

HAYWARDS HEATH TOWN COUNCIL

THE TOWN HALL, 40, BOLTRO ROAD, HAYWARDS HEATH
WEST SUSSEX, RH16 1BA

Tel. 01444 455694 Fax 01444 455075

Town Mayor – Cllr Mrs Margaret Baker Town Clerk – Mr Steven Trice

Email steven.trice@haywardsheath.gov.uk

23rd March 2011

To all Councillors on the Environment and General Purposes Committee and others for information

Dear Councillor,

You are hereby requested to attend a meeting of the **Environment and General Purposes Committee** to be held on **Monday 28th March 2011** at **7.30pm** in the Council Chamber, 40 Boltro Road, when the following business will be transacted.

Yours sincerely,

Steven Trice
Town Clerk

AGENDA

1. To receive apologies for absence.
2. To confirm the minutes of the Environment and General Purposes Committee meeting held on the 7th February 2011.
3. To note Substitutes.
4. To receive Declarations of Interest from Members in respect of any matter on the agenda.
5. To receive and consider a licence agreement for Vale Road Allotments.
6. To receive an update on the development of a Friends of Beech Hurst steering group. (Report to follow)
7. To receive a report on procedures for attachments to lighting columns.
8. To consider a report on the process for activities and tasks undertaken for third parties.
9. To receive a verbal update on the Town Centre greening project.
10. To consider any items that the Chairman agrees to take as urgent business.

Committee Members: Environment & General Purposes Committee: Cllrs: J Keel (Chairman), S Bedding (Vice Chairman), D Bedding, C Furminger, S Griffin, R Goddard, G Wall, M Baker (Mayor)

HAYWARDS HEATH TOWN COUNCIL

Minutes of a meeting of the **Environment and General Purposes Committee** held on Monday 7th February 2011

Minutes of the Environment and General Purposes meeting

Mrs J Keel (Chairman)
S Bedding (Vice Chairman)
D Bedding
Mrs C Furminger*
R Goddard
S Griffin**
G Wall**
Mrs M Baker (Town Mayor)

Apologies ** Absent *

Also present: Mr David Turner – Haywards Heath Twinning Assoc

Before the meeting commenced the Committee received a presentation from Mr David Turner Chairman of the Haywards Heath Twinning Association. Mr Turner outlined the philosophy behind Twinning and asked the Town Council to work in partnership with the organisation to maintain the excellent relationships in place with Traunstein in Germany and Bondues in France. Members noted the presentation; the Chairman thanked Mr Turner and agreed that these matters could be progressed in the future.

41. Apologies

G. Wall – Holiday
S. Griffin – Ill Health

42. Minutes

The meeting of the Environment and General Purposes Committee held on Monday 6th December 2010 were taken as read, confirmed as a true record and duly signed.

43. Substitutes

J. Belsey for G Wall
C. Jones for S Griffin

44. Declarations of Interest

None.

45. Lindfield Parish Council Partnership Projects

The Clerk introduced the report by informing Members that he and the Mayor had met with the Clerk and Cllr Blunden from Lindfield Parish Council. The purpose of this meeting was to formally open a constructive dialogue between the two authorities with a view to progressing partnership working arrangements, which could lead to cluster working with other neighbouring Parish Councils. Members welcomed the initiative and asked how the grass cutting contract was progressing. The Clerk informed Members that both parties were happy and a difference had been noticed by residents of the

village. Members agreed to the philosophy in line with localism and big society and agreed the general way forward as outlined in the report and;

Members **AGREED** to;

Note the report and endorse the partnership.

46. Southern Rail Partnership Projects

Members were pleased that the Town Council had managed to develop a formal link with Southern Rail. It was noted that there were a number of good opportunities to develop projects and initiatives that would improve the environment around the station, hopefully improve linkage to the Town and offer partnership opportunities which would benefit both organisations in the event of adverse weather. Members looked forward to the projects outlined coming to fruition and further reports if Council authority was required to drive them forward and then,

Members **AGREED** to;

Note the report and endorse the partnership.

47. Tree Surgery Works to Town Council Owned Allotment Sites

Members agreed that work was essential to improve the amenity of the plots, which were suffering from the loss of light from the overhanging branches and;

Members **RESOLVED** to;

Instruct David Edwards (Tree Surgeon) to undertake works at America Lane, Oathall Avenue and Summerhill Lane at the cost of £1,875.

48. South and South East in Bloom Entry 2011

The Chairman of the South and South East In Bloom Committee and the Clerk updated the Committee on matters relating to this year's entry into the competition. Members were informed that a Haywards Heath in Bloom Committee Meeting was held prior to the meeting with the following issues being considered and agreed;

The in Bloom Committee felt it would be prudent to increase the number of entries into this year's competition so to show-case more of the Town. The areas judged under the discretionary awards counted towards the overall entry but did not necessarily have to be visited on the judging day meaning that more time could be focused on other areas of the Town. As a result entries into the following discretionary categories were agreed, over and above the Town's entry into the Large Town category;

- The Orchards Shopping Centre.
- Bolnore Village for the Urban Community category.
- Supporting Franklands Village Residents Association.
- Supporting the Apple Orchard.

The other main point was the criteria for the Town Council's Best Kept Garden and Allotment competition. Each competition would have one overall winner with an award for best in each Ward for the Garden Competition and winner from each site for the Allotment competition. It was also agreed that

the following individual awards would be introduced this year including: best hanging basket display, best pub flower display, best shop front flower display, best business flower display and a discretionary special award for contribution to services for the town

Discussions were also held in relation to the marketing of the initiative and the possibility of engaging with a company, which provides urban allotment opportunities.

Members were impressed by how the In Bloom committee had expanded the scope of the bid and wished them well with the application.

Members **AGREED** to;

Note the update on the position of the Town's entry into the 2011 South and South East in Bloom competition.

49. Urgent Business

Members attention was drawn to the sale of East Mascalls Farm and the potential to purchase the land through a partnership with Mid Sussex District Council, Lindfield Parish Council, Lindfield Rural Parish Council and potentially Ardingly Parish Council. This purchase was with a view to providing allotment land for the Parishes and Town Council. It was noted that none of the authorities mentioned had formally agreed to the project so it was for only noting. Members then agreed the Clerk should investigate the proposal and report back when necessary, as allotment land is vital for residents.

Meeting Closed at 8.26pm

Committee Meeting: Environment and General Purposes

Report of: Town Clerk
Date: 28th March 2011
Subject: Vale Road Allotment Site Licence

Purpose of Report:

1. The purpose of this report is for Members to consider a new licence for Vale Road Allotment site.

Summary:

2. Haywards Heath Town Council owns four allotment sites in the Town. Two of the four sites are managed by the Town Council with the other two, namely, Vale Road and Summerhill Lane Allotments sites being run by an independent allotment association. As the landlord of the site the Council should have a mechanism in place to authorise the operation of the site, regulate the activities of the Licencee and formally pass the responsibility of the day to day maintenance and administration of the site to each association. The following report presents an updated licence for Vale Road Allotment Site, which is deemed to be the most prudent means of regulating the site as the landlord.

Recommendation(s):

Members are recommended to;

- (a) Consider and agree the licence for Vale Road Allotment Site.**
- (b) Instruct the Clerk and Town Mayor to execute the licence on behalf of the Town Council with Vale Road Allotment Society.**

Background:

3. The issue of revised licences was brought to the Town Council's attention during the Annual Allotment Holders meeting held back in November 2010 and previously in April 2009. Through these discussions it transpired that neither of the associations was clear on whether the licences they have were valid and up to date.
4. Subsequently, the Clerk has met with the Chairman of Vale Road Allotment Society. Unfortunately neither organisation could locate a copy of a current licence agreement, after further investigation it transpired that a licence had not been progressed since 1997, which was a three year licence. As a result there has not been a formal licence in place for the last twelve years.
5. The attached document is a draft licence for approval by Members for a period of five years and will formally require the association to pay an annual rent, administer and maintain the site and ensure that they consult with the Town Council as landlord on matters relating to the site.

6. The document is a short and concise document, which the Chairman has agreed the broad principles informally at the recent meeting referred to in point 3. Hopefully, the licence can be adapted to meet the needs of Summerhill Lane Allotment Association in the near future.

Town Clerk

THIS LICENCE is made the **FIRST** day of **APRIL 2011** **BETWEEN HAYWARDS HEATH TOWN COUNCIL** of 40, Boltro Road, Haywards Heath in the County of West Sussex (hereafter called the Council) of the one part and the **VALE ROAD ALLOTMENT SOCIETY COMMITTEE** (hereafter called "the Licencees") for and on behalf of the Vale Road Allotment Holders Society (hereafter called "the Association" which expression includes the members for the time being thereof) of the other part.

NOW IT IS HEREBY AGREED AS FOLLOWS

1. THE COUNCIL hereby grants unto the **LICENSEES** for the benefit of all present and future members of the **SOCIETY** for the time being the right to enter upon and use land (herein called "the said land") situated at Vale Road, Haywards Heath aforesaid which for the purpose of identification is shown outlined in green on the plan annexed hereto (herein called "the plan") for the purposes of providing and maintaining on the said land allotment gardens for the use of members of the Association.

2. THIS LICENCE shall operate for the period of five years from the **FIRST DAY OF APRIL 2011** to the **THIRTY-FIRST DAY OF MARCH 2016** unless determined prematurely in accordance with Clause 5 hereof.

3. THE LICENSEES shall pay to the Council the sum of **ONE HUNDRED AND THIRTY THREE POUNDS** (hereafter called "the said licence fee") for the first year of the licence and then the cost to the **LICENSEES** shall increase as notified by the Council in each subsequent year for the next four years of the licence hereby granted such payments to be made in advance each year on the First day of April. The first of these payments is to be paid on or before the execution of this licence.

4. THE LICENSEES hereby covenant with the Council as follows:

(a) To indemnify the Council against all claims whatsoever arising out of the Society's use of the said land as aforesaid

(b) To pay the said licence fee at the times and in the manner aforesaid whether the same shall be demanded or not

(c) Subject to the provisions of Clause 5(1) hereof to discharge all existing or future rates taxes assessments and outgoings whatsoever charged or imposed upon the said land

(d) To maintain on the said land to the Council's satisfaction allotment gardens for use by members of the Society and to maintain grass paths on the said land and all hedges and fences surrounding the said land

(e) Not to use or permit to the said land to be used for any purposes other than for allotment gardens

(f) To consult and obtain the approval of the **COUNCIL** and undertake an appropriate consultation with allotment holders and neighbouring properties if the allotments are to be used

for any other reason than that outlined in point (e) or to house any animals or provide any new activity or services on the site.

(g) Not to use or permit the said land to be used in such a manner as to be or to cause a nuisance annoyance, or disturbance to the Council or to the owners or occupiers of any neighbouring premises

(h) Not to assign or part with any of the rights hereby granted nor to sub-let any part of the said land without the Council's prior written consent other than the letting of individual allotment gardens to members of the Society.

(i) Effectively to insure the Society and its members and their lawful visitors against possible claims arising from the exercise of the rights or from any negligence or default (including any breach or non observance of any of the terms of this licence however expressed or implied) arising in connection with any activity on the said land permitted by the Society so as fully to satisfy all claims for which the Licensees or other persons as aforesaid may be liable under this licence and on demand to produce the policy and the last receipt to the Council and to use their best endeavours to secure that the interest of the Council is endorsed on such a policy

5. IT IS HEREBY FURTHER AGREED by and between the Council and the Licensees as follows:

(a) That during the continuance of this licence the Vale Road Allotment Society will pay all water rates levied in respect of the said land

(b) That during the continuance on the said land to charge members of the Society as such annual payments as the Society may determine from time to time

(c) That the Council and the Licensees may by twelve months' notice from the 31st March of that year or the next in writing, whichever is closer, at any time revoke the licence hereby granted. If the licence fee for water rates or any part thereof shall at any time be in arrears for three months after the same become due (whether it be legally demanded or not) or there shall be any breach by the Licensees of the foregoing conditions the Council may revoke the Licence on the same basis outlined in this clause.

(d) The licence hereby granted may be determined at any time by either party giving to the other twelve months' notice in writing of their wish to determine the licence expiring on the 31st day of March in any year

(e) That on the determination of this licence the Licensees will if as required by the Council remove any fixtures or other works constructed on the said land and will leave the site clean and tidy to the reasonable satisfaction of the Council

(f) That nothing in this licence shall constitute a letting to which the Landlord and Tenant Act 1954 might apply

6. Any notice required to be given to the licensees shall be duly served if sent by post in a prepaid letter addressed to the Licensees and any notice to the Council shall be duly served if

sent in like manner addressed to its Town Clerk, 40 Boltro Road, Haywards Heath aforesaid and any such notice shall be deemed to have been received on the day on which it ought in due course of post to have been received.

AS WITNESS the hands of the parties hereto the day and year first before written

SIGNED by Steven Trice – Town Clerk

On behalf of Haywards Heath Town Council

SIGNED by

Chairman of Vale Road Allotment Society

SIGNED by

Secretary of Vale Road Allotment Society

In the presence of the Town Mayor: Cllr.....

Dated.....

Committee Meeting: Environment and General Purposes

Report of: Town Clerk
Date: 28th March 2011
Subject: Attachments to lighting columns

Purpose of Report:

1. The purpose of this report is for Members to consider implications relating to attachments to lighting columns.

Summary:

2. West Sussex County Council (WSSCC) and Tay Valley Lighting (West Sussex) Limited (TVL) entered into an agreement which commenced on 1st April 2010 for the provision and maintenance of public street lighting and illuminated traffic signage within West Sussex for a period of twenty five years pursuant to the Government's Private Finance initiative (PFI). As part of this project all responsibility for street lights, illuminated signs and bollards have passed to TVL. It is therefore now necessary to have approval from both WSSCC Highways and TVL to attach apparatus to street lights.

Recommendation(s):

Members are recommended to;

- (a) Note the report and make comment.
- (b) Instruct the Clerk to liaise with West Sussex County Council and Tay Valley Lighting (West Sussex) Limited to agree a way forward for the continuation of placing hanging baskets and Christmas lights on lighting columns in the Town.
- (c) Authorise the Clerk in line with standing orders to obtain quotes and appoint a contractor to undertake safety testing on all lighting columns the Town Council places hanging baskets upon.
- (d) Authorise the Clerk to sign a licence agreement, which transfers the liability for claims against injury or damage caused by objects attached to a lighting column, to the Town Council's Public Liability Insurance.

Background:

3. The following information must be supplied to TVL's operating sub-contractor, SSE Contracting before approval for attachments to be fixed to street lights can be given:
 - Type, number and method of attaching apparatus.
 - Street light number and road name of the proposed street light(s) to be used
 - Duration attachment will be in place
 - Details of who will be erecting the attachment
 - Details of any maintenance requirements
 - Structural inspection report (for banners, flower baskets, festive lighting and all signs exceeding 0.5m²)

- Signed and returned TVL's agreement accepting responsibility for the Council's attachments
 - If electrically powered, details of power consumption and when switched on.
 - For each column the Council wishes to attach a piece of apparatus an 'Application for Consent' form must be completed and returned to SSE Contracting.
4. As part of the investigation relating to the information provided in point three of this report, Burgess Hill Town Council, Cuckfield Parish Council and Hassocks Parish Council obtained a joint quote to undertake structural testing on all the street light poles.
 5. Unfortunately when the quote was returned, due to the Haywards Heath columns being concrete and Burgess Hill and the Parishes having metal poles, Haywards Heath Town Council could not be involved in the testing.
 6. It has transpired through latest up to date information (23/03/11) that SSE and TYL will not allow for Christmas lights to be attached to concrete columns but safety testing on each of the columns that hold hanging baskets will have to be undertaken.
 7. The Town Council hangs a total of hundred baskets throughout the town centre and on the in roads to the town. Two baskets are attached to a single column so fifty columns need to be tested. In addition, the Town Council will need to sign a licence to pass any liability for claims against damage or injury to the Council's insurance company. This would be covered under the Council's Public Liability Insurance, which covers us for up to ten million pounds.
 8. With regards to Christmas lights it seems that West Sussex turned a blind eye to the Council's historical placement of lights, but with the new contract being put in place the following has been quoted to all local authorities by TVL;

Concrete columns are specifically excluded for use to support Festive Lighting under The County Surveyors Code of Practice for the Installation, Operation and Removal of Seasonal Decorations. We wish to comply with this code of practice.

9. As a result alternative arrangements will need to be arranged for the placement of the Christmas lights in South Road, Sussex Road and Commercial Square. The Council is in the middle of a three contract and pays in the region of £15,000 for lights to be placed, so this need to be undertaken as a matter of urgency. The Clerk has suggested the idea of replacing the small number of lighting columns this effects earlier than programmed in through the PFI contract, which replace concrete columns over the few years.
10. It is widely recognised that the Town Council has hung baskets and lights from concretes columns in the Town but it looks

Summary

11. This is not as bad as it sounds, as it is not TVL intention to prevent flower baskets etc from going on street lights, they just need to ensure they comply with the contract and protect an asset which they are responsible for until 2035. It has to be noted that there

will be a cost to the associated and works and at the present time the Clerk does not know how many will fail the tests.

12. It is common practise to carry out a structural test of columns before attaching banners, flower baskets and festive lighting to them to ensure they are capable of supporting the additional loads placed on the by the attachment.
13. TVL ask all third parties attaching equipment to street lights to sign their agreement accepting responsibility for their attachments, which is supported by an application form which needs to be completed for attachments.

Way forward

14. As per the recommendation the following way forward is suggested.
 - Undertake structural testing on all lighting columns, which hold Town Council hanging baskets in the Town. Initial costs are around £25 per column but TVL will provide another company to enable a like for like quote to be obtained.
 - Review the findings of the survey and ascertain which lighting columns can hold hanging baskets.
 - Sign agreement that liability be transferred to the Town Council for any incident relating to the hanging baskets. In terms of risk the Town Council has put hanging baskets up for over twenty years with no claims being made against the Council to date.

Financial Considerations

15. In line with point fourteen the cost of the testing fifty columns at £25 will be in the region of £1,250, which can be met from the Street Lighting Scheme budget, which currently stands at £16,687.
16. Costs to repair columns, which fail the testing is unknown and will be reported back to the Committee in due course.
17. The hundred hanging baskets, which the testing depends upon were ordered last year before this issue was brought to the Town and Parishes attention.

Town Clerk

Committee Meeting: Environment and General Purposes

Report of: Town Clerk
Date: 28th March 2011
Subject: Tasks/Requests Outside of the Town Councils Remit

Purpose of Report:

1. The purpose of this report is for Members to consider a proposed way forward to deal with tasks and requests on the land of third parties.

Summary:

2. On a weekly basis the Clerk and office staff receive requests for the Town Council's groundstaff to undertake works/tasks on land owned by third parties including those, which arise from problem associated to private dwellings. The following report suggests a way to deal with these requests in a formal manner.

Recommendation(s):

Members are recommended to;

- (a) **Agree to the Clerk investigating and introducing a process to enable the Town Council to designate regular time to undertake tasks and requests within the Town that fall outside of the Town Council's remit.**

Background:

3. The request for works and tasks to be undertaken that fall outside of the remit of the Town Council or on land that is owned by third parties is reported to the Town Hall on an ad-hoc basis.
4. In most instances the Clerk is able to get the work completed, but in most instances the groundstaff have to enter land on which they are technically trespassing upon or impinge on private dwellings or buildings.
5. In addition, the undertaking of ad hoc tasks puts pressure on the groundstaff as the Clerk and RFO have placed a great emphasis on work programmes, which need to be completed on a weekly basis.
6. As a result it is suggested that a process is put in place to investigate how each task and request can be solved by either contact with the land owner, or by the allocation of a regular period of time, on a weekly basis, where the groundstaff can go out and undertake these tasks in the Town, potentially on a Friday afternoon.
7. The benefits to this process would include the groundstaff being able to programme their time better and not get pulled around the Town when undertaking their daily works. Being able to inform the person/organisation who has reported the problem of a

timescale to when the job can be undertaken. Eliminating tasks through pressure on the relevant individual, organisation or authority that has the remit to undertake the works. It will also enable the correct procedure to be undertaken on health and safety grounds and risk assessment. There will also be the benefit of managing expectation and the kudos and positive press associated to the completion of these tasks or requests.

8. The suggested process will be managed by office staff so that hot spots of fly tipping, high levels of litter and cutting back of hedges etc can be identified and addressed. To address a long term problem this work will be supported by the monitoring of repeat offenders and reports to the regulatory body. For example, fly tipping is a problem across the District and a recent problem in the Town demonstrated the red tape faced by the Town Council to address the issue. The District Council and the Police through the Joint Action Group are looking to adopt the overarching fly tipping issue as an identified problem to target those responsible.
9. Members may feel that this again puts a bureaucratic process in place but it is emphasised that there will still be occasions when the Council will go out and undertake works that are deemed to be urgent and cause a nuisance or danger to residents.
10. If not agreeable to this course of action, Members may wish to agree that the Council does not undertake tasks and request that fall outside of the Council remit.

Suggested Way Forward

11. The following process is suggested.
 - Once the task is identified the land owner or individual/organisation responsible is identified.
 - They are then written to and asked to rectify the problem reported.
 - If this is not successful the Town Council can assess the situation and either go on site and address the problem in consultation with partner agencies such as the Police, County Council or waste service provider
 - If official contact can be made, arrangements for permission to enter the site and potentially charge for the works can be negotiated.
 - If contact is not made, the Clerk and RFO can assess each case on merit and decide if the job is manageable by the groundstaff.
 - If a way forward is agreed the task or request will be put onto a list and undertaken in turn in line with the time allocated for these kinds of works.

Town Clerk