

## AGENDA ITEM 5

### TOWN CLERK'S REPORT AMENITIES & OPEN SPACES – MONDAY, 17<sup>th</sup> JULY 2017

#### SUMMARY

This is a report of follow-up to decisions made at the A&OS Committee. It is a Standing Item on agendas to update Members. Once follow-up is completed, items are marked as closed. Ongoing items will be brought back to Committee when a new decision is required or when a fuller update is needed.

<b>Min.637/15, 60/17</b>	<b>Churchill Court – SEE AGENDA ITEM 8</b>
<b>Min.638/15</b>	<b>Town Mill Machinery</b> – At the Full Council meeting of 18 April (Min.625/16), Councillors resolved to move forward with the offer by a member of the public to display the mill wheel equipment and it be removed from the area adjacent to the workshop as soon as possible. The Town Clerk is liaising with the person who has made this offer. <b>Ongoing</b>
<b>Min.080/16, 506/16</b>	<b>Priory Gardens</b> – At the meeting of 30 January, Councillors resolved to reject suggested amendments to the Path Agreement. This decision has been passed on by our solicitors. At FTC on 6 March (Min.563/16), Councillors resolved to delegate to the Town Clerk to spend up to £2,000 towards legal fees for Counsel's opinion related to access to Priory Gardens. <b>Ongoing</b>
<b>Min496/16</b>	<b>Event Parking at the Common</b> – At the meeting on 30 January, Members agreed that the site of the old Military Hospital/Secondary School was the preferred option for event car parking on The Common. How to implement this needs to be discussed by the new Council. <b>Ongoing</b>
<b>Min. 497/16</b>	<b>Play Area</b> - Initial discussions have taken place for a potential project to open up the meadow for informal recreational space for young people. This will be discussed by the new Council. <b>Ongoing</b>
<b>Min.500/16</b>	<b>Use of Elcot Lane Playing Fields by MTFC</b> - The possibility of additional football pitches at the Village Green has been discussed with the Elcot Lane Playing Fields Association. It was resolved that the Town Clerk follow this up with the Open Spaces Society concerning uses of the Village Green under its designation and bring this advice back to the committee. A response is awaited. <b>Ongoing</b>
<b>Min. 652/16</b>	<b>Allotment Association – SEE AGENDA ITEM 13</b>
<b>Min. 62/17</b>	<b>Fence at Marlborough Town Football Club</b> – At the meeting of 5 June, it was resolved to defer a decision until a meeting could be held between the three interested parties and more detailed information was available. This will be arranged following the election of a new MTFC committee which takes place later in July. <b>Ongoing</b>
<b>Min. 63/17</b>	<b>New Tractor and Hedge Cutter/flail</b> - At the meeting of 5 June, it was resolved to take on a 5 year lease for an Iseki 6490 tractor at £413.00 per month and with a McConnel PA4330 hedge cutter/flail at £158.00 per month. The Grounds Manager is following through on this with the supplier and lease company - <b>Ongoing</b>

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<b>Min 65/17</b>	<b>Dog Fouling Campaign</b> – At the meeting of 5 <sup>th</sup> June, it was resolved to accept the veterinary surgery’s offer and that a poster be designed in time for input by A&OS Committee at its July meeting. The main contact has been away on leave but it is hoped that an initial design will be available for the Full Council meeting on 24 <sup>th</sup> July so the campaign can start as soon as possible. <b>Ongoing</b>
<b>Min.67/17</b>	<b>Policy for Hiring of Open Spaces</b> – At the meeting of 5 June, it was resolved to implement a policy to delegate decisions on granting requests for the use of open spaces to the Town Clerk for standard hirings, keeping Councillors informed of those decisions. A draft policy will go to the next Finance & Policy meeting. <b>Ongoing</b>

**Author - Town Clerk – July 2017**

## Churchill Court

**Summary** - At the Amenities and Open Spaces meeting of 5 June, Members requested that they re-visit the issue of Town Council ownership at Churchill Court.

### 1. Historical Background

For some years, the Town Council has owned a small strip of land alongside the River Kennet adjacent to Churchill Court (private residential homes for older people). There was an aspiration to create a public riverside walk along that stretch. The developers at the time, McCarthy & Stone, were obliged (under a S106 Agreement) to provide fencing to allow this to happen (ownership was then passed to Fairhold Homes Ltd which would have taken on this obligation.) A planning application was submitted and approval made for a public riverside walk and metal railings. Background is at:

<http://unidoc.wiltshire.gov.uk/UniDoc/Document/Search/DSA,413206> There was considerable opposition to this from local residents. Permission was granted but, has now expired.

The railings/fencing have never been erected. Management of the retirement homes at the site has changed over the years and it is now being managed by First Port.

Advice was received from the Town Council's solicitors recommending that the land was returned back to the owners. Councillors resolved that the land be passed back to the owners of the building at no purchase price (a nominal £1). Letters sent by our solicitors have not been responded to over a number of years. This was again chased up in early 2017. The Town Clerk has liaised with the Warden at the site as well as the Area Manager for the company managing the site – First Port - who passed our request onto the Estates and Management Department. No response has been received.

### 2. Trees

Concerns have been raised by residents about overhanging trees belonging to the Town Council which darken some apartments. All Town Council-owned trees (around 1500) are regularly professionally inspected and those at Churchill Court are included in this 3 yearly report. This looks at the health of the tree and health and safety issues. There has been work done to these trees over the last few months

### 3. Liability and Health and Safety Issues

As owners of the land adjoining the river, the Town Council has duties. Not simply, riparian owners' duties, but also potential liability issues. There is also a retaining wall and an old disused gas pipe (stretching across the river and ending up on the strip of land). Also, there is a steep and unprotected drop from the river's edge. Currently any liability on this owned riverside stretch rests with the Council.

### Town Clerk's Recommendation

The Town Clerk recommends that a meeting is set up with First Port and the current owners of Churchill Court as soon as possible to re-visit and resolve this ownership issue and ongoing concerns around overhanging trees.

**Author – Town Clerk July 2017**

## **Bench to mark the centenary of the Lions Club**

**Summary** – This report asks Members to consider a request from the Lions Club for a bench on Town Council-owned land as part of its centenary celebrations

### **1. Background**

Members will remember that this request for a bench was originally discussed by the Planning Committee on 12<sup>th</sup> June (Min.80/17) as it has responsibility for street furniture. Whilst siting the bench in the High Street was one option, the Lions Club's preferences also include:

- Coopers Meadow
- Priory Gardens
- Stonebridge
- Common

Photographs of the best sites for this will be shown on the screen at the meeting.

### **2. Point to Note**

Permissions may be required for siting the bench in the High Street as well as discussions with Highways. Putting the bench in Town Council-owned spaces will be the sole responsibility of the Town Council.

### **3. Financial Implications**

The costs for the bench will be met by the Lions Club. The bench will be installed by the Grounds Team.

### **Town Clerk's Recommendation**

The Town Clerk recommends that Members agree where the bench can be installed so that this can take place within the Lion's Club centenary year

**Town Clerk**

**July 2017**