

Report title	Site furniture on Englefield Green
Report author	Helen Wilson, Deputy Green Spaces Officer
Department	Green Spaces, Environmental Services
Exempt?	No
Exemption type	N/A
Reasons for exemption	N/A

Purpose of report:

To update members regarding site assets on Englefield Green

Synopsis of report:

To provide audit information regarding existing site furniture to include benches, posts and bollards, bridges and signage and to provide an update on the proposed bench replacement.

Recommendation(s):

- i) Members consider the Officers proposal to add site furniture on the Green into their long-term management programme and advise Officers accordingly**
- ii) Members approve the installation of the two additional memory benches detailed in the report**

1. Context and background of report

- 1.1 At the June Englefield Green meeting of the Committee, Members asked Officers to provide an update on benches, post and bollards, bridges, signage and an update on the installation of memory benches to the next meeting of the Committee. Additionally, Councillor Gates under Standing Order 27.4. (d) requested Officers provided an update on bench layout on the Green to this Committee.

2. Existing benches

- 2.1 There are 14 wooden benches situated around the Green, with a further two metal benches in the children's play area. The wooden benches can be divided into 3 categories:

6 x Streetmaster Cavendish memory benches; 4 x old-style memory benches; and 4 x undedicated old-style benches

The Cavendish benches have all faded to a natural silvery grey colour



The old-style benches mostly have encrustations of lichen to varying degrees and are still structurally sound.



The two metal benches in the play area are in good condition.



- 2.2. The benches have been RAG (risk) rated and fall within the Green category as they pose no risk. No cosmetic work will be carried out by the council. The condition of these benches will be monitored as part of the on-going management plan.

3. Memory Benches

- 3.1 Following on from communication to local residents regarding the opportunity to donate a Memory Bench, Officers received 4 responses from residents registering an interest. The first person on the list was contacted but, despite several follow up emails, no reply was received.
- 3.2 Officers contacted the second person on the list and have progressed donation of a memory bench which would be placed on the Barley Mow plinth. An order will be placed with Streetmaster once all the formalities have been completed and payment received.
- 3.3 The bench should be ready to install by mid - end November, weather permitting.
- 3.4 The bench would be another Cavendish style bench, painted with a plaque added and with costs met by the donating family.
- 3.5 Two other families were looking to arrange Memory Benches on the Green, Officers plan to offer to replace two of the old-style benches without plaques that currently sit on concrete plinths with new Cavendish style benches, in accordance with the resolution of the committee meeting of June 2023.

4. Matrix paving beneath benches - update

- 4.1 The approved 4sqm of Matrix paving is yet to be installed. This will be included at the foot of the previously identified benches during scheduled renovations where no other concrete base exists.

5. Posts and Bollards

- 5.1 There are resin posts situated around the southern side of the Green, from the junction of St Jude's Road and Barley Mow Road, along Barley Mow Road to just past the pub's signpost, and again on the other side of the road along the verge and cricket pavilion. These are all in excellent condition with no sign of deterioration.



- 5.2 From the cricket pavilion, along the side road leading to the small car park behind the children's play area, there are wooden posts, most of which appear sound but one or two are showing signs of deterioration at the tops and at ground level.



- 5.3 The wooden posts at the northern end of the Green are in a poor condition, 2 have already collapsed and others are leaning and could collapse in the near future.



- 5.4 There are two sets of bollards opposite the cricket pavilion, and the other set further south. Both sets are showing signs of extensive corrosion.



6. Bridges

- 6.1 There are four bridges over the ditches: two earth bridges with bollards and one sleeper bridge along Barley Mow Road, and one sleeper bridge along St Jude's Road. The two sleeper bridges are showing signs of splitting and some deterioration but are still structurally sound. All the bridges have been RAG rated green.
- 6.2. Given the bridges are structurally sound, Officers propose to add the bridges to their long-term maintenance schedule, and they will continue to be monitored.

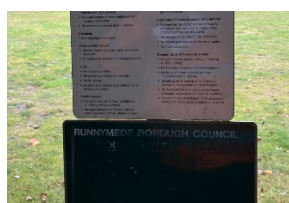


7. Signage

- 7.1 Runnymede Borough Council's Communications Team is leading a project to improve branding and refresh signage in Green Spaces across the whole borough working closely with the Green Spaces and Community Services teams.
- 7.2 Officers would be looking to have a variety of sign styles within an approved Runnymede Borough Council Branding. Each sign will be appropriate to each type of site, urban, countryside, park etc.
- 7.3 The sign audit information in this report will contribute to a signage audit across the Borough and to ensure consistency we would recommend that the new Runnymede branding is adopted on the Green.

- 7.4 Officers note there were designs for new signage included in the Appendix of the November 2021 Committee meeting report. The Green Space officers will ask for the approved sign messages relevant to Englefield Green to be incorporated by the Communications Officers into the signage project.
- 7.5. Officers will produce an information report to a later Committee to give an update on the progress of this signage project.
- 7.6 During our September 2023 signage audit, the following was noted:

There are various signs around the Green, most of which need cleaning. The dog control signs need to be replaced as they are badly worn and partially illegible. The signs at the children's play area are ok apart from one that has traces of graffiti.



8. Policy framework implications

- 8.1 Maintaining Englefield Green and offering a clean and welcoming open space is in accordance with the Borough's Corporate Business Plan.

9 Resource implications/Value for Money

- 9.1 The Memory Benches are funded by the donating family.

10. Legal implications

- 10.1 Background:
- 10.2 The setting out of Englefield Green was authorised by the Egham Inclosure Act 1814 – this was a private or local Act. The 1814 Act imposed a statutory duty to keep the Green “open” and “uninclosed” (s31). The Council was previously advised by Counsel that this statutory provision renders it unlawful to fence or build on the Green.

- 10.3 The freehold of Englefield Green belongs to the Crown.
- 10.4 The Council has held leases of Englefield Green since 1897, the most recent being a 99 year lease granted in 1955 (the 'Lease'). The Lease imposes restrictions on the use and management of the green, permitted some of the buildings on the Englefield Green, sets out the basis of the Englefield Green Committee, and requires the Council obtain the consent of the Crown Estate to specified activities (e.g. the lease provides 'not to erect or set up any building booth tent or other erection whether temporary or otherwise....without the previous licence in writing of the Lessor', and 'not to....allow to be cut any turf or otherwise to break up the surface of the said land without the previous consent in writing of the Lessor...').
- 10.5 Englefield Green is a Town and village green i.e. an open space that local inhabitants can use for 'lawful sports and pastimes'. As a Town and Village Green, the Englefield Green is regulated and controlled by:
- a. Section 31 of the Egham Inclosure Act 1814 ("the 1814 Act")
 - b. Section 12 of the Inclosure Act 1857 ("IA 1857")
 - c. Section 29 of the Commons Act 1876 ("CA 1876")
 - d. Section 193 of the Law of Property Act 1925 ("LPA 1925")
 - e. Part 3 Commons Act 2006 ("CA 2006")
- 10.6 What constitutes 'lawful sports and pastimes' may vary from place to place but can include both organised and unorganised outdoor recreational activities. The courts have not defined 'lawful sports and pastimes' but have stated that its scope is broad and can include sports such as cricket, tennis, football and bowls, dog walking, children playing, flying kites, picking blackberries, fishing and tobogganing in the snow.
- 10.7 Non-recreational activities on village greens are generally unlawful and often criminal, pursuant to section 12 of the Inclosure Act 1857 and section 29 of the Commons Act 1876.
- 10.8 Section 12 of the Inclosure Act 1857 states that it will be an offence: 'If any person wilfully cause any injury or damage to any fence of any such town or village green ... wilfully and without lawful authority lead or drive any cattle or animal thereon, or wilfully lay any manure, soil, ashes or rubbish or other matter or thing thereon, or do any other act whatsoever to the injury of such town or village green ...or to the interruption of the use or enjoyment thereof as a place for exercise and recreation.'
- 10.9 Section 29 of the Commons Act 1876 states:
'an encroachment on or inclosure of a town or village green, also any erection thereon or disturbance or interference with or occupation of the soil thereof which is made otherwise than with a view to the better enjoyment of such town or village green or recreation ground, shall be deemed to be a public nuisance ...'
- 10.10 Section 29 of the Commons Act 1876 is particularly relevant to the placing of equipment on a green. To do so is an 'encroachment' and an 'erection' on a green and is thus unlawful unless carried out 'with a view to the better enjoyment of' the green. However, the erection of any play or sports facilities provided to assist local

people to indulge in lawful sports and pastimes come within the exception, so that a local council may lawfully provide these on a village green. The test under section 29 of the 1876 Act is whether the erection is made with a view to the better enjoyment of the town or village green. If it is, no offence of public nuisance is committed.

10.11 It is not always easy to determine whether an activity amounts to an 'interference' or an 'interruption' or is for 'the better enjoyment' of a village green. There has been very little case law to assist with interpretation. The Council has obtained advice from Counsel on a number of occasions where there is uncertainty, in addition to legal investigation, local consultation and consultation with a group like the Open Spaces Society (who are active in opposing infringements on town or village greens) may be sensible precautions.

10.12 The Council and the Englefield Green Committee cannot do anything that is in breach of the lease or that is unlawful under the various statutes applying to the land. Members of that committee must not approve resolutions which breach the requirements of the Lease, the 1814 Act specific to the Englefield Green and the other acts of parliament applicable to the Englefield Green.

Benches: Replacement of existing benches will not require the consent of the Crown Estate unless it involves cutting any turf or otherwise breaking up the surface of the land, in which case consent should be obtained by officers before installation.

Matrix Paving: Installation requires the prior consent of the Crown Estate as it involves cutting turf and/or breaking up the surface of the land.

Posts and Bollards: replacement will require the consent of the Crown Estate, as these are erections and even replacement will require additional breaking of the surface of the land. Additional posts would 1. require the consent of the Crown Estate and 2. may be unlawful as an increase in the number of posts would be an increase in the obstructions to access to the Englefield Green that could breach of the statutory duty to keep the Green open and unenclosed.

Bridges: monitoring the existing bridges - none.

Signage: replacement of signage on existing supports will not require the consent of the Crown Estate. Erecting signage on new supports will require consent, as new erections and due to the breaking of the surface of the land.

11. Equality implications

11.1 The Council has a duty under Section 149 of the Equality Act 2010 (as amended) which provides that we must have due regard to the need to;

- a) eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act;
- b) to advance equality of opportunity;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share protected characteristics.

- 11.2 The work proposed in this Report may have a positive impact on someone with the protected characteristic of Disability. The Equalities Group has requested that an equalities screening assessment should be undertaken.

12. Environmental/Sustainability/Biodiversity implications

- 12.1 Sustainable materials will be sourced from approved suppliers.

13. Timetable for Implementation

- 13.1 The Memory Bench installation for which an application has been received should be completed by mid-November 2023.
- 13.2 The approved 4sqm of Matrix paving is yet to be installed. This will be included during any scheduled bench renovations where no other concrete base exists.
- 13.3 Officers will return to the Committee with updates from the Communications-led RBC signage project.

14. Conclusions

- 14.1 The survey established that the site furniture on Englefield Green is in generally good condition. The Green Spaces team will continue to monitor site furniture.

15. Background papers

- 15.1 None stated.