

Englefield Green Committee

Tuesday 16 February 2016 7.00pm

**at the Jurgen Centre
Harvest Road
Englefield Green**

Members of the Committee

Councillors N H Prescott (Chairman), Miss M N Heath, M T Kusneraitis, H W V Meares, P I Roberts and Miss J K Sohi

Residents' Representatives: Mr A E Panter (Vice-Chairman) and Mr N Band

AGENDA

Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to
Mrs C Holehouse, Democratic Services, Law and Governance Business Centre, Runnymede Civic Centre, Station Road, Addlestone KT15 2AH
(Tel: Direct Line: 01932 425628). (Email: carol.holehouse@runnymede.gov.uk).
- 3) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.

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LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

a) **Exempt Information**

(No reports to be considered under this heading)

b) **Confidential Information**

(No reports to be considered under this heading)

1. MINUTES

To confirm and sign, as a correct record, the Minutes of the Meeting of the Committee held on 3 November 2015 (Appendix 'A')

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Democratic Services Officer at the start of the meeting. A supply of the form will also be available from the Democratic Services Officer at the meeting.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is a disclosable pecuniary interest or if the interest could reasonably be regarded as so significant as to prejudice the Member's judgement of the public interest.

Members are advised to contact the Council's Legal section prior to the meeting if they wish to seek advice on a potential interest.

4. **CABLING WORKS ON THE GREEN (COMMUNITY DEVELOPMENT)**

Synopsis of Report:

To update the Committee on proposals for cabling works on the Green put forward by Scottish & Southern Energy Power Distribution

Recommendation(s):

the Committee is asked to note update on the proposals put forward by Scottish & Southern Energy Power Distribution (SSEPD)

Report

- 1.1 In June 2013 the Committee considered a report setting out proposals put forward by Scottish & Southern Energy Power Distribution (SSEPD) to improve the security of power supply in the Englefield Green area by renewing an existing underground cable between substations in Ridgemean Road and Castle Hill Road. The Crown owns the freehold of the Green and has the power to grant easements, wayleaves or consents subject to the consent of this Committee. At the June 2013 meeting this Committee resolved that 'consent be given for the works on the Green proposed by SSEPD and to grant any easement or wayleave as required by the Crown

Estate, subject to the route of the cable being in Castle Hill Road and the Green is reinstated to the satisfaction of the Council after the works have been completed'. In December representatives of SSEPD made it known that they were looking to schedule this work into their programme and invited Officers and the Crown Estate's Deputy Ranger, to a site meeting to discuss the details. The proposal is to install a new cable using a combination of trench excavation (where no tree roots are at risk) and mole drilling at a depth of three metres along Castle Hill Road. Access pits will be required to facilitate the mole drilling, but these will be in agreed locations which will minimise the risk of tree root damage. Officers are satisfied that the proposed methods will allow this work to be completed whilst minimising damage to the Green and in particular to tree roots.

- 1.2 SSEPD are also working on plans to provide a new electricity supply to the development on the old Brunel University Campus in Coopers Hill Lane. There are not details regarding these plans yet and any that come forward will be presented to the Committee in due course.

(For information)

Background papers

None

5. LEGISLATION AND USE OF THE GREEN (LAW AND GOVERNANCE)

Synopsis of report:

To advise the Committee on the definition of lawful sports and pastimes and generally on the use of the Green

Recommendation(s):

None - For information

1. Context of report

At the meeting of this Committee on 3 November 2015 the Committee requested that officers advise the Committee on the definition of lawful sports and pastimes and generally on the use of the Green.

2. Report

- 2.1 The Green was created by the Egham Inclosure Act 1814 and registered as a town and village green under the Commons Act 1965. It is managed by Runnymede Borough Council under a lease from the Crown dated 20 April 1954. In considering the use of the Green and the definition of lawful sports and pastimes these three legal matters need to be considered

2.2 Egham Inclosure Act 1814 (the Inclosure Act)

The Inclosure Act stated that the Green was to 'remain open and unenclosed for the pleasure of the inhabitants and ornament of their residences on the said Green'. 'Pleasure of inhabitants' is interpreted to mean recreational use of the Green. 'Ornament' can be interpreted to mean a pleasing aesthetic setting for the houses adjoining the Green.

2.3 Lease dated 20 April 1954 (the Lease)

The Lease is subject to the Inclosure Act and thus the uses permitted by the Inclosure Act are incorporated into the Lease. In addition under the Lease the Council covenants at clause II. 3 (which is the user clause in the Lease) ' to uphold maintain and keep the said Green in good and neat order and condition for the purposes expressed in the above recited Inclosure Act ' and not to remove gravel or sand or cut turf or break up the surface of the Green without the Crown's consent. The Council must not permit any waste spoil or destruction of the Green and must take measures to prevent fires.

2.4 Registered Town and Village Green (TVG)

One of the primary criteria to be registered as a TVG is that the land has been used for lawful sports and pastimes. This concept in English law is very wide and based on centuries of case law. Generally lawful sports and pastimes are recreational uses which can be informal or structured. From a random sample of the case law the definition of lawful sports and pastimes can include maypole celebrations; cricket, football, rounders both informal and formal; children playing; picnicking; walking; and picking blackberries. Lawful sports and pastimes change over the years as habits and customs change.

DEFRA's guide Management and protection of registered town and village greens – frequently asked questions: What are lawful sports and pastimes? states that lawful sports and pastimes are not restricted to those activities which were enjoyed during the period of use which led to the green being registered. Whilst it is for the courts to decide whether an activity is lawful DEFRA's view is that where an activity is inappropriate for an area that it is deemed a public nuisance for the purposes of section 29 Commons Act 1876 it would be unlikely to be treated as lawful. The example given by DEFRA is horse riding on a small vulnerable green in wet conditions.

2.5 Conclusion

The definition of lawful sports and pastimes can be very wide; changes over time with local custom and habits; be organised or informal; but must not constitute a public nuisance. Ultimately whether an activity is a lawful sport and pastime will be decided by the courts.

Initially the Green was used for recreational use under the Inclosure Act and this continues to date including people walking on the Green with or without dogs, picnicking and children playing. This has developed since the Inclosure Act to currently include organised cricket, fairs and horse riding on part of the Green.

(For information)

Background papers

None

6. **MANAGEMENT AND MAINTENANCE OF THE GREEN (COMMUNITY DEVELOPMENT)**

Synopsis of Report:

To update the Committee on management and maintenance issues relating to the Green

Recommendation(s):

the Committee is asked to note the current position on various management and maintenance issues

Regulation Signs

- 1.1 The new regulations signs, which replace the old Byelaw signs, were installed shortly after the last meeting. Guidance notes will be issued to the Wardens.

Volleyball on the Green

- 1.2 At the last meeting Officers had written to Spelthorne Volley Club asking them not to use the Green, and having considered the club's reply, the Committee asked Officers to write to the club again asking them to desist from using the Green. Officers wrote to the club again in November, informing them of the Committee's decision

(For information)

Background papers

None

7. **EVENTS ON THE GREEN (COMMUNITY DEVELOPMENT)**

Synopsis of Report:

To seek the Committee's authority to approve applications for events to be held on the Green

Recommendations:

- i) **Officers be authorised to approve the Englefield Green Village Residents Association's application to hold the village fair on the Green again this year**
- ii) **Officers be authorised to approve Carters Steam Fair's use of the Green in 2016 when it is received.**

- 1.1 The Englefield Green Village Residents Association have asked for permission to hold the Englefield Green Village Fair on the Green again this year. The proposed date is Saturday 18 June, with set up starting on the Friday. Members are asked to approve this application.
- 1.2 Carters Steam Fair have yet to submit an application for their use of the Green later in the year. Officers are seeking the Committee's consent to approve their application, subject to the normal checks being satisfied, when it arrives.

(To resolve)

Background papers

None

8. PARKING ON THE GREEN (LAW AND GOVERNANCE)

Synopsis of report:

To report back to the Committee on the siting of stone boulders to discourage parking on verges around the Green and advise the Committee of their cost

Recommendation(s):

- i) **To recommend the type of barrier to be placed on the Green to discourage parking on the verges**
- ii) **To consent to the siting plan in Appendix 'B' and the relocation of the 'No Parking on the Verges' sign**
- iii) **To approve the cost of purchasing the agreed type of barrier and the cost of relocating the sign**

1. Context of report

- 1.1 At the meeting of this Committee on 3 November 2015 the Committee discussed parking on the verges around the Green and in particular on the grass triangle to the front of Crown House. Stone boulders were put forward as a preferable and cost effective method of discouraging such parking and thus preventing possible damage to the Green. Officers were asked to consider the number, siting and cost of stone boulders and liaise with the Residents Representative.

2. Report and, where applicable, options considered

- 2.1 Officers met with Mr Band the Residents Representative, on site and ascertained that by placing 7 stones at strategic points and relocating an existing sign (as shown on the plan in Appendix 'B' on the grass triangle to

the front of Crown House most drivers would be deterred from parking on the verge

- 2.2 With regard to the cost it was ascertained that stone boulders are sold by weight and, being a natural material, vary hugely in shape, size and weight. This makes it difficult to obtain an accurate price until specific stones have been selected. However, based on information from the supplier, the estimated cost to deliver and position 7 glacial boulders (as shown in the photograph in Appendix 'C' and to relocate the sign would be around £350-£450. The boulders chosen have a maximum dimension of 600mm, as these would not be unnecessarily large, but large enough to be effective and heavy enough not to be easily removed.
- 2.3 Mr Band the Resident's representative has contacted Members and Officers and stated that he assumed that the boulders would in fact be concrete globes in white similar to those already in place outside Crown House shown in the photograph in Appendix 'D'. The concrete globes currently in place are 450mm in diameter and are sunk into the ground.
- 2.4 To assist the Committee, Officers have researched this option and have been unable to source an exact match to the concrete globes outside Crown House. However, similar sized concrete globes of varying weights have been located. The photograph in Appendix 'E' shows the type of concrete globe on offer. Prices quoted to us for 7 concrete globes range from a basic version 375mm 64KG concrete globe at £600 to a larger concrete globe of 500mm 166KG costing £3,000. With some of the concrete globes it is recommended that a matching concrete base is also purchased. This is buried into the ground so as to prevent them being rolled away. The additional cost for these bases is £1,927.87. Other alternatives suggested by suppliers were cast iron hollow spheres but these would need to be painted white and require a 180mm metal spike to be concreted into the ground. The price quoted for 7 of these is around £1,000.

3. **Resource implications**

- 3.1 The cost can be met from the existing budget.

4. **Legal implications**

- 4.1 The Egham Inclosure Act 1814 section 31 requires that the Green must remain open and uninclosed. 'open' means that it is unlawful to fence or build on the Green. 'uninclosed' has the legal meaning that the Green cannot be divided up and ownership allotted – it is not related to physical enclosure but with the legal process of inclosure. However this is not the only consideration when considering placing any structures or materials on the Green. The Committee needs to consider the following (Part 3 of the Commons Act 2006 which allows the landowner to seek consent from the Secretary of State for works on a town and village green does not apply to The Green):

Inclosure Act 1857 section 12 – makes it an offence to place any material on the Green or do anything else that injures the Green or interrupts its use as a place of exercise and recreation.

Commons Act 1876 section 29 – makes it an offence to enclose the Green; erect anything on it ; or disturb interfere with or occupy the soil of the Green if the act is done otherwise than with a view to the better enjoyment of the Green

Law of Property Act 1925 section 193- the public right of access to the Green for air and exercise.

5. Equality implications

5.1 There are none

(To resolve)

Background papers

None

9. EXCLUSION OF PRESS AND PUBLIC

If Members are minded to consider any of the foregoing reports in private it is the

OFFICERS' RECOMMENDATION that –

the press and public be excluded from the meeting during discussion of the following report under Section 100A(4) of the Local Government Act 1972 on the grounds that the report in question would be likely to involve disclosure of exempt information of the description specified in appropriate paragraphs of Part I of Schedule 12A of the Act.

(To resolve)

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)

Englefield Green Committee

16 February 2016

APPENDICES

<u>APPENDIX</u>	<u>REPORT</u>	<u>PAGE NOS</u>
A	MINUTES – 3 NOVEMBER 2015	1 - 4
B	PLAN OF PROPOSED POSITIONING OF BOULDERS	5
C	IMAGE OF GLACIAL BOULDERS	6
D	IMAGE OF CONCRETE BOULDERS CURRENTLY OUTSIDE CROWN HOUSE	7
E	IMAGE OF CONCRETE GLOBES CURRENTLY AVAILABLE	8

Runnymede Borough CouncilENGLEFIELD GREEN COMMITTEE3 November 2015 at 7.00 pm

Members of the
Committee present

Councillors N H Prescott (Chairman) Miss M N Heath,
M T Kusneraitis, H W V Meares, P I Roberts and
Miss J K Sohi

Residents' Representatives:

Mr A Panter (Vice-Chairman), Mr N Band

Members of the
Committee absent:

None

320. MINUTES

The Minutes of the meeting of the Committee held on 23 June 2015 were confirmed and signed as a correct record.

321. MANAGEMENT AND MAINTENANCE OF THE GREEN

Protection of the Cricket Square

At previous meetings the Committee had discussed the ropes and pins which were erected, by the Cricket Club, to protect the surface of the cricket square from damage between games. Officers had been asked to ensure that the Cricket Club maintained a gap between the sections of the rope so the public could access the area if needed. Although this was done sporadically, the Club had been reminded of the need to maintain the gap. Officers would continue to monitor the situation and liaise with the Club further if necessary. It was noted that when the Cricket Club applied fertiliser to the square it may be necessary to adopt measures for public safety, particularly children.

Road Surface

At the last meeting Officers were asked to write to Surrey County Council, on behalf of the Chairman, to raise concerns about the condition of the highway adjacent to the Green, in particular the number of pot holes that were developing. Following the report Surrey County Council undertook an inspection on 30th July and thirteen defects were marked for repair. Officers had recently inspected the area and advised the Committee that the road surface had now been repaired in a number of locations.

Parking on the Green

At its last meeting Officers were asked to ascertain whether Surrey County Council would permit the placing of small posts on verges around the Green where parking was a problem, in particular on the grass triangle to the front of Crown House. Runnymede Borough Council and Surrey County Council Officers had met on site in June. It was established that although the roads around were highway, the grass verge itself was not. Therefore, Surrey County Council would not be involved in any

decision to install posts in this location. The estimated cost of installing posts all around this triangle was £4,000.

The Committee discussed the costs relating to installing posts around the triangle and received information on three essential pieces of legislation relating to Town and Village Greens. It was not considered that posts would interrupt the Green's use as a place of exercise or recreation or impede the public right of access to the Green but it was felt that stones may be a more preferable and cost effective alternative and a motion to this effect was moved.

RESOLVED that –

- i) Officers to meet with Residents Representative to ascertain number of boulders needed and their positioning;**
- ii) Officers to provide the Committee with costings for the boulders and seek Committee's consent on siting of the boulders, if price agreed.**

In accordance with Standing Order 29.2 and at the request of Councillor Kusneraitis, a named vote was taken on the motion and the voting was as follows:-

For: 7 Councillors Heath, Meares, Prescott, Sohi, Roberts.
 Mr N Band and Mr A Panter

Abstain: 1 Councillor

Kusneraitis Tree inspections

The Committee was advised that Officers had been carrying out detailed inspections of the condition and safety of the trees on the Green and in particular trees which were adjacent to the highway. Some work was required as a result of these inspections. Urgent work was due to be undertaken very soon with other high priority work being undertaken after. It was noted the cost of the work was the Committee's responsibility.

Gas repairs

In early July, National Grid Gas received consent from the Crown Estate to carry out emergency works in respect of a gas leak on the supply to three properties close to the junction of Middle Hill and St Jude's Road. The work included a narrow trench being excavated on the Green between the tarmac footpath and the boundary of the affected properties. Officers had liaised with the contractors and once the repairs had been completed, the Green was satisfactorily reinstated.

Damage to verges in Coopers Hill Lane

There had been some damage to verges in Coopers Hill Lane, close to the entrance to the development on the former Brunel University campus. This appeared to have been caused by vehicles using the development site entrance. Officers had monitored the situation and had liaised with the developer, who was repairing as necessary. Officers would continue to monitor and liaise with the developer.

The Committee raised some concerns regarding trucks coming up Middle Hill.
Officers

would liaise with the Council's Planning department to ascertain correct access under the planning consent.

Other maintenance issues

It was noted that:

- i) The white posts on the verge at the top of Middle Hill had been re-painted by the Council's DSO.
- ii) Three litter bins which were in poor condition had been replaced with timber clad 'Rustic' style bins
- iii) There had been no further reports of the advertising van being parked on the Green.
- iv) Damaged railings on the corner of Barley Mow Road were discussed when Runnymede Borough Council Officers met with Surrey County Council Officers. Surrey County Council Officers considered the repair of these railings a low priority and would be added to the list of works to be considered towards the end of the financial year.

322. CARTERS STEAM FAIR EVENT ON THE GREEN

Members were advised that Carters Steam Fair had arrived on the Green on 29 September and departed on 5 October. The fair had been open to the public on Saturday 3 and Sunday 4 October. Unfortunately, there was some rainfall during their visit and some minor damage to the surface of the Green resulted when they moved vehicles off site. Part of the ground deposit was retained to cover the full cost of making good this damage.

323. LEGISLATION ON USE OF THE GREEN

Regulation Signs

The new regulations signs discussed at previous meetings, were now in stock and awaiting imminent installation by the Council's DSO. Guidance on dealing with breaches of the regulations would be provided to the Honorary Wardens at that time.

Volleyball on the Green

Weekly games of volleyball had been taking place on the Green throughout the Summer. It was understood that these were organised by members of the Spelthorne Volleyball Club. Officers wrote to the club in June asking them to desist.

The volleyball club had responded to the Council and the Committee discussed how Officers should proceed. Members recalled that previous organised sports had the permission of the Council, the Committee and trustees of the pavilion. Organised sport had to be approved by the Committee as they had the responsibility for managing and maintaining the Green.

RESOLVED that –

- i) **Officers to respond to the Volleyball Club asking them again to desist from using the Green;**

- ii) **Officers advise the Committee on the definition of lawful sports and pastimes and generally on the use of the Green at the next meeting.**

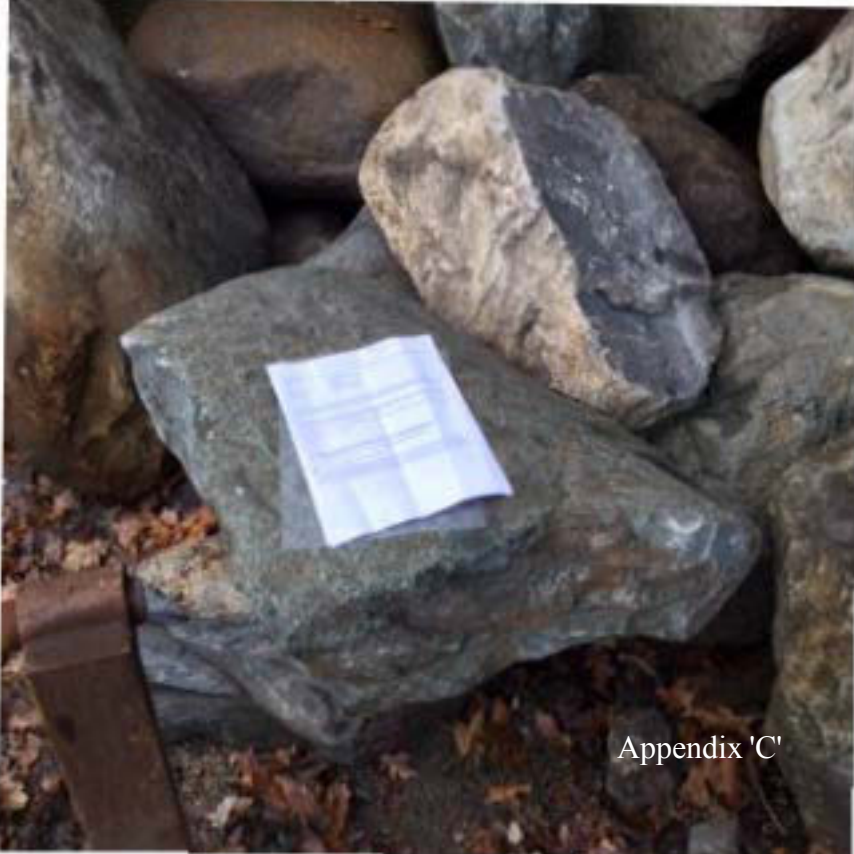
Chairman

(The meeting ended at 7.45pm)

Appendix 'B'



Appendix 'B'



Appendix 'C'



