

**MINUTES OF THE MEETING OF THE AMENITIES AND OPEN SPACES COMMITTEE
HELD ON 5th JUNE 2007 AT 7.30 p.m. AT HARTLEY LIBRARY, ASH ROAD**

Present: Cllr Mr A Barnett (Chairman)
Cllr Mrs P Cole (*arrived at 7.37 p.m.*)
Cllr Mr D Graeme
Cllr Mr S Granger
Cllr Mr M Harris
Cllr Mrs A Oxtoby
Cllr Mr V Sewell

In Attendance: Mrs J Hoad (Clerk)
16 members of the public

Apologies for absence

Apologies for absence had been received from Cllr Mr J Gaywood, Mr T Wade (Meopham CC) and Mr V John (New Ash Green and Hartley CC).

1. Election of Chairman

RESOLVED: That, Cllr Mr A Barnett be elected Chairman of the Amenities and Open Spaces Committee until the Annual meeting of the Council in May 2008.

2. Election of Vice Chairman

RESOLVED: That, Cllr Mrs A Oxtoby be elected Vice Chairman of the Amenities and Open Spaces Committee until the Annual meeting of the Council in May 2008.n

3. Declaration of Interests

Cllr Mrs A Oxtoby declared a personal and prejudicial interest under minute item 10 (a) and (b), Hartley Wood, as her private residence was located in Gorsewood Road which bordered Hartley Wood and withdrew from the meeting during discussion and voting of the item.

Cllr Mr V Sewell declared a personal interest under minute item 8 (a), Pond, as he had offered to donate technical equipment to assist with the proposed renovation of the pond.

Cllr Mr P Cole declared a personal interest under minute item 9(b), Playgrounds, as her private residence was located opposite the Woodland Avenue recreation ground.

4. Minutes of previous meetings

RESOLVED: That, the minutes of the meeting of the Amenities and Open Spaces Committee held on 24th April 2007 be approved and signed by the Chairman as a correct record, subject to the following corrections, (1) minute item 2, Declaration of Interests, delete the name "Cllr Mrs A Oxtoby" and insert the name "Cllr Mr A Tremain", (2) minute item 2, Declaration of Interests, delete the word "her" and insert the word "his" and (3) minute item 2, Declaration of Interests, delete the word "opposite" and insert the words "adjacent to".

5. Terms of Reference

The Committee considered the terms of reference of the Amenities and Open Spaces Committee as approved by the Council at its Annual meeting held on 14th May 2007.

RECOMMENDED: That, the terms of reference be amended, as set out in appendix 1 attached to these minutes.

Cllr Mrs P Cole arrived at the meeting at 7.37 p.m.

6. Cricket at Manor Field

The Committee considered a requested from New Ash Green and Hartley CC for permission to install a practice net with concrete base at Manor Field.

RESOLVED: That, a site meeting be arranged with representatives from the Cricket Club to discuss further.

7. Cricket at Longfield Hill

The Committee considered a request from Meopham CC for the Parish Council to provide financial assistance towards the provision of an electrical supply to the container located at Longfield Hill, which the Cricket Club estimated would cost approximately £1,500 to £1,800. The Committee briefly considered whether other forms of power would be feasible. Whilst the Committee agreed in principle to making a financial contribution towards the cost of providing an electrical supply, it felt that further information should be provided by the Cricket Club before agreeing a sum.

The Chairman explained the problems encountered by the Cricket Club at the start of the season in respect of the grass clippings left of the surface of the outfield. It was felt that provided the weather allowed the grass to be cut every week from March to the start of the season, this problem should not occur in the future.

RESOLVED: That, Meopham CC be asked to provide a financial breakdown of their estimated costs to provide an electrical supply to the container at Longfield Hill.

8. Pond

(a) The Committee considered a letter dated 11th May 2007 from a resident of Church Road offering to undertake works to renovate the pond. The Chairman informed the Committee that the Community Warden, Adam Osborn, would still be available to undertake works on the pond even if he was deployed to a different area

The meeting was adjourned at 7.53 p.m. to allow the author of the letter to address the Committee.

The meeting resumed at 8.22 p.m.

RECOMMENDED: That,

(1) Pursuant to Standing Order 38 (a), the Amenities and Open Spaces Committee recommend that the decision taken by the Council at its meeting held on 12th March 2007, (page 2, minute item 5), in respect of the proposed works to the pond, as recommended by the Amenities and Open Spaces Committee at a meeting held on 28th February 2007, (page 2, minute item 3(b), paragraph (1)), as set out below, be rescinded.

“(1) the Council accept the management option number 2 as detailed in the report prepared by Sharon Bayne (page 6, paragraphs 42 to 51) to create a marshland, with the inclusion of an area for a small pond within the marshland and that the work be undertaken in two phases with phase one including works to clear and tidy up the pond and its surrounding area and phase two including works to create the marshland and small pond and to enhance the area by implementing the planting scheme as set out in the aforementioned report,.....”

(2) the Council accept the offer by the “Friends of the Pond” to renovate the pond, as set out in a letter dated 11th May 2007 from a resident of Church Road and that the Friends of the Pond be asked to continue to liaise with the Amenities and Open Spaces Committee on their plans and progress of the project,

(3) the Council investigate taking adverse possession of the pond and surrounding banks where the ownership is unknown.

(b) The Clerk reported that the clearance works to the pond undertaken by the team of Community Wardens on 9th May 2007 had exposed the dilapidated condition of the existing chestnut paling fence enclosing the rear of the pond and on the grounds of health and safety it was considered necessary, as a matter of some urgency, to make arrangements for the installation of new fencing at a cost of £215.

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

9. Playground

(a) The Committee considered a quotation for the sum of £186 plus VAT from Safeplay to undertake repair works to the gate of the play area at Woodland Avenue, as set out below:

Adjust self closing mechanism, replace spring as necessary, cut back and re weld hinge plates as necessary, fit buffer as necessary and ensure gate closes within 3-5 seconds.

RESOLVED: That, the quotation for the sum of £186.00 plus VAT from Safeplay to undertake repair works to the gate at the play area at Woodland Avenue be accepted.

(b) The Committee considered an e mail dated 23rd April 2007 from a local resident requesting the Council give consideration to undertaking improvements to the playground at Woodland Avenue. The Committee felt that the existing equipment was outdated and considered the play area could benefit from some form of refurbishment. The Committee noted that the existing target age for users of the play area was up to the age of 12 years and considered that any new equipment should meet this criteria.

RESOLVED: That, the refurbishment of the playground be investigated, including the possibility of obtaining grants to fund any scheme and that the findings be reported back to the Committee for further discussions.

The meeting was adjourned at 8.30 p.m. to allow a member of the public to address the Committee about his concerns over the use of the recreation ground at Woodland Avenue.

The meeting resumed at 8.37 p.m.

10. Hartley Wood

(a) The Committee considered a report on a meeting held on 26th April 2007 with the Police in response to complaints received about the illegal use of motorbikes in Hartley Wood.

RECOMMENDED: That, the Council support the installation of a motorbike inhibitor at the entrance to Hartley Wood off Beechlands Close and in doing so the suggestions contained in the report of the meeting held on 26th April 2007 be progressed.

(b) The Committee considered a suggestion to provide a new sign in Hartley Wood indicating that Hartley Parish Council would only be responsible for maintenance of the woodland under its ownership.

RESOLVED: That, further advice be obtained from the Council’s insurers.

11. Gorse Wood

The Clerk reported that it had been necessary to make arrangements to fell a dead tree located in Gorse Wood which was leaning towards the property known as Oaklands, off Gorsewood Road, at a cost of £150 plus VAT.

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

12. Pavilion

(a) The Committee considered a quotation to undertake and record tasks in relation to the cleaning of the shower heads, water temperature audits and flushing through little used outlets.

RESOLVED: That, the quotation for the total sum of £240 per year for the cleaner at the Pavilion to (1) clean and disinfect the shower heads, (2) undertake water temperature audits and (3) flush through the little used outlets, all as set out in the Council's letter of 19th April 2007, be accepted.

(b) The Committee considered seeking quotations for the external redecoration of the Pavilion.

RESOLVED: That, quotations be invited in respect of the external redecoration of the Pavilion.

13. Manor Field

(a) The Committee considered a quotation to spray the western boundary of Manor Field for the eradication of bramble. The landowners have confirmed they have no objection to the area being sprayed for the eradication of bramble.

RESOLVED: That, the quotation for the sum of £85 from T D Munday to spray the western boundary of Manor Field, along the public right of way SD 215, for the eradication of bramble be accepted.

(b) The Committee considered a quotation to spray the area behind the Pavilion for the eradication of bramble.

RESOLVED: That, the quotation for the sum of £30 from T D Munday to spray behind the Pavilion for eradication of bramble be accepted.

(c) The Committee considered a quotation for cutting the grass in "the Orchard".

RESOLVED: That, a quotation for the sum of £100 plus VAT from Westcut Mowing to cut the grass in "the Orchard" and that the work be undertaken in conjunction with grass cutting on Northfield be accepted.

(d) The Committee considered a quotation to apply fertilizer on Manor Field.

RESOLVED: That, a quotation for the sum of £160 plus VAT from Westcut Mowing for the supply and application of fertilizer on Manor Field be accepted.

(e) It was reported that quotations were being sought in respect of the cutting of the hedge along the northern boundary of Manor Field.

RESOLVED: That, the matter be deferred.

14. Rectory Meadow

(a) The Committee considered a quotation to trim the boundary of Rectory Meadow adjacent to 32 Bancksides. It was suggested that the boundary line could be improved by the planting of a new hedge.

RESOLVED: That,

(1) a quotation for the sum of £25 from T D Munday to trim the boundary of Rectory Meadow adjacent to no 32 Bancks side be accepted and,

(2) quotations be invited for the supply and planting of hedging plants along the boundary of Rectory Meadow where it abuts the footpath next to no 32 Bancks side.

(b) The Committee considered further amendments to the draft byelaws on Rectory Meadow as suggested by DEFRA in a letter dated 17th May 2007.

RECOMMENDED: That, the draft byelaws as amended, attached as appendix 2 to these minutes, be approved.

15. Longfield Hill

The Committee considered seeking quotations for the supply and planting of trees to infill the gaps in the existing hedge running along the western boundary.

RESOLVED: That, quotations be invited.

16. Lay-by

The Committee considered seeking a quotation for the removal of the logs from the rear of the lay-by. Members were unsure as to whether the removal of the logs would stabilize the bank.

RESOLVED: That, the matter be deferred.

17. Risk Assessments

The Committee reviewed the risk assessments undertaken on the car park at Manor Field, use and hire of the Pavilion, building condition of the Manor Field Pavilion, pond and the cleaning duties at the Pavilion.

RESOLVED: That, risk assessments be undertaken on the storage container and the Calor gas compound.

RECOMMENDED: That the risk assessments of the car park at Manor Field, use and hire of the Pavilion, condition of the building at the Manor Field Pavilion, pond and the cleaning duties at the Pavilion, attached as appendix 3 to these minutes, be approved.

18. Date of next meeting

The meeting closed at 9.15 p.m.

Signed:..... Date:.....
Chairman of the Amenities and Open Spaces Committee

Amenities and Open Spaces Committee

Terms of Reference

1. To manage the operation of the Manor Field, Pavilion and all open spaces, playing fields, recreation grounds, play grounds, village pond and lay-by and such land at Hartley Wood that the Council has taken care and control of, with the exception of the open space known as Northfield. Such operation shall include making recommendations to the Council on scales of hiring charges for the use of facilities together with conditions of hire.
2. To arrange for the maintenance of the Pavilion.
3. To review and monitor the grass cutting contracts together with the maintenance of all open spaces and to ensure that they are in safe condition for their use by the public.
4. To undertake and monitor health and safety inspections of all playground equipment.
5. To prepare an annual budget for review by the Council's Finance ****and General Purposes*** Committee in November of each year and to monitor expenditure against the annual budget approved by the Council.
6. To keep under review opportunities to secure funding support from external sources.
7. To be responsible for dealing with all matters relating to public rights of way to ensure the general upkeep of footpaths within the Parish, making recommendation to Council where necessary.

Delegated Powers

1. To authorise expenditure on those matters which fall within the responsibility of the Committee up to the sums contained in the annual budget approved by the Council, provided that any new schemes shall be subject to prior approval in principle by the Council.
2. To respond, on behalf of the Council, to orders for the diversion, stopping-up, extinguishment or creation of a public path.

*** amendment shown in bold underlined italics**

**HARTLEY PARISH COUNCIL
RECTORY MEADOW NATURE RESERVE**

Hartley Parish Council in exercise of the powers conferred upon them by Sections 20¹, 21(4)² and 106³ of the National Parks and Access to the Countryside Act 1949 in accordance with section 236 of the Local Government Act 1972 hereby make the following bye-laws for the protection of the Local Nature Reserve at **Rectory Meadow** in the Parish of **Hartley** in the County of **Kent** .

1. In these bye-laws:

a. "The Reserve" shall mean the pieces or parcels of land containing in the whole 2 hectares or thereabouts and situated in the Parish of **Hartley** in the County of **Kent** declared to be managed as a Local Nature Reserve by the Declaration dated the 19th day of October 2005 made by **Hartley Parish Council** in pursuance of Section 21 of the National Parks and Access to the Countryside Act 1949, and the Reserve is for the purpose of identification shown as nearly as may be on the map annexed to these bye-laws and thereon ~~in~~ edged ~~black~~ **red**;

b. "The Council" shall mean **Hartley Parish Council**; and

c. "Firearm" shall have the same meaning as in Section 57 of the Firearms Act 1968.

2. Within the Reserve the following acts are hereby prohibited except insofar as they may be authorised by a permit issued by the Council in accordance with Bye-law 4, or are necessary to the proper execution of his or her duty by an officer of the Council or by any person, or servant of any person, employed or authorised by the Council.

Damage to or Disturbance of Things in the Reserve

iii i. Spreading or using any net, or setting or using any lamp or other instrument or any snare or lure, for the taking, injury or destruction of any living creature.

iv ii. Taking, molesting or intentionally disturbing, injuring or killing any living creature.

v iii. Taking or intentionally disturbing or destroying the eggs, larvae, pupae or other immature stages, or the place used for the shelter or protection of any living creature.

vi iv. Intentionally removing or displacing any tree, shrub, plant, fungus or part thereof, or any unfashioned mineral thing including water.

vii v. Climbing or ascending any tree or climbing or placing a ladder or steps against any tree.

¹ Amended by Nature Conservancy Council (NCC) Act 1973, Telecommunications Act 1984 & the Water Act 1989.

² Amended by the NCC Act 1973

³ Amended by the NCC Act 1973 and the Environmental Protection Act 1990

Bringing Animals into the Reserve

vi. Intentionally bringing, or permitting to be brought, into the Reserve any living creature, or the egg of any living creature, or any plant, or any seed or any other part of any plant, in such circumstances that it is likely that such creature or plant will reproduce or propagate itself, or such egg will hatch, or such seed will germinate.

vii. Bringing into, or permitting to remain within, the Reserve any dog unless it is kept either on a lead or under proper control, or any other animal unless it is kept under proper control, and is prevented from worrying or disturbing any animal or bird.

viii. Turning out any animal or poultry to feed or graze.

Areas of Water

ix. Committing any act which pollutes or is likely to cause pollution of any water.

x. Obstructing the flow of any drain or watercourse.

Use of Vehicles

xi. Driving, riding, propelling or leaving any mechanically propelled vehicle elsewhere than on a highway or road, or in a place indicated by a notice as being available for the purpose, except for maintenance purposes and with the express permission of the Council, ~~except for maintenance purposes and with the express permission of the Council.~~

xii. Landing any aircraft except in case of emergency.

xiii. Launching or landing a hang glider except in an emergency.

xiv. Operating any aircraft, including hang glider, motorised glider or microlite craft, at such a height that persons on the ground or in buildings may be inconvenienced or annoyed or animals may be disturbed.

Use of Certain Equipment

xv. Using any camera or any apparatus for the transmission, reception, reproduction, or amplification of sound, speech or images by electrical or mechanical means, except apparatus designed and used as an aid to defective hearing.

xvi. Using any device designed or adapted for detecting or locating any metal or mineral in the reserve.

Use of Firearms etc.

xvii. Being in possession of a firearm, (with ammunition suitable for use in that firearm) otherwise than on a public paved road, or discharging a firearm or lighting a firework.

xviii. Projecting any missile manually or by artificial means (including by means of crossbow or catapult).

General Prohibitions

xix. Erecting, occupying or using any tent, shed, caravan or other structure for the purpose of

camping.

~~xxiii~~ **xx**. Flying any kite or model aircraft.

~~xxiv~~ **xxi**. Erecting any post, rail, fence, pole, **booth**, stand, building or other structure unless by a person duly authorised by the Council.

~~xxv~~ **xxii**. Neglecting to shut any gate or to fasten it if any means of doing so are provided.

~~xxvi~~ **xxiii**. Posting or placing any notice or advertisement unless by a person duly authorised by the Council.

~~xxvii~~ **xxiv**. Selling or offering, or exposing for sale, or letting for hire or offering or exposing for letting for hire, any commodity or article, or selling or offering for sale any service.

~~xxviii~~ **xxv**. a) Engaging in any activity which is causing or likely to cause a disturbance or
b) Holding any show, performance, public meeting, exhibition or sports or the playing of any organised games.

~~xxix~~ **xxvi**. Intentionally or recklessly removing or displacing, any notice board, notice exhibited by
order of the Council, apparatus, wall, boundary, bank, fence, barrier, railing, post or hide.

~~xxx~~ **xxvii**. Roller skating, skiing, tobogganing or skate-boarding.

~~xxxi~~ **xxviii**. Lighting of any fire, stove, heater or other appliance capable of causing a fire.

~~xxxii~~ **xxix**. Letting fall or throwing any lighted match or lighted substance in a manner likely to cause a fire.

~~xxxiii~~ **xxx**. Intentionally leaving items in a place other than a receptacle provided by the Council for deposit of litter and refuse.

3. Interference with Duly Authorised Officer

~~xxiv~~ Intentionally obstructing any officer of the Council or any person, or the servant of a person, employed or authorised by the Council in the execution of any works including research or scientific work connected with the laying out, maintenance or management of the Reserve.

4. PERMITS

i. The Council may issue permits authorising any person to do any act or class of acts within the Reserve or any part thereof which would otherwise be unlawful under these bye-laws; and

ii. any such permit shall be issued subject to the following conditions:

- a. that it must be carried whenever a visit is made to the Reserve, and produced for inspection when required by a person duly authorised by the Council in that behalf; and
- b. that it may be revoked by the Council at any time.

5. BYELAWS

These bye-laws shall not operate so as to interfere with the exercise.

i. by a person of:

a. a right vested in him or her as the owner, lessee or occupier of land in the Reserve;

b. any easement or profit a prendre of which he is entitled; and

c. any public right of way.

ii. of any function of a local authority, statutory undertaker or drainage authority; and

iii. by a constable or a member of the armed forces or of any fire brigade or ambulance service of the performance of his or her duty.

6. PENALTY

Any person who offends against any of these bye-laws shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale and in the case of a continuing offence to a further fine for each day during which the offence continues after the said conviction.

~~7. 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 his duty to the extent that those actions are permitted by law.~~

* David White from Defra believes that the above point is covered in sections 3 and 4 where it states that anyone employed by the Council (which a separate contractor would be) and can therefore be left out of the byelaws.

Adjournment 1

The meeting was adjourned at 7.53 pm.

Mr Williams addressed the Committee outlining proposals to retain and improve the pond in Church Road. He informed the Committee that a number of residents had formed themselves into a group known as the "Friends of the Pond" and sum of £1,250 had been raised to fund the works. Mr Williams explained that a petition containing the signatures of 179 residents who wished to see the pond retained rather than turning it into a marshland.

Mr Williams explained what attempts had been undertaken to the pond in the past to contain the water in the pond, including puddling and the installation of a new liner, all of which had been largely unsuccessful.

He explained that technology had now improved and that a liner could be obtained that would self seal in the event of damage and had a life time guarantee. Furthermore, Brands Hatch had offered to donate an impenetrable protection material to be laid over the liner to further sustain the pond.

The labour to undertake the works would be provided by the Community Wardens.

The quality of the water would be maintained by the installation of a pump and filter to circulate the water in the pond and that an offer had been received to donate these items of equipment.

The Fire Brigade had offered to fill up the pond with water from the hydrant.

The Friends wished to terrace the back of the pond, forming a footpath and to encourage supervised school visits.

Mr Williams confirmed there would be no cost to the Parish Council and the Friends undertook to carry out any ongoing maintenance. Mr Williams requested the Parish Council's support for the project.

The meeting resumed at 8.22 p.m.

Adjournment 2

The meeting was adjourned at 8.30 p.m.

Mr Dwight considered the amenity of the recreation ground had deteriorated due to the anti social behaviour of a number of young people and asked the Committee to look at the recreation ground as a whole before undertaking any work to refurbish the play area. He was particularly concerned about cars parked opposite the recycling centre, vehicles speeding along Woodland Avenue and the smashed glass in the play areas. It was suggested the problem regarding the smashed glass was exacerbated by the locality of the recycling centre opposite the recreation ground.

It was explained that Hartley was shortly to obtain the services of a Police Community Support Officer and that a request would be made for s/he to target this area.

The meeting resumed at 8.37 p.m.