

**ILMINSTER TOWN COUNCIL
OPEN SPACES COMMITTEE MINUTES**

Minutes of a meeting of the **OPEN SPACES COMMITTEE** held in the Council Chamber, Ilminster on Tuesday 5th November 2013 at 19:30hrs

Present:

Chairman: Cllr C Goodall

Councillors: Cllr P Burton, Cllr V Higgins, Cllr V Keitch, Cllr A Lawson, Cllr D Miller,
Cllr J Pallister, Cllr A Shearman, Cllr S Shepherd, Cllr S Storey, Cllr E Taylor
Cllr R Swann and Cllr L Vijeh

In Attendance

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

One member of the public attended this meeting

57. Apologies for absence

An apology for absence was received from Councillor Sothern

58. Declarations of Interest

The declarations of Interest given in the table below were made.

Name	Minute No	Agenda Item	Type of Interest	Nature of Interest
Cllr Pallister	64	8	Personal	Member of the Cricket Club

59. Minutes.

RESOLVED

- a) that the minutes of the meetings held on 24th September 2013 are a correct record.
- b) to note the action list relating to the Open Spaces committee.

60. Use of Recreation Ground – Armed Forces Day 2015

A presentation was be made by Mr McAllister concerning his request to use of the recreation ground on 19th, 20th and 21st June 2015 for an Armed Forces Day.

Issues raised during the discussion of this item included the following:

- There will be two Charities involved in organising the day.
- These charities have a network of personnel they can call upon to help with marshalling duties, etc
- The Armed Forces Day will promote Ilminster and the local businesses will benefit.
- Local military charities will be pushed to the fore.
- The planned events will consist of veteran's tents, military vehicle displays, military displays, staged musical entertainment and vendors. This will all depend on the area of land which is available for the event.
- Funding for the event will come from the vendors and sponsorship, and there will be bucket collections and maybe an auction on the day.
- The Charities will pay for any damage to the ground caused by the event.
- The Council will need to know in more detail what displays, stages, stalls etc will be set up on the recreation ground before a decision can be made.

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It was agreed that the organisers are asked to provide a detailed plan for the next Open Spaces meeting.

61. Warden's Report

The Committee received the report from the Apprentice Open Spaces Warden about recent open spaces activities in Iminster.

Discussions included the following:

- A bare patch has appeared, over the last two months, in the grassed area outside the front of the Minster. The Wardens have not carried out any weed killing in the area and think the patch may be due to the dry weather over the summer.
- The ivy which was growing up the large Yew tree at the Minster has been cutback by a Councillor.
- The toddlers are enjoying the new frog spring rider at the recreation ground.
- There are 4 dog bins left to replace.
- The contractor carrying out drainage work to the recreation ground is due to complete the work once the weather improves.
- The new 'Stiga' performs well, but had to go back to the supplier to have a belt changed. This work will be covered by the warranty.

62. Financial comparison

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

Discussions on this item included the following:

- The financial comparison report showing actual figure up to the end of October 2013, was handed out.
- The administrative procedure for any monies spent out of the Reserves, Renewal and Provision fund are undertaken at end of year.
- The amount of £793.13 outstanding for rents is the amount due from one of the sports clubs.
- The water costs for the toilets have increased due to the new urinal system. It was suggested that in the future the Council could look into a grant for funding towards a new system of recycling rainwater.

RESOLVED to note the report

63 Litter & Hedge Cutting

The Councillors were asked to consider the Town Council's position regarding litter collection and hedge cutting as currently undertaken by the District Council.

Discussions included the following:

- The litter collection after this year's carnival was carried out by the District Council, on the Sunday morning. Next year this service may be cut due to funding. If the Town Council would like the District Council to continue this collection they may be charged.
- It was suggested that the Carnival club committee and the Victorian evening committee are made aware of these cutbacks and asked if they would be able to provide volunteers for the litter collections after these events.
- Another suggestion was that the Community Payback team could carry out the litter collection work at a cost of £25 per day for 8 workers. However, this would mean that the Council would need to provide lunch breaks and toilet facilities for them.

It was noted that the Town Council will need to make provision in the 2014/15 budget, to cover additional costs of litter collections and hedge cutting.

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64 Bye-laws

The Committee was asked to consider amendments to bye-laws in light of comments from the Department of Communities and Local Government.

Items raised during the consideration of this item included the following:

- Model aircraft below the maximum weight restriction are allowed to fly on the recreation ground. It is the Warden's responsibility to check this bye-law is being adhered to.
- An amendment needs to be made to Part 7 of the bye-laws, under number 38 (2) it should read "Bye-law 38(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council".

RESOLVED that the draft byelaws as attached to these minutes are forwarded to the Department of Communities and Local Government, for their approval.

65 Cemetery Wall (North) repairs

The Councillors were asked to consider work needed to the cemetery wall on the north side of the North wall.

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

- The contractor has looked at the north wall of the cemetery, which runs the length of access road to neighbour property. The work to repair this wall will cost £539.
- The neighbours have raised concerns, with the contractor, regarding the footings at a section of this wall. The contractor has informed the Town Clerk that to inspect and repair the footings would not exceed a cost of £240.
- Councillors agreed that this work should be dealt with before further damage is caused.

RESOLVED to RECOMMEND that the work listed below is carried out to the North wall of the cemetery and funding for this work will be split between the cemetery maintenance heading 761, the Churchyard maintenance heading 561/7, and the trees/hedges maintenance heading 561/10 at a ratio of 2:1:1.

- a. Re-pointing the damaged wall at a cost of £539
- b. Inspection and repairs to the footings at a cost not exceeding £240

Meeting ends 21:00hrs

	nd date 17.12.13
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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.

Reply: Our wording is okay

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.

Reply: The advice is based on the guidance notes accompanying the Pleasure Ground byelaws, which states:

Horses

23. When the Secretary of State confirms byelaws, he must be satisfied that they are reasonable and do not discriminate unfairly against one section of the community. A ban on horse-riding in smaller grounds would be reasonable but not justified in grounds of 4 hectares (10 acres) or more.

24. Where a local authority wishes to make a byelaw to restrict or ban horse-riding in a particular ground, it should first consider what other facilities exist in the area for riding and also consult any local riding schools and, as far as possible, individual horse riders by e.g. placing notices at the entry to the ground or newspaper advertisements.

The guidance is intended to help inform local authorities whether there is a need to operate a ban on horse riding where the grounds in question are more than 10 acres.

As the ground in question (Winterhay Lane) is less than 10 acres the Council could make a byelaw banning horse riding.

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.'

Reply: The proposed wording here is reasonable. The Council is choosing to adopt a form or words that permits cricket in a designated area – you would only need the additional wording if the Council permitted cricket in undesignated areas.

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.'

Reply: My understanding is that the word 'hard' in the model golf byelaw is intended to differentiate between using hard golf balls and golf playing with plastic golf balls. If the Council is seeking a total prohibition - which is what I understand from the draft byelaws – then you may wish to retain the current wording so that any form of golfing is prohibited.

9. Waterways - You 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 are 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 are 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.

Reply: With regards to the limited revocation on retaining dog byelaws - measures on dogs are now controlled by dog control orders, so we would not be able to approve any dog byelaws or approve any limited revocation relating to retaining dog byelaws that existed in an earlier set. We are intending to remove this wording from the model set when we update the model set.

You will need to speak to Department for Environment, Food and Rural Affairs regarding dog control orders addressing dog fouling and dogs on leads.