

**MINUTES OF THE MEETING OF THE AMENITIES AND OPEN SPACES COMMITTEE HELD  
ON 23<sup>rd</sup> FEBRUARY 2005 AT 7.30 p.m. AT THE PAVILION, MANOR FIELD**

**Present:** Cllr Mr A Barnett (Chairman)  
Cllr Mrs A Oxtoby  
Cllr Mrs M Solman (*arrived at 7.35 p.m.*)  
Cllr Mr A Tremain (*arrived at 7.55 p.m.*)  
Cllr Mr C Ward

**In Attendance:** Mrs J Hoad (Clerk)

**1. Apologies for absence**

Apologies had been received from Cllr Mr J Gaywood.

**2. Declarations of Interest**

Cllr Mrs A Oxtoby declared a personal and prejudicial interest under minute item 7 on matters relating to Hartley Wood, as her private residence adjoins the wood and withdrew from the meeting during discussion and voting on the item.

**3. Minutes of the last meeting**

RESOLVED: That, the minutes of the meeting of the Amenities and Open Spaces Committee held on 26<sup>th</sup> January 2005 be approved and signed as a correct record.

*Cllr Mrs Solman arrived at the meeting at 7.35 p.m.*

**4. Gorse Wood**

The Committee was reminded of a letter received from a resident complaining about trees owned by the Council in Gorse Wood, which are overhanging his property known as Heathfield located off Gorsewood Road. The Committee examined the advice received from KAPC in respect of overhanging trees, in conjunction with NALC legal topic note 51, entitled "The Council as Landowner – Liabilities and obligation with special reference to negligence and occupiers' liability" and NALC legal topic note 30, dated 2<sup>nd</sup> March 1988, entitled "Nuisance".

RESOLVED: That, (1) in light of advice received from the National Association of Local Councils, the Council is cognisant of its responsibilities and obligations with regard to trees growing on Council land, which are causing or could cause a nuisance or damage and resolves to take remedial action, if warranted and, (2) an alternative quotation be sought in respect of treework required to remove the alleged nuisance at Heathfield off Gorsewood Road.

**5. Order of business**

RESOLVED: That, pursuant to standing order 26 (d) the order of business be altered so that consideration of agenda item 6, relating to safety surfacing at Chantry Avenue be taken in advance of agenda item 5, Hartley Wood.

*Cllr Mr Tremain arrived at the meeting at 7.55 p.m.*

**6. Chantry Avenue**

It was reported that at the previous meeting of the Amenities and Open Spaces Committee, the Committee had considered two quotations to carry out repairs to the red wet pour safety surface insert located below the junior swing at Chantry Avenue.

It had been resolved that the quotation from Wicksteed Leisure Ltd to supply and lay wet pour repair kit top layer black in SBR be accepted. Before accepting the quotation it was noted that the alternative quotation had been for the removal and replacement of an EDPM insert, not SBR. A revised quotation has been received from Wicksteed Leisure to supply and lay an EPDM insert.

In the meantime, the Council has received a RoSPA play area safety inspection report dated 2<sup>nd</sup> February 2005, which has identified further areas where the wet pour safety surface below the cradle swing, junior swing and slide located at Chantry Avenue is lifting and requires re-fixing. In light of this report, the Clerk considered it prudent to seek revised quotations from Wicksteed Leisure Ltd and Park Leisure Ltd to include this additional remedial work within their quotation for repairs to the red wet pour safety surface insert below the junior swing. It was hoped the revised quotations would be available for consideration at the next meeting.

RESOLVED: That, the Clerk's actions be confirmed.

## 7. Hartley Wood

The Chairman of the Amenities and Open Spaces Committee explained the actions of previous Councils to seek adverse possession of land located in Hartley Wood where there is no known owner. The Council had resolved at its meeting held on 19<sup>th</sup> June 1992,

*“that, in principle, Hartley Parish Council go ahead and take over management and possessory title of that part of Hartley Wood of which the ownership is unknown.”*

The Committee examined a number of title documents relating to the land in question and a plan identifying the position of plots of land in Hartley Wood which had been registered at the Land Registry. The Committee supported securing and preserving the future use of Hartley Wood for the benefit and enjoyment of residents.

The Council considered a letter from its solicitor in respect of the transfer of title of three plots of unregistered land in Hartley Wood from the vendor, Mr Mainprize, to the Council. Recent correspondence from the vendor's solicitors had implied that he would be only willing to sell the three plots of land for a total sum of £5,000 and this being the case, the Committee expressed some surprise that the vendor's position had appeared to have changed in favour of gifting the plots of land to the Council.

RECOMMENDED: That,

(1) the Council investigate and pursue an application to Land Registry for possessory title of that part of Hartley Wood which the Council resolved to seek occupation in 1992 and to investigate the likely costs, benefits and disadvantages of the Council pursuing such action and for this purpose instructing the Council's solicitor to report on the costs involved and,

(2) a letter be written to the Council's solicitor confirming that the Council wishes to proceed with the transfer of title of the three plots of land in Hartley Wood on the basis that the land is to gifted to the Council.

## 8. Date of next meeting

Thursday 10<sup>th</sup> March 2005 at 7.30 p.m.

The meeting closed at 9.15 p.m.

Signed:.....

Date:.....