject to the ownership of the fence being confirmed in writing, as to belonging to Iliminster Town Council, the Town Clerk is given delegated authority to order the supply and erection of the fencing for a cost not exceeding £650.00 + VAT.	04.12.12	1) Quotes obtained 2) Waiting for SSDC to confirm ownership and whether the 106 money Capital & Maintenance funding has been agreed. 3) Youth Council are doing a consultation and will include in their report what type and what height the fence should be. The report will be taken to the Council meeting in December
3	Rec Review Group TC 04.12.12 and Ground Work at Recreation Ground Drainage Work OS 23.04.132.12	<b>RESOLVED</b> that 3 quotations should be sought for land drainage of the area used by the fair and laying grounds matting on the area for access by the fair, based on the herringbone design considered by the Review Group <b>RESOLVED</b> that the Town Clerk has delegated authority to accept the lowest quotation for the drainage work to be carried out to the area between the football ground and The Mead on the understanding with the Contractor that 40mm stones are used instead of 20mm stones.	04.12.12  07.05.13	1) Order raised 09.05.13 2) Waiting for Insurance documents 3) Insurance documents received 14.05.13 4) Order sent 20.05.13 5) Work started on the drainage on 21.10.13
4	Iliminster Angling Association's request OS 23.04.13	Resolved that the Council allow the Iliminster Angling Association to introduce 200 F1 Carp to the canal subject to the following conditions: i) that the Angling Association provide, install and maintain, at their cost, a grill structure to a design to be approved by the Town Clerk who will take advice from the Environment Agency ii) that the weed maintenance is carried out	07.05.13	1) In process of speaking to the Environment Agency 2) Town Clerk has spoken to EA. Minimum 1" spacing between bars to stop the fish from escaping. Before licence is given out the EA will need to inspect and approve the grill. EA will give us suggestions as to the design and

Open Spaces Resolutions – Progress Chart

No	Committee Minute Date and Topic	Resolution	Date Approved at Full Council Meeting	Progress to date
		regularly to prevent the fish from dying and to prevent the outlet pipe from becoming blocked.		<p>contractors who may be able to offer advice.                      Emailing us back w/c 02.09.13</p> <p>3) Chased again on 17.09.13 – should hear back next week 23.09.13.</p> <p>4) Phone conversation with EA on 24.09.13. They are sending information about the screening suitable and appropriate for Ilminster canal It is likely that they will require a site meeting where stock and screening requirements can be discussed in context.</p> <p>5) Site meeting on 11.10.13 with EA and Angling Association</p> <p>6) Site meeting held with Environment Agency 11.10.13</p> <p>7) Grill design agreed, Angling Club to organise installation and EA will check installation before approving fish transfer</p>
5	Removal of metal balance beam OS 21.05.13	Resolved that i) the metal balance beam at the Children's play area is removed due to health and safety reasons. ii) the Open Spaces Wardens replace the metal balance beam with a wooden balance beam to be designed and constructed by the Wardens.	18.06.13	1) The Senior Warden is looking at different options to replace the metal beam
6	Flower Trough at Sea Road OS 23.07.13	<b>RESOLVED TO RECOMMEND</b> that The Town Council moves the flower trough at Sea Road onto the land owned by Gooch and Housego, subject to their written permission	30.07.13	1) There has been a misunderstanding over ownership of the land, therefore we are finding out who owns the land and asking them for written permission to move the trough (as at 02.08.13)

Open Spaces Resolutions – Progress Chart

No	Committee Minute Date and Topic	Resolution	Date Approved at Full Council Meeting	Progress to date
7	Community Resilience Store TC 07.05.13 & Flooding Alleviation Grant TC 30.07.13	<p><b>RESOLVED</b> that the Town Council supports the idea of a community resilience store in principle</p> <p><b>RESOLVED</b> that:</p> <ul style="list-style-type: none"> <li>i) the Town Council contributes 20% of the costs of the works to a maximum amount of £5,000.</li> <li>ii) that the expenditure is taken from the Reserves.</li> <li>iii) that the Council uses its powers under S137 of the Local Government Act 1972 to make the agreed expenditure.</li> </ul>	<p>07.05.13</p> <p>30.07.13</p>	<ul style="list-style-type: none"> <li>1) Council support idea of a community resilience store</li> <li>2) A new recommendation for a Flooding Alleviation grant was taken to full council on 30.07.13</li> <li>3) A grant for Flooding Alleviation has been submitted.</li> <li>4) A meeting is being arranged for the 30.10.13.</li> <li>5) Invitations sent on 04.10.13 –details of the meeting will be issued nearer the time.</li> <li>6) Received information that the EA are now responsible for the Shrudrick stream and the balancing pond , as the stream has now been designated as a river – see OS minutes 13.08.13</li> <li>7) ITC has been awarded a grant from SCC for flooding work.</li> <li>8) Meeting with interested people/organisations scheduled for 30.10.13</li> </ul>
8	Open Spaces Review Group TC 30.07.13	<p><b>RESOLVED</b> that:</p> <ul style="list-style-type: none"> <li>i) that the Terms of Reference for the Open Spaces Review Group be amended as shown on Appendix A</li> <li>ii) that the Town Council obtains professional advice to assist with the design of a master plan for the Wharf Lane Recreation Area and Britten's Field and</li> <li>iii) the Council approves the brief for a landscape designer to provide assistance in creating a master plan for the Wharf Lane Recreation area and Britten's Field with the exception of the project.</li> <li>iv) the Town Clerk is given delegated authority,</li> </ul>	<p>30.07.13</p>	<ul style="list-style-type: none"> <li>1) The Council have appointed a Landscape Designer</li> <li>2) SSDC have approved section 106 money for the Landscape Designer</li> <li>3) <b>COMPLETE</b></li> </ul>

Open Spaces Resolutions – Progress Chart

No	Committee Minute Date and Topic	Resolution	Date Approved at Full Council Meeting	Progress to date
9	Market Town Investment TC 30.07.13	<p>following consultation with the chairs of the Open Spaces Committee, and the Finance and Policy Committee, to approve the project background and photos section of the project brief for a designer.</p> <p>v) that an application is made to South Somerset District Council to fund the cost of the professional advice from S106 monies, which has provisionally been allocated for use in Ilminster.</p> <p><b>RESOLVED</b> that:</p> <p>i) that the Council makes a contribution to the Portas Project Proposal (based on the themes of Town Image and Community Facelift) and recognises that such contributions can be work in kind.</p> <p>ii) that the Town Council develops a sponsorship policy.</p> <p>iii) that the Town Council actively seeks sponsorship from businesses in the town.</p> <p>iv) that the Town Council recognises the proposal will require on-going resources to be provided e.g. labour and finance.</p>	30.07.13	1)
10	Replacement Stiga TC 15.08.13	<p><b>RESOLVED</b> that</p> <p>(i) that an order is placed with supplier A for a Stiga Pro 16 at a cost of £5092</p> <p>(ii) that the expenditure is funded from the designated reserve and any shortfall is taken from bins / seats reserves.</p>	15.08.13	<p>1) Order placed 16.08.13</p> <p>2) Stiga arrived 01.10.13</p> <p>3) Invoice received 10.10.13</p> <p>4) Cheque raised 15/10/13</p> <p>5) <b>COMPLETE</b></p>

Open Spaces Resolutions – Progress Chart

No	Committee Minute Date and Topic	Resolution	Date Approved at Full Council Meeting	Progress to date
11.	Christmas Decoration of the Market House 10.09.13	<b>RESOLVED</b> that: Christmas Lights Committee are given permission to add led lighting to the Market House subject to adequate Insurance and that a full risk assessment is carried out prior to works.	10.09.13	6) Permission granted 7) <b>COMPLETE</b> 8) <b>At meeting 22.10.13 Cllr Pallister notified the Council the proposed works have been suspended.</b>
12.	Appointment of Landscape Architect/ Designer 10.09.13	<b>RESOLVED</b> that: a) The Town Council accept the approved recommendations received at the Open Spaces Review Group. b) Appoint Red Bay Design as the Town Council's Landscape Architect/Designer to assist the Open Spaces Review Group with the development of a Master Plan for the Recreation Ground and Britten's Field.	10.09.13	1) Red Bay Design informed 2) Email received from SSDC informing us that £7000 has been granted for the landscape designer. 3) Order sent on 20.09.13 4) Redbay start work on 26.09.13
13	O.S Recs – Provision for seats and bins 10.09.13	<b>RESOLVED</b> that: a) 4 dog bins are purchased at a cost of £420 b) 6 bins are purchased at a cost of £2317.02 c) 6 benches and one set of slats at a cost of £2000	10.09.13	1) All items ordered on 17.09.13 2) Dog bins and litter bins have arrived 3) Cheques raised 01.10.13
14	O.S Recs – Herne Hill Advisory Group 10.09.13	<b>RESOLVED</b> that the wood chippings on the bottom path at Herne Hill are removed by a digger at a cost not exceeding £450 and that the expenditure for this work will be allocated to budget heading 561/8.	10.09.13	1) Order raised on 17.09.13

Open Spaces Resolutions – Progress Chart

No	Committee Minute Date and Topic	Resolution	Date Approved at Full Council Meeting	Progress to date
15.	O.S Recs – Parking Restrictions in West Street 10.09.13	<b>RESOLVED</b> that the Town Council supports the recommendation to lift the parking restriction from the 6 bays in West Street.	10.09.13	1) SCC informed of ITC support 2) <b>COMPLETE</b>
16.	O.S Recs Water Supply at the Cemetery 10.09.13	<b>RESOLVED</b> that the Town Council accepts the quotation to install a water supply at the cemetery, using route one, at a cost of £350 and the expenditure for this work will be set against Renewals and Provisions for cemetery paths.	10.09.13	1) Order raised on 17.09.13
17	Churchyard Railings	<b>RESOLVED</b> i. That the work to paint the churchyard railings is postponed until April 2014 ii. That all the churchyard railings are painted at the same time iii. That provision is made in the 2014/15 budget for the railings to be painted	OS 24.09.13	1) Added to agenda planner for Feb 2014 2) Spoke to contractors informing them that the work will now be required for April 2014

Cemetery Resolutions – Progress Chart

No	Committee Minute Date and Topic	Resolution	Date Approved at Full Council Meeting	Progress to date
1	Rebuilding of Cemetery Wall OS 21.05.13	<b>RESOLVED</b> that the Town Council no longer asks for a contribution from the neighbours of the cemetery, towards the costs of removing the cemetery wall.	18.05.13	
2.	North West Wall Quotations FC 10.09.13	<b>RESOLVED</b> that: a) The Town Council choose Quotation Option B and erect Railings as a replacement boundary wall in the North West Corner of the Cemetery and the Contract be awarded to the company Paul Hadderton Groundwork. b) The Town Council presents a sample of the 4 orders, to the cemetery neighbours for approval and to make sure they are happy with the proposed option.	10.09.13	1) Paul Hadderton informed 2) Waiting for samples of fencing 3) Fence samples received but neighbours cannot meet us to look at them.
3	Cemetery Lodge Repairs OS 24.09.13	<b>RESOLVED</b> that the contractor is appointed to carry out the internal and external repairs to the cemetery lodge as per their quotations dated 31.07.13 & 29.308.13 at a total cost not exceeding £1225 +vat	OS 24.09.13	1) Order raised 27.09.13 2) Telephoned Elder & Froy to inform them that the work has been approved by the Open Spaces Committee.

Market House Resolutions – Progress Chart

No	Committee Minute Date and Topic	Resolution	Date Approved at Full Council Meeting	Progress to date
1	Markey House Surveys OS 11.12.12	Resolved that 1. The Town Clerk attempts to obtain three quotations for both the architectural survey of the market house and the asbestos survey. 2. Subject to satisfactory quotations being obtained the Town Clerk has delegated authority to engage a qualified surveyor to carry out an architectural survey on the market house at a cost not exceeding £680 +vat and asbestos survey on the Council's properties at a cost not exceeding £600+ vat	05.02.13	1) Asbestos survey carried out on 21.02.13 2) Still waiting for quotes for Architectural survey to be carried out.(as at 06.08.13) 3) Quotes received – survey to be done on 11.09.13 4) Survey complete – awaiting report

## Warden's Report for OS Meeting on 05.11.13

Since the last report for the meeting on 24.09.13

The Open Spaces Wardens have:

- Made and painted the frog spring rider and positioned it in the toddlers play area at the Recreation Ground.
- Flailed the bluebell area of the wood
- Continued cutting grass in all areas
- Placed a new bench outside the chip shop (Triangle)
- Removed summer bedding
- Planted winter bedding and Corry worked on the Minster flower bed
- Replaced another four old dog bins with new ones
- Positioned two new litter bins by Canal Way, bus stop and New Road.
- Picked up the new Stiga
- Removed broken Ash tree branches on hill (Across path)
- Installed new bench in Brittens Field
- Levelled some graves at the cemetery
- Carried out routine day to day jobs

The Wardens also reported the following:

- The water pipe at cemetery has been fitted
- The Fair has been and gone. There was little mess this year
- The contractor has started the drainage work on fair site at the rec.



Financial Comparison  
as at 30.09.13

<b>OPEN SPACES INCOME</b>							
Head-ing No	Heading	Budgeted Income 2013/2014	Actual Income received as at 30.09.13	Potential Income	Total Income Actual Income + Potential Income)	Variance between Budgeted Income and Total Income	Comments
	<b>Open Spaces Income</b>						
412	Grants	£1,660.00	£0.00		£0.00	<b>£1,660.00</b>	
421	Donations	£0.00	£678.00		£678.00	<b>£678.00</b>	Benches - offset against exp
430	Rents	£5,520.00	£4,487.03	£1,093.13	£5,580.16	<b>£60.16</b>	Football Club (Town)
431	Claims	£0.00	£0.00		£0.00	<b>£0.00</b>	
432	Miscellaneous	£0.00	£54.00		£54.00	<b>£54.00</b>	Plaques for trees/benches-offset against exp
		<b>£7,180.00</b>	<b>£5,219.03</b>	<b>£1,093.13</b>	<b>£6,312.16</b>		
	<b>Cemetary Income</b>						
626	Burial Fees	£5,900.00	£3,816.00	£2,084.00	£5,900.00	<b>£0.00</b>	
630	Lodge Rents	£6,000.00	£2,500.00	£3,500.00	£6,000.00	<b>£0.00</b>	7mths still to come in- Tenants have 7mth's notice to terminate
	<b>Total</b>	<b>£11,900.00</b>	<b>£6,316.00</b>	<b>£5,584.00</b>	<b>£11,900.00</b>		
	<b>Market House Income</b>						
732	Miscellaneous	£160.00	£0.00		£0.00	<b>£160.00</b>	SDDC use of MH services
	<b>Total</b>	<b>£160.00</b>	<b>£0.00</b>	<b>£0.00</b>			
	<b>Ilminster Sports Initiative - Income</b>						
2000	ISI	£0.00	£0.00		£0.00	<b>£0.00</b>	
2100	Sports Building Project	£0.00	£0.00		£0.00	<b>£0.00</b>	
2101	Interest - Bonus Saver	£0.00	£4.64	£9.50	£14.14	<b>£14.14</b>	
	<b>Total</b>	<b>£0.00</b>	<b>£4.64</b>	<b>£9.50</b>	<b>£14.14</b>		

Financial Comparison  
as at 30.09.13

<b>OPEN SPACES EXPENDITURE</b>							
Head-ing No	Heading	Budgeted Expenditure 2013/2014	Actual Expenditure as at 30.09.13	Expenditure Approved/Committed	Total Expenditure (Actual Exp.+ Approved/Committed)	Variance between Budgeted Exp. and Total Exp.	Comments
<b>Open Spaces Expenditure</b>							
550	Employees	£52,605.00	£24,522.65	£24,758.88	£49,281.53	£3,323.47	
551	Training	£1,000.00	£66.25	£737.00	£803.25	£196.75	*£560=SSDC - A Jones, £177=appraisal training
552	Health & Safety	£640.00	£341.28	£290.02	£631.30	£8.70	£50 each personal allowance
554	Insurance	£3,700.00	£3,143.58		£3,143.58	£556.42	
555	Vehicle Insurance	£395.00	£475.00		£475.00	£80.00	
556	Play Equipment Inspection	£395.00	£375.00	£0.00	£375.00	£20.00	*Annual inspection carried out
558	Services/Rents	£4,600.00	£2,552.48		£5,582.61	£982.61	*Water bill higher than expected - Clubs charged next year for their usage
559	Fuel	£2,100.00	£1,244.09	£3,030.13	£1,244.09	£855.91	*Maybe a delivery in Spring
560	Purchases	£6,950.00	£1,900.51	£196.10	£2,096.61	£4,853.39	
561	Maintenance	£4,775.00	£1,425.55	£617.76	£2,043.31	£2,731.69	*£450 = see approved expenditure sheet and still need money available for Vehicle & Machine servicing Feb13
563	Toilets	£3,730.00	£1,716.31	£2,046.51	£3,762.82	£32.82	
574	Miscellaneous	£0.00	£36.83		£36.83	£36.83	
580	Reserves	£32,194.00	£0.00		£0.00	£0.00	
585	Contingency/Unallocated	£15,000.00	£0.00	£15,000.00	£15,000.00	£0.00	see approved expenditure sheet and £10,000 to general fund
590	Skatepark	£0.00	£0.00		£0.00	£0.00	
595	Projects	£0.00	£6,703.00	£19,047.64	£25,750.64	£25,750.64	see approved expenditure sheet
	<b>Total</b>	<b>£128,084.00</b>	<b>£44,502.53</b>	<b>£65,724.04</b>	<b>£110,226.57</b>		
	<b>Cemetery Expenditure</b>						

Financial Comparison  
as at 30.09.13

754	Insurance	£1,440.00	£839.51		£839.51		£600.49	
758	Services/Rents	£570.00	£341.99	£0.00	£341.99		£228.01	
760	Purchases	£600.00	£0.00		£0.00		£600.00	
761	Cemetery Maintenance	£500.00	£0.00	£37.00	£37.00		£463.00	
762	Cemetery Lodge	£1,200.00	£200.00	£1,505.00	£1,705.00			£280--Still to pay 7mths (£40 per mth) - Also there maybe a one off yearly charge?, £1225 see approved exp.sheet
774	Miscellaneous	£0.00	£0.00					
780	Renewals & Reserves	£4,472.00	£0.00					
795	Projects		£2,661.45	£8,534.68	£11,196.13			
	<b>Total</b>	<b>£8,782.00</b>	<b>£4,042.95</b>	<b>£10,076.68</b>	<b>£14,119.63</b>		<b>£11,196.13</b>	see approved expenditure sheet
	<b>Market House Expenditure</b>							
954	Insurance	£1,170.00	£485.98		£485.98		£684.02	
958	Services/Rents	£230.00	£155.16	£116.28	£271.44		£41.44	
962	General Maintenance	£350.00	£63.91		£63.91		£286.09	
963	Miscellaneous	£0.00	£0.00		£0.00		£0.00	
980	Renewals & Reserves	£970.00	£0.00		£0.00		£970.00	
995	Projects			£680.00	£680.00			see approved expenditure sheet
	<b>Total</b>	<b>£2,720.00</b>	<b>£705.05</b>	<b>£796.28</b>	<b>£1,501.33</b>		<b>£680.00</b>	
	<b>Ilminster Sports Initiative - Expenditure</b>							
2200	Sports Building Project	£0.00	£0.00		£0.00			
2600	ISI	£0.00	£0.00		£0.00			
	<b>Total</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>	<b>£0.00</b>		<b>£0.00</b>	

**BYELAWS - COMMENTS RECEIVED FROM DCLG – October 2013**

The following were received from DCLG but there is a bit of confusion as to the version of byelaws that they are commenting on as some of the amendments have already been made. The Deputy Clerk's observations are provided in red.

1. Protection of Structures and Plants - The Council have added the word 'damage' to byelaw 3(1). We do not think this amendment is needed. This is because you'll see the first byelaw covering protection of shrubs and structures covering removal and displacement and the wording of byelaw 3(2) which you have in your set covers damage to structures of shrubs, and the covering of "damage" is embodied in the byelaw 'No person shall walk on or ride, drive or station a horse or any vehicle over'.

The word 'damage' has already been removed.

2. Protection of Structures and Plants - On amending byelaw 3(2) to cover any animal, we are content with this change.

The change of 'horse' to 'animal' was refused before so we can now make the change.

3. Gating - The "he has" is a generic term that is intended to cover both genders and simply reflects the way byelaws were drafted at the time and still continue to be applied.

This has already been done.

4. Fires - The proposed amendment relates to camping which this byelaw does not deal with. It would be really good to see the proposed change in the draft set so we can see what changes the Council wish to make.

I have asked for clarification on this.

5. Horses - Where the Council wish to prohibit horse riding to some grounds but not others the grounds exempt should be listed in a schedule. So Winterhay Recreation Ground should be listed in Schedule 3 as been exempt from this byelaw and the wording under this byelaw should be amended to reflect this, i.e. 'No person shall ride a horse on any parts of the Grounds except those listed in Schedule 3.

I have asked for clarification on this.

6. Cycling - I understand the Council wish to amend this byelaw to allow for access to cycling in designated areas. The proposed amended wording is:

" No person shall without reasonable excuse, ride a cycle in the ground except in any part of the ground set aside for use by cycles and in riding a cycle on a route between the space so set apart and the entrance to the ground "

Byelaws need to be reasonable and proportionate and the wording must be clear to members of the public as part of developing robust byelaws. We would therefore recommend that the Council remove the second part of the byelaw relating to and in riding a cycle on a route between the space so set apart and the entrance to the ground, and amend the wording to designated route.

Are you happy for this byelaw to be amended to read:

'No person shall without reasonable excuse, ride a cycle in the ground except in any part of the ground set aside for use by cycles as a designated route.'

7. Cricket - Content

I have asked for clarification on this. The DCLG wording is:

'No person shall throw or strike a cricket ball with a bat except in a designated area for playing cricket.'

8. Golf – Content

I have asked for clarification on this, but have asked if the wording 'Golf Prohibited' could replace the current wording. The DCLG wording is (we deleted the word 'hard'):

'No person shall drive, chip or pitch a hard golf ball.'

9. Waterways - Your wording in brackets in the interpretation of waterways is not required.

This wording can be removed.

10. Fishing - The wording in brackets in the model set is optional wording a local authority may wish to adopt if there is designated areas for fishing. If there are no designated areas for fishing the wording in brackets should be removed from the draft byelaw. If there is designated areas the wording in brackets should be retained but the brackets removed so that they form part of the byelaw.

The brackets can be removed.

11. Savings - Please see comment at point 4.

The word 'their' needs to be changed to 'his'.

12. Revocation - You will need to retain the revocation byelaw if you are revoking an earlier existing set.

I have asked for clarification on this as we have put in a revocation, but not the Limited Revocation to preserve byelaws relating to dogs which I don't think applies to the Town Council.

# **ILMINSTER TOWN COUNCIL**

## **BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES**

### **ARRANGEMENT OF BYELAWS**

#### **PART 1**

##### **GENERAL**

1. General interpretation
2. Application

#### **PART 2**

##### **PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC**

3. Protection of structures and plants
4. Unauthorised erection of structures
5. Climbing
6. Grazing
7. Protection of wildlife
8. Gates
9. Camping
10. Fires
11. Missiles
12. Interference with life-saving equipment

#### **PART 3**

##### **HORSES, CYCLES AND VEHICLES**

13. Interpretation of Part 3
14. Horses
15. Cycling
16. Motor vehicles

#### **PART 4**

##### **PLAY AREAS, GAMES AND SPORTS**

17. Interpretation of Part 4
18. Children's play areas
19. Children's play apparatus
20. Skateboarding, etc
21. Ball games
22. Ball games Rules
23. Cricket
24. Archery
25. Field sports

26. Golf

**PART 5  
WATERWAYS**

27. Interpretation of Part 5

28. Bathing

29. Ice skating

30. Model boats

31. Boats

32. Fishing

33. Blocking of watercourses

**PART 6  
MODEL AIRCRAFT**

34. Interpretation of Part 6

35. Model aircraft – General Prohibition

36. Model aircraft – Exception to Byelaw 35

**PART 7  
OTHER REGULATED ACTIVITIES**

37. Provision of services

38. Excessive noise

39. Public shows and performances

40. Aircraft, hang-gliders and hot air balloons

41. Kites

42. Metal detectors

**PART 8  
MISCELLANEOUS**

43. Obstruction

44. Savings

45. Removal of offenders

46. Penalty

47. Revocation - General

SCHEDULE 1 - Grounds to which byelaws apply generally

SCHEDULE 2 - Rules for playing ball games in designated areas

- ° Byelaws made under [section 164 of the Public Health Act 1875/section 15 of the Open Spaces Act 1906/sections 12 and 15 of the Open Spaces Act 1906] by the Ilminster Town Council with respect to pleasure grounds, public walks and open spaces.

## **PART 1 GENERAL**

### **General Interpretation**

1. In these byelaws:

“the Council” means Ilminster Town Council;

“the ground” means any of the grounds listed in Schedule 1;

“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

### **Application**

2. These byelaws apply to all of the grounds listed in Schedule 1 unless otherwise stated.

## **PART 2**

### **PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC**

#### **Protection of structures and plants**

3. (1) No person shall without reasonable excuse remove from or displace within the ground:
- (a) any barrier, post, seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or
  - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.
- (2) No person shall walk on or ride, drive or station any horse or any vehicle over:
- (a) any flower bed, shrub or plant;
  - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or



- (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.
- (3) No person shall, without the consent of the Council, introduce into any part of the grounds listed in Schedule 1 the whole or any part or product of any plant, shrub or tree.

#### **Unauthorised erection of structures**

4. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.

#### **Climbing**

5. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

#### **Grazing**

6. No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze in the ground.

#### **Protection of wildlife**

7. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.

#### **Gates**

8. (1) No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.
- (2) Byelaw 8(1) applies to any gate to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited.

#### **Camping**

9. No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping.

#### **Fires**

10. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.
- (2) Byelaw 10(1) shall not apply to:
- (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit; or
  - (b) the lighting or use, in such a manner as to safeguard against damage or danger to any person, of a properly constructed barbecue, in a designated area for barbecues.

#### **Missiles**

11. No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.

## **Interference with life-saving equipment**

12. No person shall except in case of emergency remove from or displace within the ground or otherwise tamper with any life-saving appliance provided by the Council.

## **PART 3**

### **HORSES, CYCLES AND VEHICLES**

#### **Interpretation of Part 3**

13. In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

#### **Horses**

14. No person shall ride a horse on any parts of the grounds listed in Schedule 1 (this byelaw does not refer to Winterhay Lane).

#### **Cycling**

15. No person shall without reasonable excuse, ride a cycle in the ground except in any part of the ground set aside for use by cycles and in riding a cycle on a route between the space so set apart and the entrance to the ground.

#### **Motor vehicles**

16. No person shall without consent of the Council bring into, drive in the ground or park a motor cycle, motor vehicle or trailer.

## **PART 4**

### **PLAY AREAS, GAMES AND SPORTS**

#### **Interpretation of Part 4**

17. In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket;

“golf course” means any area within the ground set aside for the purposes of playing golf and includes any golf driving range, golf practice area or putting course;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

### **Children’s play areas**

18. No person aged 14 years or over shall enter or remain in a designated area which is a children’s play area unless in charge of a child under the age of 14 years.

### **Children’s play apparatus**

19. No person aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 14 years by a notice conspicuously displayed on or near the apparatus.

### **Skateboarding, etc**

20. (1) No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles except in a designated area for such activities.
- (2) Where there is a designated area for skating, sliding or riding on rollers, skateboards or other self-propelled vehicles, no person shall engage in those activities in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

### **Ball games**

21. No person shall play ball games outside a designated area for playing ball games in such a manner:
- (a) as to exclude persons not playing ball games from use of that part;
- (b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
- (c) which is likely to cause damage to any tree, shrub or plant in the ground.
22. It is an offence for any person using a designated area for playing ball games to break any of the rules set out in Schedule [2] and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.

### **Cricket**

23. No person shall throw or strike a cricket ball with a bat except in a designated area for playing cricket or in an area where playing cricket will not cause danger or give reasonable grounds for annoyance to any other person in the ground.

### **Archery**

24. No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.

## **Field sports**

25. No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Council.

## **Golf**

26. No person shall drive, chip or pitch a golf ball.

## **PART 5**

### **WATERWAYS**

#### **Interpretation of Part 5**

27. In this Part:

“boat” means any yacht, motor boat or similar craft but not a model or toy boat;

“power-driven” means driven by the combustion of petrol vapour or other combustible substances;

“waterway” means any river, lake, pool or other body of water and includes any Fountain (just applicable to those grounds that have a waterway)

#### **Bathing**

28. No person shall without reasonable excuse bathe or swim in any waterway.

#### **Ice skating**

29. No person shall step onto or otherwise place their weight upon any frozen waterway.

#### **Model boats**

30. No person shall operate a power-driven model boat on any waterway.

#### **Boats**

31. No person shall sail or operate any boat, dinghy, canoe, sailboard or inflatable on any waterway without the consent of the Council.

#### **Fishing**

32. No person shall in any waterway cast a net for the purpose of catching fish or other animals (except in a designated area for fishing).

#### **Blocking of watercourses**

33. No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus.

## PART 6

### MODEL AIRCRAFT

#### Interpretation of Part 6

34. In this Part:

“model aircraft” means an aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or
- (c) one or more electric motors or by compressed gas.

“radio control” means control by a radio signal from a wireless transmitter or similar device.

#### General prohibition

35. No person shall cause any power-driven model aircraft to:

- (a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or
- (b) land in the ground without reasonable excuse.

36. Byelaw 35 does not apply to any model aircraft which weighs below 0.5kg powered by one or more electric motors, a “rubber band” motor or is an unpowered glider.

## PART 7

### OTHER REGULATED ACTIVITIES

#### Provision of services

37. No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

#### Excessive noise

38. (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:
- (a) shouting or singing;
  - (b) playing on a musical instrument; or
  - (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.

- (2) Byelaw 39(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

#### **Public shows and performances**

39. No person shall without the consent of the Council hold or take part in any public show or performance.

#### **Aircraft, hang gliders and hot air balloons**

40. No person shall except in case of emergency or with the consent of the Council take off from or land in the ground in an aircraft, helicopter, hang glider or hot air balloon.

#### **Kites**

41. No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

#### **Metal detectors**

42. No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.

## **PART 8**

### **MISCELLANEOUS**

#### **Obstruction**

43. No person shall obstruct:
- (a) any officer of the Council in the proper execution of his duties;
  - (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
  - (c) any other person in the proper use of the ground.

#### **Savings**

44. (1) It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of their duty.
- (2) Nothing in or done under these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.

#### **Removal of offenders**

45. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

#### **Penalty**

46. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

## **Revocation**

47. The byelaws made by Ilminster Town Council on 5 November 1996 and confirmed by the Secretary of State on 27 January 1997 relating to the grounds are hereby revoked.

# **SCHEDULES**

## **SCHEDULE 1**

### **GROUND TO WHICH BYELAWS APPLY GENERALLY**

The grounds referred to in these byelaws are:

**Britten's Field Recreation Ground**

**Herne Hill**

**West Crescent Recreation Ground**

**Wharf Lane Recreation Ground**

**Winterhay Recreation Ground**

## **SCHEDULE 2**

### **RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW 21)**

Any person using a designated area for playing ball games is required by byelaw 21 to comply with the following rules:

- (1) No person shall play any game other than those ball games for which the designated area has been set aside.
- (2) No person shall obstruct any other person who is playing in accordance with these rules.
- (3) Where exclusive use of the designated area has been granted to a person or group of persons by the Council for a specified period, no other person shall play in that area during that period.
- (4) Subject to paragraph (5), where the designated area is already in use by any person, any other person wishing to play in that area must seek their permission to do so.
- (5) Except where they have been granted exclusive use of the designated area for more than two hours by the Council, any person using that area shall vacate it if they have played continuously for two hours or more and any other person wishes to use that area.
- (6) No person shall play in the designated area when a notice has been placed in a conspicuous position by the Council prohibiting play in that area.