



Englefield Green Committee

Wednesday 25 February 2009 7.00pm

at the Jurgen Centre
Harvest Road
Englefield Green

Members of the Committee

Councillors HWV Meares (Chairman), JWC Perschke (Vice-Chairman),
D R Hamilton, Miss M N Heath, M T Kusneraitis and P I Roberts.

Residents' Representatives: Mrs L Lawson and Mr A E Panter

AGENDA

Notes:

- 1) Any report on the Agenda involving confidential information as defined by section 100A(3) of the Local Government Act 1972 must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss H R Collar, Administration and Leisure Department, Committee Section, Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425628). (Email: hannah.collar@runnymede.gov.uk).**
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.

LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

- a) Exempt Information
(No reports to be considered under this heading)

- b) Confidential Information
(No reports to be considered under this heading)

1. MINUTES

To confirm and sign as a correct record the Minutes of the meeting of the Committee held on 4 November 2008 which are contained in the December 2008 Summons/Minute book.

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

4. PLAY AREA - EXTENSION (DAL)

1. **Purpose of Report**

1.1 **To report progress on the proposed extension to the play area.**

2. Report

2.1 A revised application for the proposed extension to the play area on Englefield Green was submitted to the Planning Inspectorate in January. The lighting and CCTV elements included in the original application have been removed and, in light of the objections the Inspectorate received to the original application, two new supporting documents have been included with the application. These are a 'Design and Access Statement' and a 'Sequential Test'.

2.2 The Design and Access Statement looks specifically at the proposed design of the play area extension, describes the process involved in getting to the final design and how the design addresses concerns raised around its impact on Englefield Green, such as visual impact and its potential effect on crime and anti-social behaviour in the vicinity.

2.3 The Sequential Test looks at why the location on Englefield Green and not one of the other open spaces in the village has been chosen to site these new facilities and justifies this decision by looking at each open space in turn, assessing its suitability and comparing that with the suitability of the Green. Both are comprehensive documents which involved a considerable amount of officer time in researching the relevant facts and figures and have taken longer than expected to complete.

2.4 The Planning Inspectorate has acknowledged receipt of the latest application but there has been no further communication from them at the time of writing this report. It is hoped that officers can give a verbal update at the meeting.

(FOR INFORMATION)

Background Papers

None

5. ENGLEFIELD GREEN CRICKET CLUB – LICENCE (DAL)

1. **Purpose of Report**

1.1 **To update the Committee on the current position regarding the grant of the Licence to the Englefield Green Cricket Club.**

2. Report

2.1 At its meeting in June 2007 the Committee resolved that the Director of Administration and Leisure be authorised to grant Englefield Green Cricket Club a 3 year licence for the use of the Pavilion and cricket pitch and to settle its terms in accordance with the framework set out in the report and the licence to include provision for the Club to take up the option of a 28 year lease.

2.2 Two particular matters remain to be resolved before the licence can be completed. The first is the Cricket Club's concerns about the continued vandalism to the Pavilion and the provision of CCTV. CCTV was to be provided as part of the extension to the children's play area but as this is no longer being considered the Cricket Club has indicated that it may be willing to install CCTV. Since the last meeting of the Committee, Safer Runnymede have obtained a quotation for a CCTV system which could be used at the cricket pavilion and which could be linked to the Safer Runnymede system in the future if necessary. This has been passed to the Chairman of the Club for consideration.

2.3 The second matter is the siting of the fairs which will be considered at this meeting.

(FOR INFORMATION)

Background Papers

None

6. FUN FAIRS (DAL)

1. **Purpose of Report**

1.1 **To agree the arrangements for this year's Fun Fairs.**

2. Report

2.1 It was reported to the last meeting that Beach's have not yet paid the Council for the use of the Green in 2007 or 2008.

2.2 A bench opposite the pavilion was badly damaged by one of the fair's vehicles. Beach's removed the damaged bench promising to arrange a replacement. However, by September no replacement had appeared, so the Council purchased and installed a replacement, which Beach's will pay for.

2.3 Normal debt recovery procedures are underway but officers recommend that Beach's be denied further access to the Green until this debt and the cost of the bench is recovered.

2.4 The Committee also asked Officers to investigate the termination of the use of the Green by Beach's Funfair and consequential financial implications, and report thereon to the next meeting.

- 2.5 It has been confirmed that, should the Committee wish to refuse permission for Beach's Fair to use the Green, the loss of income would not necessarily affect the budget available for maintenance of the Green, but it would mean that the overall Parks and Amenities budget would need to make equivalent savings to make up this shortfall.
- 2.6 At its last meeting the Committee also resolved that Carter's Steam Fair be located on the northern end of the Green in late Summer/Autumn 2009, subject to the necessary ground repairs being completed promptly to a satisfactory standard within an acceptable cost. The soil for the ground repairs was delivered to site but has not yet been spread due to the ground being too wet or frozen. This is in hand to be done as soon as the ground conditions allow. Grass seed has also been purchased and is ready to be applied. The cost of materials is £550. There will be a cost for the spreading of the soil and seed but this will be a few hundred pounds, so the overall cost will not be more than £900. The deposit held is £1,300.

OFFICERS RECOMMENDATION that –

- i) Carters Steam Fair be permitted to use the northern end of the Green in late Summer/Autumn 2009; and**
- ii) Beach's Fair be denied access to the Green this year.**

(TO RESOLVE)

Background Papers

None

7. BYELAWS (DAL)
(Ref: Minutes of Englefield Green Committee 29 June 2005 page 173 para 129)

1. Purpose of Report

1.1 The purpose of this report is to advise Members of

- i) the comments made by the Department for Food and Rural Affairs ('DEFRA') on the draft byelaws submitted; and**
- ii) to consider in the light of such comments the amendments (if any) that should be made to the draft byelaws.**

2. Background Information

- 2.1 At the meeting of the Committee, in November 2005, Members recommended that the draft byelaws set out in Appendix 'A' be submitted to DEFRA.

3. Report

- 3.1 The draft byelaws were submitted to DEFRA for provisional approval in accordance with DEFRA's Procedure for Making Byelaws – Guidance Notes. DEFRA commented as follows:

- i) The byelaws should only seek to control activities causing actual problems and we should consider whether all the proposed byelaws are necessary. DEFRA will seek confirmation that the activities listed in the draft byelaws are a current problem on Englefield Green.

- ii) A byelaw should only be used to solve a specific problem and only when all other alternatives have been exhausted.
- iii) Byelaws will not be confirmed if existing legislation is already in place to deal with a particular issue.

3.2 DEFRA has reviewed its guidance and procedures and as this application concerns common land it will come under the standard scheme. In the application the Applicant Authority has to show the following:

- The specific local problem which the byelaws are intended to control.
- The nature, location, extent and incidence of the problem and why the applicant authority considers byelaws are necessary to combat the nuisance being addressed.
- What measures have been taken to address the nuisance?
- What informal consultation has taken place with individuals and groups likely to be affected by the byelaws?
- Why is the byelaw-making authority satisfied that the nuisance caused by the activity is sufficient to warrant making the activity a criminal offence?
- What consultation required by legislation has taken place?

3.3 The model bye-laws have been revised and are set out in Appendix 'B'. DEFRA in its guidance states 'The model byelaws offer a menu of clauses covering a wide range of activities. Byelaw making authorities should adopt only those which are relevant. For example, a byelaw should not include the clause banning model aircraft if there is no history of these having been flown from the land or landing on it.'

3.4 The draft byelaws have been amended in line with the requirements and recommendations of DEFRA and are set out in Appendix 'C'.

3.5 These amended draft byelaws will need to be submitted to the Crown for approval under the terms of the Council's lease before being submitted to DEFRA for confirmation by the Secretary of State

THE COMMITTEE IS ASKED TO –

consider the amended draft byelaws and agree any changes to the draft byelaws, prior to submission to DEFRA.

(TO RESOLVE)

Background Papers

DAL file 48.12

8. UPDATED LIST OF QUALIFYING PROPERTIES (DAL)

1. Purpose of Report

1.1 **The purpose of this report is to advise Members of the changes made to the list of qualifying properties around the Green.**

2. Report

2.1 The Englefield Green Committee is appointed annually by the Council and consists of six Members of the local authority, representing the two Englefield Green Wards, and two other persons to be selected by the Council from amongst the occupying tenants of the several houses around the Green and other houses round the Green as might be, from time to time, fixed or

appointed by the Crown. In making such selection the Council should have regard to the wishes of the general body of such occupying tenants which may be conveyed to the Council.

- 2.2 The last amendment of the list of qualifying properties dates back to 1979. Although further properties have been added around the Green since the last amendment no formal revision of the list has been done.
- 2.3 In December 2008 Council officers conducted an on-foot inspection of the properties directly surrounding Englefield Green with respect to updating the list of qualifying properties. Attached at Appendix 'D' is the revised list, as approved by the Crown, which contains a greater number of properties and attempts to keep previously qualifying properties within the list. The list has been written so that the properties are listed in a clockwise order and can be followed by walking around the perimeter of the Green starting at Byways, Barley Mow Road.
- 2.4 The criteria used when updating the list of qualifying properties comprised of:
- Properties directly adjacent to the Green itself.
 - Properties deemed to have an appreciative view of the Green.
 - To a certain extent; properties which were included in the previous list.
- 2.5 If, in due course, any residents feel that their property should be added to the new list the Council will submit their suggestion, along with any relevant background information to the Crown for their consideration.

(FOR INFORMATION)

Background Papers

None

9. CRICKET CLUB EVENTS (DAL)

The Englefield Green Cricket Club has applied to hold the following events on the Green this year:

Sunday 12 July – A 'Jamaica Style' cricket match. The event would start at 2pm and finish at about 9pm. This would include the broadcast of music towards the pitch during the match and within the club house after 6pm. This event is expected to attract no more than 150 people.

Sunday 2 August – A Sports Fun Day for club members and their families. The event would start at noon and finish at 11pm. It would include fun and games (such as welly throwing) on the Green and a barbecue on the grass to the front of the pavilion. Music will be played in the evening. Expected attendance is around 100.

Sunday 30 August - Annual Club Day. The event would start at noon and finish at 11pm. This would include a cricket match, barbecue and marquee on the grass to the front of the pavilion. Music will be played in the evening. Expected attendance is around 100.

OFFICERS' RECOMMENDATION that –

the Committee approve the Cricket Club events for 2009 as set out above.

(TO RESOLVE)

Background Papers

None

10. EXCLUSION OF PRESS AND PUBLIC

If the Committee is minded to consider any of the foregoing reports in private session, it is the

OFFICERS' RECOMMENDATION that –

where appropriate the press and public be excluded from the meeting during discussion of reports under Section 100A(4) of the Local Government Act 1972 on the grounds that the reports in question would be likely to involve disclosure of exempt information of the description specified in the appropriate paragraphs of Part I of Schedule 12A of the Act.

(TO RESOLVE)

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection

a) Exempt Information

(No reports to be considered under this heading).

b) Confidential Information

(No reports to be considered under this heading).