



To Councillors: J Aldridge, A Baker (Chair), A Damodaran, V Jennings, A Layland, N Lloyd, S McGregor (Vice-Chair), A Read, S Taylor, B Todd.

Notice is hereby given of an Open Spaces Meeting to be held in Rickards Hall on 7 November 2022 at 8:30 pm, which Councillors are summonsed to attend.

Town Clerk
2 November 2022

To assist in the speedy and efficient dispatch of business members wishing to obtain factual information on items included on the Agenda are asked to enquire of the Town Clerk prior to the day of the meeting.

Council Meetings may be recorded. Any person intending to make recordings is advised to notify the Clerk in advance so that appropriate arrangements can be made

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1 **Apologies for Absence**


2 **Declarations of Interests, or Predeterminations**

Including any interests not already registered.

3 **Public Questions**

Members of the public, and Members with prejudicial interests on items on the Agenda, may make representations, answer, ask questions and give evidence at this meeting in respect of items on the Agenda. (This is the only opportunity for the public to make a contribution during the meeting.) Both public and Members are limited to three minutes each to speak, and the total time allocated for public questions shall not exceed 15 minutes unless directed by the Chairman of the meeting.

4 **To Receive and Sign Minutes of The Open Spaces Committee 5 September 2022**

 Open Spaces | 05 Sep 2022 v.1 | Minutes (Pages 9775 to 9779)

5 **To Receive Analysis of Receipts and Payments to 30 SEPTEMBER 2022**

See attached 6 monthly report.

Open Spaces summary - 6 months 1 April - 30 September

Budget 2022-23			
	Budget	To date	%
Total Expenditure	£ 350,530.14	£ 153,505.21	44%
Total Income	£ 371,730.00	£ 357,909.08	96%

 Annex 1: Financial Budget Comparison

6 **Head Groundsman's Report**

Routine seasonal work

- Grass cutting all sites
- Weed killing
- Weeding and flower bed maintenance
- Maintaining planters through town, including Doggetts barn. and beds in cemetery
- Hedge cutting and pruning shrubs
- Pitch over marking and maintenance
- Leaf clearance

The team installed some new Perspex to some of the councils notice boards and signs.

We have recently planted a variety of new trees across the council's sites and have a further two to go in at blossoms park once the ground has been prepared.

The team have erected a new chestnut fence around the perimeter of the pond at Mowshurst. This has redefined the boundary and makes the route of the footpath more visible.

We have recently taken delivery of a load of woodchip and will be spreading it across some of the wetter walking/ driving routes across the council's sites to help with accessibility. It will also be used where possible on the flower beds to help suppress weeds.

Both ladders that were on order have been received and are being safely stored at the depot.

The large scale weed spraying was completed in early September and this continues to aid us in presenting the council's sports pitches to the highest possible standard.

The team have now planted the winter plants in planters through the town and in the courtyard at Doggetts Barn.

Items for the future

The annual pitch decompaction at the recreation ground and Mowshurst is set to commence the week of the 14/11. (Expenditure approved Council October meeting.)

7 Open Spaces Business

 [Annex 2: OS Officers Report.pdf](#)

7.1 To receive the Burial Report

The burial report is as follows and updates the record of Cemetery activity:

September/October 2022: 3 ashes, 2 burials. 1 new grant of right

7.2 Allotments: Letter to Forge Croft plot holders

To note a letter has been sent to all plot holders at Forge Croft site regarding condition of plots

The few issues are being monitored and will be reviewed with the tenancy renewals.

 [Annex 3: Allotments Letter to Forge Croft Holders](#)

7.3 To receive feedback from the Ready Steady Grow Awards Presentation evening on 04 October and to consider if the event should continue for 2023

The Awards presentation evening finally took place on 4 October (having been rescheduled due to the mourning period). It was enjoyed by those who attend, with the winners and runner ups of the seven categories delighted with their prizes. Jim Buttress presented the prizes and then entertained with anecdotes from his gardening career.

Do Members want to continue with event for 2023?

 <https://www.edenbridgetowncouncil.gov.uk/????????-????????-????????/>

7.4 Westways: To receive an update on the two new additional streetlights

An update on progress and costs was reported to the September meeting.

To summarise where we are:

Activity to date:

- Streetlight outside number 8 - is installed and working (August)
- Streetlight planned for outside number 15 – unable to complete works due to concrete preventing underground cabling. Needs to be relocated to now outside number 20. The column had been installed by Streetlights – will need moving.
- Residents outside number 20 and surrounding consulted. No objections.
- Streetlights instructed to proceed with new location (outside no 20).

To do:

- License amendment required from Kent Highways
- Installation of Streetlight at number 20, and removable of column from no 15

Costs (Total £7377.25):

- UKPN for 2 x cabling new streetlights £4,218 (£2,790 for 2 x streetlights cabling plus additionally £1,428 for no 15*).
- Streetlights costs for 2 new columns £2,350
- Streetlights additional costs for moving column sited outside no 15, £681.75 (reported 31 August)
- Highways Licence £127.50

Funding

- CIL funding approved £5k March 2021
- * UKPN have confirm partial refund for trenching not done amount to be notified
- OS June reported additional UKPN costs funded possibly through small projects if need. (Currently recorded under contingencies in budget, code 3080.)
- CIL bid for additional cost to November CIL Board. Additional cost £2,377.25* - after the CIL £5k.

*yet to be confirmed and deducted.

Do Members confirm the costs, and support the CIL bid application to fund the additional expenditure? Or to leave under funding from OS contingencies (3080)?

7.5 Streetlighting replacement programme: To reconsider the allocated replacement streetlights for 2022/23

Open Spaces Committee – September 2021 – approved the following streetlights, but the costs were estimates from UKPN:

The following columns were proposed:

Column numbers	Road	Streetlights	UKPN	Total net VAT
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81, 82, 83	Hilders Lane	3,525.00	3,096.00	6,621.00
235, 236, 240	Swan Lane	3,525.00	3,096.00	6,621.00
Column totals		7,050.00	6,192.00	13,242.00

And to replace the following concrete ones:

Column numbers	Road	Streetlights	UKPN	Total net VAT
16, 19, 21	Cedar Drive	3,525.00	3,096.00	6,621.00
155, 158	Park Avenue	2,350.00	2,064.00	4,414.00
Column totals		5,875.00	5,160.00	11,035.00

Resolved: to schedule the above 11 columns as the project for the street light replacement programme in 2022/23 at a cost of £24,277 plus VAT, and any surplus funds to be used to paint and number some of the more recent metal replacement columns.

However, the actual quote has come in at £38,572 (UKPN £25,647 which include traffic management; £12,925 Streetlights costs). This is above the budget £25k.

In view of the building works beginning at Stangrove Park Estate, it is proposed to postpone the replacement of columns on the estate until after the works have been completed (or near completion).

There are currently 64 columns/pole box streetlights remaining on the existing replacement programme (249 lights in total maintained by ETC).

The amended proposal for 2022/23 is to replace the following Columns:

Column No.	Street	Disconnecti on/Reconnec tion	Traffic Man agement	reinstateme nt Costs	UKPN Total cost	Streetlights costs/new coloums HL total & SL total
78	Hilders Lane	£865.00	£1,072.00	£533.00	£2,470.00	
79	Hilders Lane	£865.00	£1,072.00	£533.00	£2,470.00	
83	Hilders Lane	£865.00	£1,072.00	£533.00	£2,860.00	£3,525.00
235	Swan Lane	£998.00	£1,072.00	£533.00	£2,619.00	
236	Swan Lane	£865.00	£1,072.00	£533.00	£2,470.00	
240	Swan Lane	£998.00	£1,072.00	£533.00	£2,603.00	£3,525.00
					£15,118.00	£7,050.00

Budget	£25,000.00
sub total	£22,168,00
remaining	£2,832.00

**Do Members support the changes to the replacement columns for the current year, as detailed above, and the total expenditure of up to £22,168?
This would leave £2,832, do Members propose to move this to the OS reserves towards the next phase of the replacement programme.**

7.6 To consider replacement of two gates at the Recreation Ground playground and the expenditure of £2,200 plus vat (for two gates)

September meeting noted damage/vandalism to three playground gates including two at the new Recreation Ground playground. Although the gates do close, they now allow easy access for animals. This could be funded from small projects (3100).

Do members support the expenditure of £2,200 plus vat for new more robust playground quality gates.

7.7 To receive an update on the Retention Dam

Following the September meeting decision when Members asked to consult residents about the future of the retention dam, it has not been possible to proceed with this as yet.

7.8 To receive an update on the tree planting programme

7.8.1 To ratify the expenditure of £540 for 11 trees (two of which will be reimbursed)

The replanting programme and Jubilee trees were supported by Committee, and has been on a number of agendas. Cllrs Baker, Layland and the Head Groundsman have now purchased 11 trees (two of which are on behalf of Rotary Club and Cricket Club, and are yet to be planted). The Council ones have been plants. Sadly, one in Stangrove Park was snapped.

Do Members endorse 7.8.1

7.8.2 To approve the expenditure of up to £100 for one further memorial tree (costs to be reimbursed)

Do Members approve 7.8.2?

7.9 Blossom Park car park: residential parking

To note ongoing complaints re residents parking preventing parking for users of the facilities. A letter has been sent to residents advising the car park is for park users.

The Council office receives complaints from users of the park of the difficulties of parking – usually due to vehicles of none park users. In response to this a letter was sent in March 2022 to residents near the park. Initially complaints ceased, but they have started again. Last week a user called to say she was unable to park when trying to take her disabled child to the skate area.

8 Other Open Spaces Business

8.1 Electric Vehicle Charging Points: Kent Smarter Travel Scheme (KSTS) has confirmed Market Yard car park is suitable for EVCs under the KSTS, and has offered installation of 2, 3 or 4 7kw chargers

(Council July 2021 supported EVCs in its car parks and CIL Board October 2021 approved up to £7.500 contribution towards the KSTS scheme)

Last month Cllrs Baker, Lalyland and the Town Clerk attended a Zoom meeting with KCC officers for the Kent Smarter Travel Scheme (KTST).

Summary of discussion:

Under the KSTS Parish Project, KCC are willing to offer the installation of 2, 3 or 4 x 7kw chargers. This will help visitors and residents to top up their charge. This is slow charging, so unlikely to give someone a full battery unless they can stay overnight. This can be either at the Market Yard or the Rugby Club.

There is potential that in future, further funding may become available, at which point KCC would be keen to extend the charging provision locally. The initial cost for 2 or 4 is not much greater, but the cost to go back at a later date to add from 2 to say 4 would be higher.


Another option discussed was the Town Council engaging in a Concession contract with a Charge Point Operator (CPO) to install rapid chargers at Market Yard car park. These tend to be 15+ year contracts. The CPO would pay all costs and pay either a base rental per annum (for exclusive use of the bays) or a profit share agreement. Suppliers such as Instavolt, Osprey, Gridserve, Mer offer this. The Council could procure through a KCC framework and they will help to guide if Members prefer this option. This would offer quicker turnaround and higher speed of charge. Although, the cost per kwh tends to be high for the end user (Osprey currently charge £1 per kwh to the end user!). If Members do prefer to consider this for Market Yard car park, KSTS would consider to install some chargers at the Rugby Club under the Parish project. A copy of the template Parish Agreement is attached (confidential).

NB: Planning and Transportation agenda papers (item 12.1) has information on scheme; full Council July 2021 resolved “ to support the KCC EVC scheme and submit an application for its three car parks to be considered: Market Yard Car Park, the Recreation Ground car park by the sports pavilion, and Mowshurst car park”. Whilst ETC supported this over a year ago, KSTS did not then have the available funding in the scheme, but do now have some additional funds.

How do Members want to proceed? Do Members want to proceed with the KSTS electric chargers for Market Yard car park or the Rugby Club car park? If Members want to

proceed, how many chargers 2, 3, or 4?

If Members do not want the KSTS for Market Yard car park, do they want to consider investigating a CPO option and contract?

 Confidential Annex 4 (omitted from public documents): KCC Sample EV Agreement

8.2 **To consider the expenditure for an additional waste bin at the Recreation Ground playground – older children’s end – and the expenditure of £680**

NB: there is sufficient funding available from the Playground refurbishment CIL award which could cover the cost under the project

A request has been received for an additional bin at the older children’s end of the new playground area. Whilst the CIL budget for the playground does have a surplus, this is money held back under ‘reinstatement’ which did not take place. Blossoms Park and the west car park at the Rec received replacement bins using the Welcome Fund donated bins, and therefore those costs were not needed from replacement equipment budget (3040).

Do Members approve the expenditure of £680 for a second waste bin plus £50 carriage using replacement equipment budget (3040)? The alternative would be to use part of the retained CIL allocation for this park project? (total cost £730)

9 **Budgets**

9.1 **10- and 30-year maintenance plans**

The plan for 2023-24 currently contains budgets of: 10- year £38,764 (includes annual, routine scheduled maintenance works. These are all necessary works) 30-year £31,500 (includes £25k streetlights, £1,500 Mowshurst pitch, £5k playground equip cont).

At this stage these recommendations do not include an uplift/inflation increase. The 10-year (above) includes some annual budget expenditure, and the Finance Committee will be asked to consider separating these tasks with a new code identifying them, and leaving the 10-year code for other longer term routine works.

Annual recurring costs (currently in the 10-year), based on invoices from 2021/22:

Hedge-cutting across 4 sites	£1,895
Pump maintenance (sports pav. and Mill Leat)	£300 survey
Weed spraying 3 sites	£1,390
Pitch decompaction (Mowshurst, Rec)	£2,400
Gully pots empty (M Yard and Rec)	£ 900
Playground Inspections	£ 500
Skate Park riding surface repairs	£1,740
Jubilee Clock service	£ 265
Interceptor tank empty (MYCP)	£905

Do Members agree to recommend to the Finance Committee to maintain the 10-and-30 budget proposals for 2023-24. NB: Finance Committee will receive details on the overall 30-year plan. Current RPI 12.6% CPI £8.8%

9.2 Streetlighting replacement programme 2023/24: to consider number of columns and locations

The 30-year plan has £25k budgeted.

We have asked our lighting contractor to quote for the completion of the remaining streetlights along Swan Lane and Hilders Lane:

- replace Column No. 241 in Swan Lane – this is near the proposed bus shelter and would need to be relocated. The current column is of the 1985 style and needs replacement. Moving its location to accommodate the bus shelter would increase its costs.
- replacement of the pole boxes on column Nos. 81 and 82 in Hilders Lane.

To make-up the allocated budget, do Members want: to prioritise the remaining 10 concrete columns are on Stangrove Estate or delay until after the development works are completed?

Or, do Members want to look to replace some of the old steel columns?

9.3 Budget recommendation for 2023/24 to Finance Committee

The budget costs are mostly ongoing expenditure of running costs and have been scrutinised. Open Spaces Office costs, Computer, IT licences, council/staff insurances, HR, H&S are covered under Central Services budgets.

Some summary notes:

- Business rates has assumed a 6% up lift
- Utilities for the buildings are fixed to June 2025. The same budget has been assumed
- Staffing costs have been considered by Personnel Committee (03 November)
- Code 3030/External Services – includes £603 (approved by Council October 2022) for a new SDC waste bin for MYCP. However, we have put hold on this as SDC waste collection day is Friday so there should not be a problem following market days. Rubbish from the toilets can use the new bin at Doggetts. Should the one at Doggetts need be larger, we can consider this when needed.
- 3100/small projects – This has been reduced to allow for what maybe ‘what ifs’ but no luxuries. Of course, a ‘what if’ could be more (was £4,250)
- 3110/vandalism - This has been reduced as is unpredictable, but we have looked at previous years. Budget was £5,100 reduce to £3,000
- 3115/footpaths – deleted
- 3135/street lighting contract – have allowed a £500 uplift to £7,500
- 3136/public lighting repairs – kept budget same as in unpredictable.
- 3140/10 year plan – (reference agenda item 9.1) to separate the annual costs in to

new code and 10-year to be for the scheduled routine works which occur for example every 2-3 years. £28,469

- 3141/new code annual costs-inspections – (agenda 9.1) £10,295

Income

- 305 cemetery fees – past two years have been over budgeted £15k. Propose to increase budget to £16,500
- 310 rents – the fees and charges are yet to be reviewed and agreed; not all can be increased
- 311 market rents – have assumed an increase from £6k to £8k having considered last year and this year's income

Streetlighting energy is an unknown due to the current energy crisis. It was reported to October full Council that the energy prices for streetlighting remain for the current budget year, but not for the new budget year 2023/24. No offers are currently available, but we will keep in touch with the energy company. The proposed budget below has assumed a 50% uplift from £11,000 to £16,500.

How do Members want to budget for the streetlight energy?

Do Members want to continue with the quarterly bulky waste collections? (*The draft budget has assumed a 6% uplift*)

Do Members support the following full Open Spaces budget and to make recommendation the Finance Committee to consider (*see the budget comparison attachment 2023/24 column*).

	Budget	2022/23	% Change
Total Expenditure	£ 377,615.00	£ 350,530.14	8%
Other Income	£ 44,150.00	£ 38,104.00	16%
Precept for Open Spaces	£ 333,465.00	£ 333,626.00	0%
Total income	£ 377,615.00	£ 371,730.00	2%

10 **Byelaws**

A little bit of information taken from the .gov.uk website and guidance for councils on making, amending and revoking byelaws:

- A byelaw cannot be made where alternative legislative measures already exist that could be used to address the problem.
- byelaws should be proportionate and should not have an unnecessary, excessive or disproportionate effect on individuals or businesses.
- Procedures for making new byelaws are listed on .gov.uk under making a new byelaw

The proposed draft byelaws are based on the model byelaws, there are new no specific new proposed byelaws and therefore will not need to be submitted to the department of levelling

up for approval. The legal advice received on some wording clarity does not indicate this either.

10.1 **To receive a request to consider no dogs off leads at the Recreation Ground**

A member has asked for this to be added to the agenda following a recent visit to the Recreation Ground and seeing a lot of dog fouling in the public area. The Rugby Club has also in the past raised complaints about the amount of dog fouling. However, there are a number of issues to consider:

- There is a public right of way (PROW) that runs from the flood bund to the wooden bridge. The Council does not have the powers on PROWs
- There's no law which says that a dog must be kept on a lead when using a public right of way, but local authorities can make orders under section 27 of the Road Traffic Act 1988 to make it a requirement on specific paths
- Since dogs have been taken on highways since time immemorial, it's generally assumed that they can be considered a 'natural accompaniment' (a term used in a 19th century court case to describe things which might normally be taken by a walker) and that therefore dogs can be taken on public rights of way.
- Dog-related powers are held by the local authority (SDC). The gov.uk website advises byelaws relating to dogs should be addressed through Public Space Protection Orders which are the policy responsibility of the Home Office.
- New proposed byelaws would need to follow the process for 'making a new byelaw'. The local authority determines if there is a need to make a byelaw and if they have the power to make such a byelaw, then consults upon the proposed byelaw. In considering whether or not a byelaw is an appropriate method for dealing with an issue, the council must follow this process.

Other measures should be considered to help manage the issues of dogs on public spaces, for example improved signage for control of dogs, providing poop bags dispensing points. NB: The Rec has 6 assorted bins which can all be used for dog waste.

How do Members want to proceed?

10.2 **To receive a resident request to consider permitting a group to fly electric powered model aircraft**

Copy of a resident's email is attached (confidential) requesting permission to fly electric powered model aircraft. They are British Model Flying Association members. To consider:

- Suitability of location
- Should this be at agreed times
- Hiring of the Recreation Ground comes under the Rugby Club Lease
- The current and proposed amended byelaws (see part 6 of draft) does not permit 'model aircraft' powered-driven by combustion petrol vapour or other, or electric motors
- In the current byelaw for model aircraft it does say, 'no person shall in the ground, without Council sent, release any power-driven model aircraft for flight, or control

the flight of such an aircraft'

- The proposed amendment says, '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 or across the ground; or
 - (b) land in the ground without reasonable excuse'.


How do Members want to proceed?


 Confidential Annex 5 (omitted from public documents): Model Aircraft Flying request

- 10.3 **To receive the draft amended (model) Byelaws and consider publishing for consultation**
see the attached draft reviewed byelaws** (Confidential paper) Questions raised previously at Open Spaces Committee have now been put to NALC with a copy of the amended updated draft byelaws – a copy has been attached with draft Byelaws. These have been prepared using the Government's model byelaws.
Should Members approve the updated byelaws, the process that follows:

1. Send to the Secretary of State to endorse
2. Consult public, min 28-day period
3. A report of comments submitted to Council to consider
4. Should there be amendments the process (1) starts again
5. Full Council to consider adopting the new byelaws.
6. A copy is sent to the Byelaws Team, Department for Levelling Up.gov.uk
7. Notice of the byelaws need to be advertised minimum of 7-days before they be enacted
8. New signs can then be prepared for the Council's sites.

Do Members support the amended draft Byelaws which have been adapted from the Government's model byelaws?

 Confidential Annex 6 (omitted from public documents): Draft Byelaws

 Annex 7: 10.3 NALC Byelaws.pdf

11 **News Release**

12 **Matters for Future Agendas**

13 **Date of Next Meeting – 13 February 2023**

NB: any urgent Open Spaces matters will be presented to full Council (December or January meetings)