



LEOMINSTER TOWN COUNCIL

ESTATES, MARKETS AND ENVIRONMENT COMMITTEE

Tuesday 1st March 2016

To: All Members of the Estates, Markets and Environment Committee
Councillors Bartlett (Chair), A Pendleton (Vice-Chair), Barton, Davies,
Freedland, Gibson, Lacey, Mifflin, Norman, Rosser, Rumsey and Thomas.
(Copies to other Councillors for information)

NOTICE OF MEETING

You are hereby summoned to attend a meeting of the **Estates, Markets & Environment Committee** to be held on **Monday 7th March 2016** commencing at **19:00 hours** in the Council Offices, 17 West Street, Leominster HR6 8EP.

Paul Russell
TOWN CLERK

AGENDA

1. APOLOGIES FOR ABSENCE

Schedule 12 of the Local Government Act 1972 requires a record be kept of the members present and that this record form part of the minutes of the meeting. Members who cannot attend a meeting should tender apologies to the Town Clerk as it is usual for the grounds upon which apologies are tendered also to be recorded. Under Section 85(1) of the Local Government Act 1972, members present must decide whether the reason(s) for a member's absence are acceptable.

2. DECLARATIONS OF INTEREST

Under the Localism Act 2011 (sections 26-37 and Schedule 4) and in accordance with the Council's Code of Conduct, members are required to declare any interests which are not currently entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.

3. REQUESTS FOR DISPENSATIONS

To consider requests for dispensations (must be notified in writing).

4. QUESTIONS FROM THE PUBLIC (maximum 15 minutes)

To receive questions and statements from members of the public as provided for in Standing Orders

5. MINUTES OF PREVIOUS MEETING

To receive and approve as a correct record the minutes of the Estates, Markets & Environment Committee meeting held on 15th February 2016 **(attached)**.



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6. FRIDAY MARKET

The Market Officer will present a report on the development of the Market.

7. LEOMINSTER IN BLOOM

To receive an update following the Task & Finish Group meeting with Leominster in Bloom which is scheduled to take place on Friday 4th March 2016 at 10am.

8. COMMITTEE UPDATE REPORT

Please see the attached report for consideration and decision.

9. ALLOTMENTS

Please see the attached report for consideration and decision.

10. CONFIDENTIAL ITEMS

Certain items are expected to include the consideration of exempt information and the Estates, Markets and Environment Committee is, therefore, recommended to resolve "That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the items listed below, on the grounds that they involve the likely disclosure of exempt information, as defined in the respective paragraph of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information".

- (a) Toilets Upgrade** – Please see the attached report following the Task & Finish Group meeting held on Thursday 25th February 2016.

LEOMINSTER TOWN COUNCIL

ESTATES, MARKETS AND ENVIRONMENT COMMITTEE

Minutes of the Estates, Markets & Environment Committee meeting held on Monday 15th February 2016 commencing at 19:00 hours in the Council Offices, 17 West Street, Leominster HR6 8EP.

MEMBERS PRESENT: Councillors Bartlett, (Chair), Barton, Gibson, Lacey, Mifflin, Norman, Rumsey and Thomas.

OFFICERS PRESENT: Town Clerk, the Market Officer and the Deputy Clerk.

ALSO PRESENT: Ward Cllr McCaull.

EM67 APOLOGIES FOR ABSENCE

Apologies were received and accepted from Cllrs Davies (holiday), Freedland (work), A Pendleton (holiday) and Rosser (illness).

EM68 DECLARATIONS OF INTEREST

The following declaration of interest was made:

- Cllr Lacey – Allotments

EM69 REQUESTS FOR DISPENSATIONS

No requests for dispensation had been received.

EM70 QUESTIONS FROM THE PUBLIC

There were no questions submitted.

EM71 MINUTES OF PREVIOUS MEETING

It was **RESOLVED** that the minutes of the Estates, Markets & Environment Committee meeting held on 11th January 2016 be agreed and signed as a correct record subject to the agreed amendment.

EM72 FRIDAY MARKET

The Market Officer presented his report updating Members on the operation of the Leominster Market. Following discussion it was **RESOLVED:**

- That the report be noted;
- It was further noted that a full year's trading had now been completed. Turnover was £19,898;
- The Home and Garden Markets are being fully publicised;
- An invoice was expected from Mr Griffiths for the 24 stalls. He would continue to store them until the Town Council had secured additional storage;
- Further discussions regarding the rules and regulations relating to the Farmers Market were under way. It was suggested that the rules may be relaxed to encourage additional traders to support the market;

- It was noted that the Good Friday market would be held in Etnam Street car park due to the Passion Play, which was held every four years, being performed at 11am in Corn Square. Half rent would be charged.

EM73 LEOMINSTER IN BLOOM

Committee **NOTED** that a meeting between Leominster in Bloom and the Task & Finish Group would be arranged as soon as possible.

A meeting to discuss Re-greening Leominster was held at Grange Court on 11th February. It had been very well attended and plans for various areas were currently being drawn up. The areas identified for improvement included the Millennium Green, Ginhall Green, the Nut Grove, Sydonia and the Hospital Garden.

EM74 COMMITTEE UPDATE REPORT

Committee considered the Committee Update report in detail and following discussion it was **RESOLVED**:

- That the report be noted;
- That the Annual Maintenance Plan for the Lengthsman and P3 Schemes for 2016/17, as submitted to BBLP, be ratified;
- That the update relating to the Asset Transfers and the overage clause be noted and fully discussed at the Finance Committee meeting on Monday 22nd February 2016;
- That a meeting with Geoff Hughes, Herefordshire Council, be arranged to discuss the various asset transfers as well as other matters relating to Leominster;
- That a Festive Lights Task & Finish Group be appointed to develop the festive lights for 2016. Cllrs Lacey, Mifflin and Thomas were nominated;
- It was noted that the Booth Garden was on permanent loan to the Town Council from Dales.

EM75 ALLOTMENTS

Committee considered the Allotment Report and following discussion it was **RESOLVED** that the report be noted.

EM76 CONFIDENTIAL ITEMS

As certain items were expected to include the consideration of exempt information the Estates, Markets and Environment Committee **RESOLVED** that, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the items listed below, on the grounds that they involve the likely disclosure of exempt information, as defined in the respective paragraph of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- (a) **Toilets Upgrade** – Committee noted that a meeting of the Task & Finish Group to develop options for the upgrading of the public conveniences in Leominster following acceptance of budget provision would be held on Thursday 25th February at 2pm.

(b) Grounds Tender – Committee considered the Grounds Tender report in detail and following discussion it was **RESOLVED:**

- That the report be noted;
- That D C Gardening Services be appointed as Grounds Contractor to Leominster Town Council for the next 3 years;
- That D C Gardening Services be appointed Leominster Town Council's Lengthsman for the next 3 years;
- That a detailed brief for Ginhall Green be developed in partnership with local residents due to the sensitivity of the site.

(c) Youth Report – Committee considered the Youth report in detail and following discussion it was **RESOLVED:**

- That the report be noted;
- That it be recommended to Full Council to enter into an agreement with HVOSS to deliver the youth services as outlined in the report subject to clarification being sought regarding the Youth work support and guidance costs;
- That a sum not exceeding £8,880 be allocated from the 2016/17 budget to fund the youth services;
- That opportunities to draw down additional funding be pursued as part of the agreement by both HVOSS and the Town Council.

There being no other business the Chair thanked members for their attendance and closed the meeting at 20:55pm

CHAIR:

DATE:



Estates, Markets and Environment Committee

Date:	1st March 2016
Title:	Committee Update Report
Purpose of the Report:	To provide Members with an update relating to previous decisions made by the Committee, identify further actions and decisions required.
Contact Officers:	Paul Russell

1. RECOMMENDATION

- 1.1 That the report be noted;
- 1.2 To note the impact of the Lengthsman/P3 schemes in the future and to consider future support of both schemes as part of the Town Council's future budgeting process;
- 1.3 To commence the upgrading project at the Sensory Garden with the help of various Volunteer groups;

2. BACKGROUND

- 2.1 Leominster Town Council is responsible for the maintenance of open spaces in Leominster. Asset transfers are currently being finalised for four open spaces that include a number of play areas.
- 2.2 As part of the Herefordshire Council's Lengthsman's and P3 Scheme, funding has been made available from Herefordshire Council to help address other responsibilities such as potholes and footpath maintenance. DC Gardening Services is the Council's current contractor and is a qualified Parish Lengthsman. He is also trained to fill in potholes on C and U roads.
- 2.3 Following the adoption of the budget for 2016/17 a number of projects need to be developed to enable their delivery. This includes the revised Festive Lights provision for 2016, Leominster in Bloom and the maintenance of Open Spaces. There is also a need to investigate potential income streams from the open spaces and identify additional grants to help upgrade and maintain all the areas.
- 2.4 This report provides background information to Committee on new and existing projects, updates members on progress to date and identifies any further actions required.

3. THE P3 AND LENGTHSMAN SCHEME

- 3.1 Final works are being undertaken for the 2015/16 Lengthsman and P3 schemes by the Council's Lengthsman, D C Gardening Services.
- 3.2 Completion of the relevant paperwork will be undertaken following the receipt of final invoices and will be submitted no later than the second week of May 2016. An estimated expenditure form will be submitted outlining expected expenditure once it is received.
- 3.3 As previously stated funding remains the same in 2016/17 as in 2015/16. The table below outlines future Herefordshire Council funding commitments:

	Lengthsman Grant		P3 Grant	
	HC Contribution	PC Contribution	HC Contribution	PC Contribution
17/18	25%	£60/km	100%	£15/km
18/19	0%	100%	100%	£15/km
19/20	0%	100%	0%	100%

- 3.4 Based on the current lengths of C and U roads (57.5km) and PROW (105.7km) the future contribution and investment estimates as follows:

Lengthsman Grant		P3 Grant	
2015/16		2015/16	
HC Contribution	PC Contribution	HC Contribution	PC Contribution
£120/km	£0/km	£50/km	£0/km
£6,900	£0	£5,285	£0
Match Funding	Match Funding		
£5,750	£5,750		
Total: £18,400		Total: £5,285	

Lengthsman Grant		P3 Grant	
2016/17		2016/17	
HC Contribution	PC Contribution	HC Contribution	PC Contribution
£120/km	£0/km	£50/km	£0/km
£6,900	£0	£5,285	£0
Match Funding	Match Funding		
£5,750	£5,750		
Total: £18,400		Total: £5,285	

Lengthsman Grant		P3 Grant	
2017/18		2017/18	
HC Contribution	PC Contribution	HC Contribution	PC Contribution
£30/km	£60/km	£50/km	£15/km
£1,725	£3,450	£5,285	£1,585.50
Match Funding	Match Funding		
£0	£0		
Total: £5,175		Total: £6,870.50	

Lengthsman Grant		P3 Grant	
2018/19		2018/19	
HC Contribution	PC Contribution	HC Contribution	PC Contribution
£0/km	100%	£50/km	£15/km
£0	£5,175	£5,285	£1,585.50
Match Funding	Match Funding		
£0	£0		
Total: £5,175		Total: £6,870.50	

Lengthsman Grant		P3 Grant	
2019/20		2019/20	
HC Contribution	PC Contribution	HC Contribution	PC Contribution
£0/km	100%	£0/km	100%
£0	£5,175	£0	£6,000
Match Funding	Match Funding		
£0	£0		
Total: £5,175		Total: £6,000	

3.5 The following is the background provided by BBLP relating to 2017/18:

2017/18 – Proposed scheme

During budget consultation last year the scheme was not seen as a strategic priority for Herefordshire and indication was given that parishes should be encouraged to take on more responsibility for delivery of the services.

As a result we have been looking at options for reducing the grant funding from Herefordshire Council into the schemes over the period to 2019/2020. The following is the current recommendation:

- **Eligibility** – The schemes will be open to any parish that would like to join including those not previously in either of the lengthsman or P3 schemes
- **Mandatory contribution** - A contribution from the parish will be required in order to access either of the grants. The levels required are highlighted in the table below.
- **Lengthsman grant** – in 2017/18 the grant will be reduced to 25% of the level today i.e. £30/km and then reducing to £0 in subsequent years
- **P3 grant** - retained at 100% of the level today i.e. £50/km for both 2017/18 and 2018/19 and then reducing to £0 in subsequent years.

There are a number of factors in proposing that the schemes be weighted in favour of retaining longer the level of P3 grant:

- The PROW maintenance budget is limited and the P3 grant effectively tops this up by 100%. By reducing the grant would have significant impact on money spent on PROW maintenance

in the county. The equivalent % of lengthsman to highway maintenance is small so would have little impact if removed.

- There has been for many years a significant backlog in repairs to PROW defects with only hazards and published routes being maintained. P3 grant has allowed an alternative means of getting some of this backlog reduced.
- PROW has many legal obligations so having access to funding for P3 can reduce financial risk from increased maintenance liability and legal challenge.
- Due to the requirement to have a volunteer Parish Paths Officer this means the grant has the added benefit in leveraging in significant volunteer support.

4. UPDATE OF ITEMS AGREED AT THE PREVIOUS MEETINGS

Pigeons and Environmental Health

- 4.1 An update on the cleaning of Butchers Row has been requested and an update will be provided at the meeting if available.

Byelaws

- 4.2 Model Draft byelaws have been downloaded from the relevant Government website and are included as part of this report. The Task & Finish Group will develop these further once the asset transfers of the open spaces has concluded.

Asset Transfers and Improvements

- 4.3 At its meeting on Monday 29th February 2016 Council resolved to complete the asset transfers for Sydonia, Ginhall Green, The Grange and Pinsley Mead. An update on progress will be provided at the meeting. It should also be noted that following the transfer of these areas an S106 payment will be received to commence an upgrade of the play areas at the Grange and Sydonia. The sum is approximately £17,000

Festive Lights

- 4.4 An initial meeting was held with Blachere Ltd, a company that manufactures and supplies festive lights, on Thursday 25th February 2016. An initial proposal is being worked up over the next four weeks and an initial report from the Task & Finish Group will be submitted to Committee for consideration in April subject to the availability of information.

- 4.5 No further update is available at present regarding the outstanding invoice from Gala Lights.

Winter Programme

- 4.6 Final works are to be undertaken on the allotments prior to final completion mainly to do with re-erecting fencing. The Team is also preparing to construct the composters in March 2016. Materials have already been ordered and received.

4.7 The project at Sydonia is currently on hold until the asset transfers have been completed. It is likely that the Sensory Garden project will take priority as funding has been secured for this project.

Booth Garden and the Sensory garden

4.8 A grant has been secured from the Herefordshire Public Green Spaces Community Grant Scheme of £750 to carry out improvement works to the Sensory Garden, Pinsley Mead, otherwise known as the Tranquil Garden.

4.9 The grant will be used to fund the following items:

ITEM	ALLOCATION	DESCRIPTION
Gravel	£350	To be used to spread on existing footpath and making good the access
Timber planks	£200	These will be installed on the outer edges of the footpath to retain the new gravel and replace existing timber planking
Interpretation panel frame	£150	Material to construct an interpretation panel. It might be possible to source one already made.
Interpretation panel	£100	Funding to develop the interpretation panel artwork.
Compost	£50	To help feed existing beds
Topsoil	£128	To help make up existing beds
Soil conditioner	£70	To help improve soil condition of existing beds
Perimeter boarding	£225	This to be used to construct three timber benches
Volunteer Time	£203	<p>Clear the site of all its undergrowth using the part time Town Council Environmental Team and volunteers from Leominster in Bloom, Re-greening Leominster, local residents and uniformed organisations.</p> <p>Clear existing path network and prepare for additional gravel to be spread.</p> <p>Clear existing borders and beds for planting, remove weeds and other materials.</p> <p>Construct and install 3 x rustic benches using timber.</p>

		<p>Create a log pile to encourage a bug hotel.</p> <p>Carry out plantings using plants that have been contributed and by purchasing some specimen trees and bulbs.</p>
TOTAL	£1,476	

- 4.10 Unfortunately the application relating to Booth Gardens was turned down as it was felt there might be an issue with volunteer capacity for both projects and viewed the Sensory Garden as the better project. It was suggested that this be resubmitted in future if funding became available.

Training

- 4.11 To note that the Team is currently undertaking both chainsaw and spraying training at Hereford College. The chainsaw course is three days and is being undertaken on 29th February, 1st and 2nd March 2016. The spray courses are just a single day.

****COUNCILS SHOULD DOWNLOAD THIS SET FROM
<https://www.gov.uk/government/organisations/department-for-communities-and-local-government/series/model-byelaws> AND ADAPT IT AS REQUIRED****

The guidance notes for Model Byelaws Set 2 should be consulted when using these Model Byelaws.

MODEL BYELAWS – SET 2

LEOMINSTER TOWN COUNCIL

**BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS
AND OPEN SPACES**

ARRANGEMENT OF BYELAWS

PART [1]

GENERAL

1. General interpretation
2. [Application]
3. [Application]
4. Opening times

PART [2]

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

5. Protection of structures and plants
6. Unauthorised erection of structures
7. Climbing
8. Grazing
9. Protection of wildlife
10. Gates
11. Camping
12. Fires
13. Missiles
14. Interference with life-saving equipment

PART [3]

HORSES, CYCLES AND VEHICLES

15. Interpretation of Part [3]
16. Horses [- Horse riding permitted but must not cause danger]
17. Horses [- Horse riding prohibited except in certain grounds (subject to bridleway, etc)]
18. Horses [- Horse riding prohibited (subject to any bridleway, etc)]
19. Horses [- Horse riding prohibited except on designated route (subject to bridleway, etc)]
20. Cycling
21. Motor vehicles
22. Overnight parking

PART [4]

PLAY AREAS, GAMES AND SPORTS

23. Interpretation of Part [4]
24. Children's play areas
25. Children's play apparatus
26. Skateboarding, etc [- Skateboarding, etc permitted but must not cause danger or annoyance]
27. Skateboarding, etc [- Skateboarding, etc permitted only in designated area]
28. Ball games [- Prohibition of ball games]
29. Ball games [- Ball games permitted only in designated area]
30. Ball games [- Ball games permitted throughout the ground but designated area for ball games also provided]
31. Ball games [- Rules]
32. Cricket
33. Archery
34. Field sports
35. Golf [- Prohibited [except on golf course]]
36. Golf [- Permitted where part of ground is set aside as a golf course]

PART [5]

WATERWAYS

37. Interpretation of Part [5]
38. Bathing
39. Ice skating
40. Model boats
41. Boats [- To prohibit use of boats [, etc] without permission [except in designated area]]
42. Boats [- In areas where use of boats is common]

- 43. Fishing
- 44. Pollution
- 45. Blocking of watercourses

PART [6]
MODEL AIRCRAFT

- 46. Interpretation of Part [6]
- 47. Model aircraft [- General prohibition]
- 48. Model aircraft [- Model aircraft permitted in certain grounds [on specified days and at specified times]]
- 49. Model aircraft [- Model aircraft permitted in designated areas]
- 50. Model aircraft [- Model aircraft permitted if subject to certain control]
- 51. Model aircraft [- Some quieter types of model aircraft permitted]

PART [7]
OTHER REGULATED ACTIVITIES

- 52. Provision of services
- 53. Excessive noise
- 54. Public shows and performances
- 55. Aircraft, hang-gliders and hot air balloons
- 56. Kites
- 57. Metal detectors

PART [8]
MISCELLANEOUS

- 58. Obstruction
- 59. Savings
- 60. Removal of offenders
- 61. Penalty
- 62. Revocation [- General]
- 63. Revocation [- Limited to preserve byelaws relating to dogs]

SCHEDULE [1] - Grounds to which byelaws apply generally

SCHEDULE [2] - Grounds referred to in certain byelaws

SCHEDULE [3] - Rules for playing ball games in designated areas

Byelaws made under [section 164 of the Public Health Act 1875/section 15 of the Open Spaces Act 1906/sections 12 and 15 of the Open Spaces Act 1906] by the *insert name of Council* with respect to *insert name of ground/description of its location/* [pleasure grounds, public walks and open spaces].

[PART 1]
GENERAL

General Interpretation

1. In these byelaws:

Select from the following list only terms to be used in the byelaws which the Council proposes to adopt:

“the Council” means *insert name of Council*;

“the ground” means *insert name of ground or a description of its location/*[any of the grounds listed in [the Schedule /Schedule [1]]];

“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

Application

Councils should adopt EITHER model byelaw 2 or model byelaw 3

- 2. These byelaws apply to *insert name of ground or a description of its location/* [all of the grounds listed in [the Schedule/Schedule 1].
- 3. These byelaws apply to all of the grounds listed in [the Schedule/Schedule 1] unless otherwise stated.

Opening times

- 4. (1) No person shall enter or remain in the ground except during opening hours.

Where byelaw is to apply to more than one ground

- (2) "Opening hours" means the days and times during which the ground is open to the public and which are indicated by a notice placed in a conspicuous position at the entrance to the ground.

Where byelaw is to apply to more than one ground

- (3) Byelaw [4(1)] applies only to the grounds listed in [Part 1 of] Schedule [2].]

PART [2]

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Protection of structures and plants

5. (1) No person shall without reasonable excuse remove from or displace within the ground:
- (a) any barrier, post, seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or
 - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.
- (2) No person shall walk on or ride, drive or station a horse or any vehicle over:
- (a) any flower bed, shrub or plant;
 - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
 - (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

Unauthorised erection of structures

6. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.

Climbing

7. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

Grazing

8. No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze in the ground.

Protection of wildlife

9. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.

Gates

10. (1) No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.
- (2) Byelaw 10(1) applies to any gate to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited.

Camping

11. No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping [except in a designated area for camping].

Fires

12. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.
- (2) Byelaw 12(1) shall not apply to:
- [(a) [the lighting of a fire at any event for which the Council has given permission that fires may be lit;]] or]
- [(b) [the lighting or use, in such a manner as to safeguard against damage or danger to any person, of a properly constructed camping stove, in a designated area for camping, or of a properly constructed barbecue, in a designated area for barbecues].

Missiles

13. No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.

Interference with life-saving equipment

14. No person shall except in case of emergency remove from or displace within the ground or otherwise tamper with any life-saving appliance provided by the Council.

PART [3]

HORSES, CYCLES AND VEHICLES

Interpretation of Part [3]

15. In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

Horses

Horse riding permitted

16. No person shall ride a horse in the ground in such a manner as to cause danger to any other person.

Horse riding prohibited except in certain grounds (subject to bridleway, etc)

17. (1) No person shall ride a horse except:

- (a) in any of the grounds listed in Part [3] of Schedule [2]; or
- (b) in the exercise of a lawful right or privilege.

(2) Where horse-riding is permitted in any ground by virtue of byelaw [17](1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Horse riding prohibited (subject to bridleway, etc)

18. (1) No person shall ride a horse except in the exercise of a lawful right or privilege.

(2) Where horse-riding is permitted by virtue of a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Horse riding prohibited except on designated route (subject to bridleway, etc)

19. (1) No person shall ride a horse except:

- (a) on a designated route for riding; or

(b) in the exercise of a lawful right or privilege.

(2) Where horse-riding is permitted by virtue of byelaw [19](1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Cycling

20. No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles [or on a designated route for cycling].

Motor vehicles

21. (1) No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way [or a designated route] for that class of vehicle.

(2) [Where there is a designated route for motor cycles, motor vehicles or trailers, it shall not be an offence under this byelaw to bring into or drive in the ground a vehicle of that class for the sole purpose of transporting it to the route].

Overnight parking

22. No person shall without the consent of the Council leave or cause or permit to be left any motor vehicle in the ground between the hours of 10 p.m. and 6 a.m..

PART [4]

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part [4]

23. In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket;

“golf course” means any area within the ground set aside for the purposes of playing golf and includes any golf driving range, golf practice area or putting course;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, Sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

Children's play areas

24. No person aged 14 years or over shall enter or remain in a designated area which is a children's play area unless in charge of a child under the age of 14 years.

Children's play apparatus

25. No person aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 14 years by a notice conspicuously displayed on or near the apparatus.

Skateboarding, etc

Skateboarding, etc permitted but must not cause danger or annoyance

26. No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Skateboarding, etc permitted only in designated area

27. (1) No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles except in a designated area for such activities.
- (2) Where there is a designated area for skating, sliding or riding on rollers, skateboards or other self-propelled vehicles, no person shall engage in those activities in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Ball games

Prohibition of ball games

28. No person shall play ball games in the ground.

Ball games permitted only in designated areas

29. No person shall play ball games in the ground except in a designated area for playing ball games.

Ball games permitted throughout the ground but designated area for ball games also provided

30. No person shall play ball games outside a designated area for playing ball games in such a manner:
- (a) as to exclude persons not playing ball games from use of that part;
 - (b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
 - (c) which is likely to cause damage to any tree, shrub or plant in the ground.

Rules (to be used with model byelaw 29 or 30)

31. It is an offence for any person using a designated area for playing ball games to break any of the rules set out in Schedule [3] and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.

Cricket

32. No person shall throw or strike a cricket ball with a bat except in a designated area for playing cricket.

Archery

33. No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.

Field sports

34. No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Council [or on land set aside by the Council for that purpose].

Golf

Golf prohibited [except where part of ground is set aside as golf course]

35. No person shall drive, chip or pitch a hard golf ball [except on the golf course].

Where part of ground is set aside as a golf course

36. (1) No person shall play golf on the golf course unless he holds a valid ticket issued by or on behalf of the Council entitling him to do so, which ticket shall be retained and shown on demand to any authorised officer or agent of the Council.
- (2) No person shall enter on to or remain on the golf course unless:
- (a) taking part in the game of golf or accompanying a person so engaged; or
 - (b) doing so in the exercise of a lawful right or privilege.
- (3) No person shall offer his service for hire as an instructor on the golf course without the consent of the Council.

PART [5]
WATERWAYS

Interpretation of Part [5]

37. In this Part:

“boat” means any yacht, motor boat or similar craft but not a model or toy boat;

“power-driven” means driven by the combustion of petrol vapour or other combustible substances;

“waterway” means any river, lake, pool or other body of water and includes any fountain.

Bathing

38. No person shall without reasonable excuse bathe or swim in any waterway [except in a designated area for bathing and swimming].

Ice skating

39. No person shall step onto or otherwise place their weight upon any frozen waterway.

Model boats

40. No person shall operate a power-driven model boat on any waterway [except in a designated area for model boats].

Boats

To prohibit use of boats [and if appropriate a wider category of vessels] without permission [except in designated areas]

41. No person shall sail or operate any boat, [dinghy, canoe, sailboard or inflatable] on any waterway without the consent of the Council [except in a designated area for the sailing or operation of boats].

In areas where use of boats is common

42. (1) No person shall on any waterway sail or operate any boat which is not registered with the Council.

(2) A boat is registered for the purposes of byelaw 42(1) when the owner has made a written application to the Council and the Council has:

(a) entered the name and address of the owner, a general description of the boat and the serial number of the registration in a register kept by an authorised officer of the Council; and

(b) issued to the owner a certificate of registration incorporating these particulars.

Fishing

43. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals [except in a designated area for fishing].

Pollution

44. No person shall foul or pollute any waterway.

Blocking of watercourses

45. No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus.

PART [6]

MODEL AIRCRAFT

Interpretation of Part [6]

46. In this Part:

“model aircraft” means an aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or
- (c) one or more electric motors or by compressed gas.

“radio control” means control by a radio signal from a wireless transmitter or similar device.

General prohibition

47. No person shall cause any power-driven model aircraft to:
- (a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or
 - (b) land in the ground without reasonable excuse.

Model aircraft permitted in certain grounds [on specified days at specified times]

48. Byelaw 47 does not apply to the grounds listed in [Part [5] of Schedule 2] /[column 1 of the table in Part [6] of Schedule [2] on the days and times indicated for each ground in column 2 of that table].

Model aircraft permitted in designated areas

49. No person shall cause any power-driven model aircraft to:
- (a) take off or otherwise be released for flight or control the flight of such an aircraft; or
 - (b) land in the ground without reasonable excuse;
- other than in a designated area for flying model aircraft.

Model aircraft subject to certain control

50. Byelaw [47]/[49] does not apply to any model aircraft which is [attached to a control line]/[kept under effective radio control].

Quieter types of model aircraft permitted

51. Byelaw [47]/[49] does not apply to any model aircraft which:
- (a) gives a noise measurement of not more than 82 dB(A) when measured at a distance of 7 metres from the aircraft in accordance with the Code of Practice issued under the Control of Noise (Code of Practice on Noise from Model Aircraft) Order 1981; and
 - (b) where it is reasonably practicable to fit, fitted with an effectual silencer or similar device.

PART [7]

OTHER REGULATED ACTIVITIES

Provision of services

52. No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

Excessive noise

53. (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:
- (a) shouting or singing;
 - (b) playing on a musical instrument; or

(c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.

(2) Byelaw 53(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public shows and performances

54. No person shall without the consent of the Council hold or take part in any public show or performance.

Aircraft, hang gliders and hot air balloons

55. No person shall except in case of emergency or with the consent of the Council take off from or land in the ground in an aircraft, helicopter, hang glider or hot air balloon.

Kites

56. No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

Metal detectors

57. (1) No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.

(2) Byelaw 57(1) shall not apply to *[insert name or description of land]*.

PART [8]

MISCELLANEOUS

Obstruction

58. No person shall obstruct:

(a) any officer of the Council in the proper execution of his duties;

(b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or

(c) any other person in the proper use of the ground.

Savings

59. (1) 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.

(2) Nothing in or done under these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the

rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.

Removal of offenders

60. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

Penalty

61. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

62. The byelaws made by *insert name* on *insert date* and confirmed by *insert name of confirming authority* on *insert date of confirmation* relating to the ground are hereby revoked.

Limited revocation to preserve byelaws relating to dogs

63. Byelaws *insert numbers of byelaws being revoked* made by *insert name* on *insert date* and confirmed by *insert name of confirming authority* on *insert date of confirmation* relating to the ground are hereby revoked

SCHEDULES

SCHEDULE [1]

GROUNDS TO WHICH BYELAWS APPLY [GENERALLY]

The grounds referred to in byelaw [2]/[3] are:

- Sydonia
- Ginhall Green
- The Grange
- Priory Churchyard
- Pinsley Mead

SCHEDULE 2

GROUNDS REFERRED TO IN CERTAIN BYELAWS

PART [1]

OPENING TIMES (BYELAW [4](1))

...

PART [2]

HORSE RIDING PROHIBITED EXCEPT IN CERTAIN GROUNDS (SUBJECT TO BRIDLEWAY, ETC) (BYELAW [17](1))

...

PART [3]

USE OF MODEL AIRCRAFT PERMITTED ON SPECIFIED DAYS AT SPECIFIED TIMES (BYELAW [48])

<i>Name or description of ground</i>	<i>Days and times at which use of model aircraft is permitted</i>
Park E	
Park F	

SCHEDULE [3]

RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW [31])

Any person using a designated area for playing ball games is required by byelaw [31] to comply with the following rules:

- (1) No person shall play any game other than those ball games for which the designated area has been set aside.

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- (2) No person shall obstruct any other person who is playing in accordance with these rules.
- (3) Where exclusive use of the designated area has been granted to a person or group of persons by the Council for a specified period, no other person shall play in that area during that period.
- (4) Subject to paragraph (5), where the designated area is already in use by any person, any other person wishing to play in that area must seek their permission to do so.
- (5) Except where they have been granted exclusive use of the designated area for more than two hours by the Council, any person using that area shall vacate it if they have played continuously for two hours or more and any other person wishes to use that area.
- (6) No person shall play in the designated area when a notice has been placed in a conspicuous position by the Council prohibiting play in that area.



Estates, Markets and Environment Committee

Date: 1st March 2016

Title: Allotment Report

Purpose of the Report: To provide Members with an update on Allotment Matters.

Contact Officers: Paul Russell

1. RECOMMENDATION

1.1 That the report be noted.

2. INTRODUCTION

2.1 Leominster Town Council leases the Ginhall Allotment site from Caldicotts.

2.2 The lease has approximately ten years left to run. Requests have been made to discuss the extension of that lease but the Caldicott Estate is not in a position to discuss this matter at present.

2.3 There is a vibrant Allotment Association based on the Allotments and there is a good working relationship between the two organisations.

3. COMPOST BINS

3.1 All the materials to construct the compost bins has now been received and paid for.

3.2 The construction of the bins will commence in March 2016 subject to weather conditions and ensuring that the allotments are fairly dry. The bases will be soil and the bins will consist of a metalwork frame with timber being used to create the sides of the bins.

4. UPDATE

Drainage Works

4.1 Additional drainage on the site has now been completed following issues raised by the Allotment Association regarding flooding on the allotments in the past. There are still some minor works to complete but these should be completed by the end of March 2016 subject to weather conditions. The main area of work is the erection of a new fence.