

**MINUTES OF THE OPEN SPACES COMMITTEE MEETING  
HELD AT BANSONS ON 1<sup>ST</sup> OCTOBER 2015**

PRESENT: Cllrs A. Wingfield (chair) S. Jackman\* J. Reynolds  
D. Roberts J. Rushton

\*Non committee members

Officers: J. Farr (Deputy Clerk)  
S. Calver (Outside Spaces Supervisor)

Public: No members of the public, two members of the press

**36/15 Apologies for absence**

Apologies were received from Cllrs N. Fletcher, Bolden, Freeman, Gode and Browning.

**37/15 Declaration of Disclosable Pecuniary Interest**

Cllrs J. Reynolds declared a non-pecuniary interest in item 41/15 as a member of Ongar Allotment and Gardening Society (OAGS).

**38/15 Public participation**

No members of the public were present.

**39/15 To agree the minutes of the Open Spaces committee meeting held on 6 August 2015**

The minutes were agreed as a true record and signed by the chairman.

**40/15 Clerk's Report  
Allotments**

The Best Kept Allotment Competition winners were presented with their prizes and certificates at the Full Council meeting on 10<sup>th</sup> September. The winners were awarded vouchers from Wyvale Garden Centre.

It had been reported to the Council that there had been vandalism and destruction of crops at Castle St allotment site in the last week.

**Play areas**

The Council had won an award in the Best Kept Playing Fields Competition 2015 from Essex Playing Fields Association. The prize would be awarded at the Essex County Cricket Ground in Chelmsford on Thursday 15 October.

There had been some vandalism to the fence at the Greensted Rd play area which was repaired by Council staff at minimal cost. No insurance claim was made.

The Council had made a funding application to Essex County Council's Community Initiatives Fund for new swings at Greensted Rd play area. The closing date for applications was 9 October and the result would be known in November. The Council had agreed to set aside £450 as seed capital for the funding application last year and the same amount would be required this year.

Council staff had reported that there was a lot of litter being left in Shelley play area from the local take away shop as well as used nappies. Also, one of the trees had been vandalised which required the trimming of damaged branches by Council staff.

Evidence of drugs use had been found at all the Council's play areas. This had been reported to Essex Police and extra patrols had been requested.

It was reported that an unknown person was collecting rubbish and litter and leaving it in or near the bins at the skate park. Council staff clear the area every day but were concerned that this was providing fuel for fires.

### **Litter picking**

The next litter picking event would be held on 14 November between 10 am and 12 noon. Councillors and volunteers were asked to meet at Jubilee Park car park at 9.30 am for a 10 am start. The area to be covered would be north of A414 and the Four Wantz roundabout. Volunteers would meet back at Jubilee Park for refreshments after the event. Refreshments were usually provided free of charge to volunteers and the cost taken from Grounds Maintenance budget. The Council now owns the equipment necessary for the event and would not have to borrow any items from EFDC.

Councillors asked that this event be advertised on Council notice boards, website, social media, local schools and churches, Ongar News and press and at Jubilee Pavilion.

It was reported that there has been excessive litter in some streets and alleyways despite assurances from EFDC that these areas were cleaned every two weeks.

### **41/15 Allotments**

- i) To receive the notes of the meeting with Ongar Allotment and Gardening Society (OAGS)

Cllr Wingfield and the Deputy Clerk met with OAGS on 18 September. A short report was provided for Councillors attention.

Councillors noted this report.

- ii) To receive a report on the condition of plot 13 at Castle St allotments and to agree a course of action

The Council had received complaints from allotment tenants and neighbouring residential properties regarding the poor condition of plot 13 at Castle St allotments including a large pile of stones. The vegetation was also growing into a neighbouring garden and damaging the fence. Photographs of the plot and a map of the site were provided for Councillors information.

Councillors discussed the possibility of the Community Payback Team to move the stones to another location on the site.

### **AGREED**

- Council staff to liaise with OAGS regarding moving the stones
- The Council to contact the neighbour to advise that the vegetation did not originate on the allotments side of the fence

- iii) To receive a report on the number of plots that are let but are not worked

The Council had received complaints from allotment holders regarding plots that have been let but do not appear to be worked. There were 8 half plots at Castle St and 5 at Moreton Rd which were let but did not appear to be worked.

**AGREED**

- The Council to contact tenants who do not work their plots to remind them of their obligations in November.

iv) To note the number of vacant plots at each allotment site

There was one full plot and one half plot vacant at Castle St and one plot vacant at Moreton Rd. Councillors suggested that vacant plots were rotavated before let to new tenants.

**AGREED**

- Council staff to trim vegetation and cover with plastic until the plot is re-let.
- The Council to ascertain whether a resident who owns a rotavator could provide assistance

v) To review and amend (if necessary) the adopted Allotment Rules and Regulations and Tenancy Agreement regarding rented plots that remain unused

The Council's current Rules and Regulations and Tenancy Agreement specify different requirements for working plots. The Rules and Regulations had recently been reviewed by the Council and it was recommended that this document remains unchanged. However, it was recommended that the Tenancy Agreement was updated and a draft was provided for Councillors consideration.

Cllr Roberts proposed that the new tenancy agreement be adopted and this was seconded by Cllr Rushton. Unanimously agreed.

**AGREED**

- To adopt the new Tenancy Agreement.

vi) To receive an update from the Council's solicitor regarding the proposed lease for Castle St allotment site

At the last Open Spaces committee meeting it was agreed that the Council contact the solicitor with instructions and a request for further information.

The solicitor had confirmed that the break clause had been amended to one year on either party. The land search confirmed that Public Rights of Way Footpaths numbered 10 and 19 ran through the property. Additionally, the Local Authority Search revealed that part of the site was retained land under Section 8 (4) for the Land Compensation Act 1973 which may refer to A414 improvement work and further information on this was expected. Information on the survey required and the associated cost had not yet been received.

Cllr Roberts was concerned that the draft lease stated that in the event of the lease being terminated the Council would be required to provide vacant possession to the landlord.

Cllr Roberts proposed that tenants should be informed that if the lease was terminated by the landlord Council tenants would be expected to clear their lots on vacation. In the event that the Council had to clear any plots then the invoice for any costs incurred would be forwarded to the tenant.

This was seconded by Cllr Reynolds and unanimously agreed.

### **AGREED**

- To add a clause to the Tenancy Agreement that tenants should be informed that if the lease was terminated by the landlord Council tenants would be expected to clear their lots on vacation. In the event that the Council had to clear any plots then the invoice for any costs incurred would be forwarded to the tenant.
- vii) To agree that the Clerk, another officer, or member of the Council be authorised to sign a copy of the “Form of Notice that Sections 24 to 28 of the Landlord and Tenant Act 1954 are not to apply to a Business Tenancy” and make a recommendation to Finance committee

The landlord’s solicitors had requested that the document be signed by an authorised person representing the Town Council and sworn in front of an independent solicitor.

Cllr Roberts proposed that the Clerk and Chairman be authorised to sign the document. This was seconded by Cllr Wingfield and unanimously agreed.

### **AGREED**

- To recommend to Finance committee that the Clerk and Chairman be authorised to sign the “Form of Notice that Sections 24 to 28 of the Landlord and Tenant Act 1954 are not to apply to a Business Tenancy”.

### **42/15 Cemetery**

- i) To agree the draft Memorials Risk Assessment and make a recommendation to Human Resources committee

The committee was asked to consider the draft Memorials Risk Assessment, make any necessary changes and make a recommendation to Human Resources committee

Cllr Wingfield proposed that the draft risk assessment be accepted and this was seconded by Cllr Reynolds. Unanimously agreed.

### **AGREED**

- To recommend to Human Resources to adopt the draft Risk Assessment

- ii) To receive three quotes for memorial testing and agree a course of action

The Council had requested three quotes for testing memorials over 3 feet high. There were 105 memorials over 3 feet high, 668 under 3 feet high and 93 cremated remains plaques. (Total = 866).

Cllr Wingfield proposed that the contractor carry out hand tests only and this was seconded by Cllr Roberts. Unanimously agreed.

Cllr Roberts proposed that the quote from Contractor B be accepted and this was seconded by Cllr Wingfield. Unanimously agreed.

### **AGREED**

- The Deputy Clerk to ascertain who would be responsible for any breakages during testing
- The contractor to complete hand tests only
- Contractor B be appointed to carry out the memorial testing

#### **43/15 Greensted Rd play area**

- i) To receive a report from the Council's solicitor on the draft lease with Essex County Council for the Greensted Rd play area

The Council had received a report from its solicitor on the proposed lease with ECC for the play area which was provided for Councillor's consideration.

Councillors noted the report.

- ii) To agree that the Clerk, another officer or member of the Council be authorised to sign a copy of the "Form of Notice that Sections 24 to 28 of the Landlord and Tenant Act 1954 are not to apply to a Business Tenancy" and make a recommendation to Finance committee

The landlord's solicitors had requested that the document be signed by an authorised person representing the Town Council and sworn in front of an independent solicitor.

Cllr Roberts proposed that the Clerk and Chairman be appointed to sign the document. This was seconded by Cllr Wingfield and unanimously agreed.

#### **AGREED**

- To recommend to Finance committee that the Clerk and Chairman be authorised to sign the "Form of Notice that Sections 24 to 28 of the Landlord and Tenant Act 1954 are not to apply to a Business Tenancy".

#### **44/15 Grounds maintenance contract**

To receive quotes from contractors regarding grounds maintenance contract

Three quotes were received for the work detailed in the specification agreed by the committee at a previous meeting.

Councillors considered all the quotes. Contractor C had declined to quote for watering the High St planters and the litter picking at the Nature Reserve. The Council's weekend outside spaces supervisor would be able to cover these tasks as and when necessary. All the contractors stated that one cut per month on the Love Lane Recreation Field would be insufficient.

Cllr Roberts proposed that Contractor C be appointed for a 3 year contract with two cuts per month for the Recreation Field and this was seconded by Cllr Reynolds. This was unanimously agreed.

#### **AGREED**

- To appoint Contractor C
- The contract to be for 3 years
- The weekend outside spaces supervisor to take on extra tasks as necessary

#### **45/15 St Martin's Church PCC**

To receive a report on the Council's liaison meeting with St Martin's Church PCC

Cllrs Roberts, Rushton and Wingfield and the Deputy Clerk met with the PCC and Rev Taylor, the new incumbent, on 21 September. A short report was provided for Councillors information.

Councillors asked that the spring bulbs be planted in the church yard as soon as possible.

**46/15 Budget bids**

To consider any budget bids for the next financial year 2015/16 and make a recommendation to Finance committee

The draft budget was considered by Councillors. Cllr Roberts proposed that the cemetery income be included in this year's budget. This was seconded by Cllr Reynolds and unanimously agreed.

**AGREED**

- To recommend to Finance committee the draft budget (copy attached to these minutes).

**47/15 Open Spaces committee budget 2015/16**

To receive information on the committee budget between 1 April and 31 August 2015  
A report on the committee's finances was provided for Councillors information. In addition there were ring-fenced reserve funds available –

Shelley Park	£75,000
Play area maintenance	£ 6,412
Play area improvements	£13,004

Councillors noted this report.

The meeting closed at 9.20 pm.

Signed

Chair

Date