

**MINUTES OF THE MEETING OF THE  
AMENITIES AND OPEN SPACES COMMITTEE  
HELD ON 25<sup>th</sup> OCTOBER 2010 AT 7.30 p.m. AT HARTLEY LIBRARY, ASH ROAD**

**Present:** Cllr A Barnett (Chairman)  
Cllr D Graeme  
Cllr S Granger  
Cllr Mrs A Oxtoby

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

**1. Apologies for absence**

Apologies for absence had been received from Cllr Mrs P Cole, Cllr J Gaywood and Mr D Rennison, (Hartley De Sales FC).

**2. Declarations of Interest**

There were no declarations of interest.

**3. Minutes of previous meetings**

RESOLVED: That, the minutes of the meeting of the Amenities and Open Spaces Committee held on 25<sup>th</sup> October 2010 be approved and signed by the Chairman as a correct record.

**4. Football at Manor Field**

The Committee considered a report from Mr Rennison of Hartley De Sales FC. The football club had requested the side lines of the pitch located in front of the Pavilion be re-marked. The Committee noted that this pitch had been marked out slightly narrower than in previous seasons, due to the fact that the cricket sight screen had been left on the outfield after the close of the cricket season.

The football club had also requested additional lines be marked out 4 feet from the touchline of all three pitches as part of the FA's respect campaign. The Committee noted that if the width of the pitch in front of the Pavilion was increased there would be insufficient space to mark out an additional line between the pitch and the Beech hedge. Furthermore the Committee felt there could be insufficient space between the cricket square and the football pitches to mark out any additional lines. The Committee considered it was not necessary to mark out additional lines along the touchlines of the training pitch.

RESOLVED: That,

(1) the report be noted;

(2) enquiries be made to increase the width of the junior football pitch in front of Pavilion and quotations obtained, if necessary; and

- (3) subject to the football club being willing to meet the additional costs, quotations be sought to mark out an additional line, where possible, 4 feet from the touchline of the junior pitch and senior pitch.

## 5. Financial Report

The Committee considered a financial report indicating the net position of the allotments, open spaces and Manor Field Pavilion as at 19<sup>th</sup> October 2010.

RESOLVED: That, the financial report, attached as appendix 1 to these minutes, be noted.

## 6. Quantified Tree Risk Assessments

(a) The Committee was reminded of the meeting held with the Duramen Consulting Ltd on 21<sup>st</sup> September 2010 at which the consultant took Members of the Committee through the content and findings of the Quantified Tree Risk Assessment dated 30<sup>th</sup> July 2010.

RESOLVED: That, the report be noted.

(b) The Committee considered quotations received in respect of work to the trees identified in the Quantified Tree Risk Assessment dated 30<sup>th</sup> July 2010 requiring action on the grounds of health and safety, as set out below.

<b>Contractor</b>	<b>Work</b>	<b>Quotation sum</b>
Austin Treework	Gorse Wood – tree no 3/4	£140.00 plus VAT
	Works to 9 no other trees (4/2, 4/3, 6/3. 6/6, 7/2, 7/3, 10/1, 10/2 and 10/3)	£1,190.00 plus VAT
Trojan Tree Care Ltd	Gorse Wood – tree no 3/4	£133.32 plus VAT
	Works to 9 no other trees (4/2, 4/3, 6/3. 6/6, 7/2, 7/3, 10/1, 10/2 and 10/3)	£2,245.35 plus VAT
Benton Arboriculture	Gorse Wood – tree no 3/4	£125.00 plus VAT
	Works to 9 no other trees (4/2, 4/3, 6/3. 6/6, 7/2, 7/3, 10/1, 10/2 and 10/3)	£1,670.00 plus VAT
Down to Earth	No quotation returned	

The Clerk reported that the owner of Hartley Court had been advised about the condition of a Maple tree located on land at Hartley Court and identified in the Quantified Tree Risk Assessment dated 30<sup>th</sup> July 2010 (tree number 10/1) as requiring removal or heavy pruning, but that no response had been received.

The Clerk reported issues relating to trees overhanging a property in Grange Way and informed the Committee she intended to arrange a meeting with the Public Rights of Way Officer.

RESOLVED: That,

(1) the quotation for the total sum of £1,330 plus VAT from Austin Treework to undertake works to the trees identified in a Quantified Tree Risk Assessment dated 30<sup>th</sup> July 2010 requiring action on the grounds of health and safety be accepted; and

(2) a meeting with the Public Rights of Way Officer about the trees overhanging property in Grange Way be progressed.

## **7. Hoselands Green**

The Committee was advised of urgent action taken to fell and grind out the stump of a dead tree on Hoselands Green at a cost of £80 plus VAT.

RESOLVED: That, the Clerk's actions to make arrangements for a dead tree on Hoselands Green to be felled and the stump ground out be confirmed.

## **8. Playgrounds**

The Committee considered the Annual Inspection and Risk Assessment on the Council's three playgrounds undertaken by Maria Cooke on 28<sup>th</sup> September 2010. The Committee was advised of action taken in respect of the two medium risk items identified in the report and as set out below;

- (1) at Woodland Avenue due to the presence of glass on the carpet of the ball wall. The Committee was advised that Mr Munday had attended site and cleared the glass on 30<sup>th</sup> September 2010; and
- (2) at Longfield Hill play area due to algae growth on the safety surface beneath the slide. The Committee was advised that Mr Munday had inspected the site and found the safety surface to be free from algae. It was reported that he had agreed to apply "Simply Gone" to the surface during his next inspection on 28<sup>th</sup> October 2010 as a precaution.

RESOLVED: That,

(1) the Annual Inspection and Risk Assessment on the Council's three playgrounds undertaken by Maria Cooke on 28<sup>th</sup> September 2010 be received and noted;

(2) the action taken to rectify the two medium risk items at Woodland Avenue and Longfield Hill identified in the Annual Inspection and Risk Assessment dated 28<sup>th</sup> September 2010 be noted;

(3) quotations be obtained to replace the swing chains/chair seats at Woodland Avenue, replace the baby swing seat at Chantry Avenue and replace the bearings under the roundabout at Chantry Avenue; and

(4) arrangements be made with Mr Munday to undertake other minor repairs, as identified in the Annual Inspection and Risk Assessment dated 28<sup>th</sup> September 2010.

## 9. Manor Field

### (a) Rabbit infestation

The Committee was advised that the landowners of the field to the north of Manor Field had erected rabbit proof fencing on the eastern boundary, (next to Foxborough Wood), and southern boundary, (next to the hawthorn hedge), of the cultivated field.

The Committee considered the merits of installing a rabbit proof fence along the boundary of Foxborough Wood next to Manor Field.

RESOLVED: That, the report be noted and no further action be taken at this stage.

### (b) Trees

The Committee was advised of a number of issues relating to trees on Manor Field. The Committee felt that the trees located near the new Beech hedge next to the area of land designated for use as a new Burial Ground should be thinned out.

RESOLVED: That,

(1) Mr Munday be asked to cut back a number of branches from the Maple trees overhanging the Beech hedge and the junior football pitch surrounding the car park in Manor Field;

(2) Mr Munday be asked to cut down the self seeded trees, (2 no Oak trees and 1 no Chestnut tree), on the area of rough land to the east of the playing field; and

(3) Mr Munday be asked to cut back the branches of trees overhanging the new Beech hedge next to the area of land designated for use as a new Burial Ground.

## 10. Pavilion

(a) The Committee was advised of repairs to the cisterns in the ladies toilets.

RESOLVED: That, the Clerk's actions to make arrangements for the washers to be replaced in the 2 no cisterns of the ladies toilets be confirmed.

(b) The Committee was advised of action taken to replace 1 no florescent strip light in the corridor leading to the hall.

RESOLVED: That, the Clerk's actions to replace 1 no defective florescent strip light be confirmed.

## 11. Longfield Hill

### (a) Proposed new substation and underground cables

The Committee consider a letter dated 15<sup>th</sup> October 2010 from the Freedom Group confirming EDF Energy would cover all costs relating to the reinstatement of the land resulting from works to install a new substation and underground cables at Longfield Hill. Furthermore Freedom Group confirmed that EDF Energy would pay all

reasonable legal fees and enquired what the Council's legal fees and professional costs would be. It was noted that EDF Energy had offered the proposed works be undertaken by means of a Wayleave agreement with an annual payment of £25.44.

RESOLVED: That, quotations be obtained from land agents and solicitors to act on the Council's behalf in respect of a Wayleave agreement with EDF Energy to lay cables and install a sub station on land owned by the Council at Longfield Hill.

(b) Gate repairs

The Committee was advised that the self closing mechanism to the gate next to highway and the railway line was not functioning.

RESOLVED: That, no further action be taken.

## 12. Rectory Meadow

### Byelaws

The Committee considered a letter dated 20<sup>th</sup> September 2010 from DEFRA advising that the byelaw relating to the control of dogs on Rectory Meadow was in breach of section 64(1) of the Clean Neighbourhoods and Environment Act 2005. The Committee expressed some surprise in view of the fact that DEFRA had approved the wording of the Rectory Meadow byelaws on 2<sup>nd</sup> July 2007 and that this matter had not been brought to the Council's attention at that time.

RESOLVED: That,

(1) byelaw (2 vii) relating to the control of dogs at Rectory Meadow Local Nature Reserve be deleted, as set out in appendix 2 attached to these minutes and the amended byelaws be displayed on the notice board at Rectory Meadow; and

(2) advice be sought on regulation to prevent dog fouling at Rectory Meadow.

## 13. Gorse Wood

The Committee considered a request from a member of the public to spread woodchips on the public right of way from Caxton Close to Gorsewood Road through Gorse Wood.

RESOLVED: That, arrangements be made for woodchips to be delivered and temporarily stored on land owned by the Council in Gorse Wood and Mr Munday be asked to spread the woodchips along the footpath through the wood.

## 14. Allotments

(a) The Committee considered notes provided at a training seminar in respect of allotment management attended by the Clerk on 13<sup>th</sup> September 2010. The notes contained a model tenancy agreement. The Committee noted that model stipulated that all tenants should be required to have public liability insurance in respect of their

plots. The Clerk reported that she was obtaining clarification on the extent of cover provided by the Council's insurance policy at the Woodland Avenue allotment site. She also explained that she was seeking clarification from the National Society of Allotment & Leisure Gardeners Ltd (NSALG Ltd) on insurance protection available through the NSALG Ltd to individual allotment holders and available to corporate members of the NSALG Ltd, including local councils.

The Committee identified a number of issues in the model tenancy agreement which could be raised with the allotments holders at their meeting on 23<sup>rd</sup> November 2010.

RESOLVED: That,

(1) the notes provided at a training seminar in respect of allotment management attended by the Clerk on 13<sup>th</sup> September 2010 be received and noted;

(2) advice on insurance requirements for the allotments and individual allotment plot holders be awaited; and

(3) the Clerk, in consultation with the Chairman of the Amenities and Open Spaces Committee, draft an agenda for the meeting with allotment plot holders to be held on 23<sup>rd</sup> November 2010.

(b) The Committee considered a request to prune a Cherry tree overshadowing allotment plot numbers 33 and 32.

RESOLVED: That, arrangements be made to prune the Cherry tree overhanging allotment plot numbers 33 and 32.

(c) The Committee considered a quotation for repairs to the vandalised chain link fence at the allotments.

RESOLVED: That, the quotation for the sum of £218.50 from T D Munday to remove the vandalised chain link fence from the corner of Larksfield/Woodland Avenue to the first tree in Larksfield and supply and fit new chain link fence to existing posts be accepted.

## **15. Hartley Green**

(a) The Committee was advised that one of the timber bollards on Hartley Green had been damaged.

RESOLVED: That, expenditure upto a sum of £200 be authorised to undertake repairs to the timber bollard on Hartley Green.

(b) The Committee considered works to raise the canopy of the Chestnut tree on Hartley Green to a height of 2 metre above the ground. The Committee felt this work would be visually detrimental to the tree.

RESOLVED: That, no further action be taken.

## 16. Hartley Wood

The Committee was advised that the North West Kent Countryside Partnership had secured a grant to undertake a management plan on Hartley Wood.

RESOLVED: That, the report be noted.

## 17. Kent Wildlife Trust

The Committee considered a letter from the Kent Wildlife Trust seeking support for the Natural Environment White Paper due to be published in Spring 2011.

RESOLVED: That, the Clerk be authorised to complete the online survey to support the Natural Environment White Paper due to be published in Spring 2011.

## 18. Date of the next meeting

Monday 6<sup>th</sup> December 2010 at 7.30 p.m. in Hartley Library.

The meeting closed at 9.15 p.m.

Signed:.....

Date:.....

Chairman of the Amenities and Open Spaces Committee

**Hartley Parish Council**  
**Summary of Receipts and Payments**  
Amenities and Open Spaces

Cost Centre	Receipts		Payments		Net Position Underspend (+) /Overspend (-)
	Estimated	Actual	Estimated	Actual	
5 Allotments	600.00	589.73	725.00	226.77	487.96
6 Open Spaces	2,580.00	999.00	26,000.00	14,676.05	9,742.95
7 Manor Field Pavilion	2,500.00	1,274.50	8,825.00	4,709.50	2,890.00
<b>NET TOTAL</b>	<b>5,680.00</b>	<b>2,863.23</b>	<b>35,550.00</b>	<b>19,612.32</b>	<b>13,120.91</b>
Total for ALL Cost Centres		65,509.53		70,373.81	
V.A.T.		820.40		3,095.22	
<b>GROSS TOTAL</b>		<b>66,329.93</b>		<b>73,469.03</b>	

**HARTLEY PARISH COUNCIL  
RECTORY MEADOW NATURE RESERVE**

**Hartley Parish Council** in exercise of the powers conferred upon them by Sections 20<sup>1</sup>, 21(4)<sup>2</sup> and 106<sup>3</sup> 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 therein edged 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**

- 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.
- ii. Taking, molesting or intentionally disturbing, injuring or killing any living creature.
- 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.
- iv. Intentionally removing or displacing any tree, shrub, plant, fungus or part thereof, or any unfashioned mineral thing including water.
- v. Climbing or ascending any tree or climbing or placing a ladder or steps against any tree.

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

<sup>2</sup> Amended by the NCC Act 1973

**<sup>3</sup> 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.~~

*[Note: Subsequent paragraphs to be renumbered]*

- 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.
- 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.
- xx. Flying any kite or model aircraft.
- xxi. Erecting any post, rail, fence, pole, booth, stand, building or other structure unless by a person duly authorised by the Council.
- xxii. Neglecting to shut any gate or to fasten it if any means of doing so are provided.
- xxiii. Posting or placing any notice or advertisement unless by a person duly authorised by the Council.
- 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.
- 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.
- 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.
- xxvii. Roller skating, skiing, tobogganing or skate-boarding.
- xxviii. Lighting of any fire, stove, heater or other appliance capable of causing a fire.
- xxix. Letting fall or throwing any lighted match or lighted substance in a manner likely to cause a fire.
- 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**

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.

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***I confirm that the foregoing byelaws were made by Hartley Parish Council and that this is a true copy of the byelaws.***

***Mrs J Hoad***

***Proper Officer***

*The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 1st day of May 2008.*