



# Devizes Town Council

[www.devizes-tc.gov.uk](http://www.devizes-tc.gov.uk)

## **RECREATION AND PROPERTIES COMMITTEE**

You are summonsed to attend a meeting of the Recreation & Properties Committee at the following, place and date.

**Date: 22 June 2010**

Time: Immediately following the Planning Committee Meeting

Venue: Council Chamber, Town Hall, Devizes

Enquiries: 01380 722160

The Town Mayor; (Councillor Smith)

Chairman: Councillor Hopkins

Councillors: Mrs Bridewell      Mrs Burton      Callow  
Mrs Evans      Gudgeon      Parsons  
A R Taylor      Mrs Winchcombe

## **AGENDA**

### **1. MINUTES**

To approve as a correct record and authorise the Chairman to sign the minutes of the meetings held on the 28 April 2009, which have been circulated with the agenda.

### **2. APOLOGIES FOR ABSENCE**

### **3. DISCLOSURES OF INTEREST**

To receive any disclosure(s) of interest by a Councillor or an officer in matters to be considered at this meeting, in accordance with provisions of Sections 94 or 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

### **4. PUBLIC PARTICIPATION**

At the Chairman's discretion, members of the public attending the meeting will be allowed to ask questions, make a statement or address the Council upon a matter of concern to that person which is relevant to the Council.

A time limit of 5 minutes per person will be permitted, but this may be extended at the Chairman's discretion and a maximum period of 20 minutes has been allocated by the Council for this item of business.

**5. REPORT FOR INFORMATION – VENUES INCOME FIGURES**

Income figures for the Council's venues for the period April 2009 to 31 May 2010 issued alongside this agenda (doc 5/1-7/3).

**6. REPORT FOR INFORMATION – VENUES – CUSTOMER SATISFACTION FEEDBACK**

May feedback figures are provided. 8 returns were received, with 7 of them grading us as either Good or Excellent. We had one Average return, which was explained by the fact that the customer did not ask us to turn off the air con, so the room was too cold. We were rated as Excellent on every other category of the same form. Venues staff are on hand for every event, so this could easily have been remedied at the time.

We also received a letter of thanks from the WFCAP Conference, which was held on 8 May.

**7. REPORT FOR INFORMATION – VENUES OCCUPANCY FIGURES & MARKET INFORMATION**

Graphs show numbers of events each month compared with previous years, it should be noted that forecasted bookings from June 2010 are based on bookings already received. Analysis of business type and source of business are broadly in line with the past 12 months. Please note that we have already received one booking for a 2010 Christmas event.

**8. REPORT FOR INFORMATION – TREES ON THE GREEN**

At a recent planning Mr Jeff Ody for the Trust for Devizes asked about the fate of the new tree planted on the Green, which the Trust has offered to meet the cost of.

The tree was planted in February this year by park staff planted and as with all the new trees, protection placed around it.

Historically protection was in the form of a close fitting metal tree guard; however, the difficulty with this form of cage is that its close proximity to the tree makes the tree trunk vulnerable to damage and distortion and makes it more difficult to remove suckers. For that reason our staff have never been that happy to use this form of protection.

With the tree planted in February, we used a different method of protection known as a tree shelters. Tree shelters allow a tree grow within in a larger spaces whilst stopping animal and strimmer damage.

When choosing tree shelters, we did not envisage a significant threat of vandalism, which ultimately resulted in the new trees' removal.

Following the initial vandalism we decided that a replacement tree should be replanted and to combat the threat of further vandalism a larger 12cm tree was planted. Unfortunately this larger tree also succumbed to the will of vandals. It is now too late in the growing season to plant a further tree, therefore park staff will plant a new Lime tree in the autumn. With regard to its protection we will review our thinking on the use of metal tree guards, however we know that even trees with this level of protection are not immune from malicious damage.

The Trust for Devizes who have offered to sponsor two new trees in Devizes has not as yet been charged.

**9. REPORT FOR INFORMATION – JUDGING FOR SOUTH WEST IN BLOOM 2010**

The annual judging will take place on Friday 9 July. Work is being coordinated with Wiltshire Council to ensure that verges, roundabouts, etc are kept clear of weeds and rubbish.

There will be a short meeting and presentation at the Town Hall to welcome the judges, present the portfolio and explain the route. The tour is expected to last around 2 hours and will include key locations in the town. We will return to the Town Hall for a buffet lunch for the judges and invited guests. We hope some groups will have a display in the Assembly Room to offer an opportunity to talk to the judges about their projects. In the past this has been useful as the judges get a clearer picture of our community involvement and they are not so restricted by time.

**10. REPORT FOR DECISION – OPEN SPACE SIGNAGE**

**Recommendation**

To agree the design of open space signage recommended by the working party.

**Purpose of the Report**

To adopt a design for open space signage.

**Background**

A working party with the remit of reviewing the design of open space signage will have met to agree their preferred option by the date of this meeting. The basis of the design is to have a simple welcome sign with out the control notice underneath with additional signs strategically placed setting out simple rules of use.

**Options Considered**

The committee need to decide if they wish to accept the design and strategy.

## **Implications & Risks**

### **Financial and Resource Implications**

The Council hold a reserve for the replacement of old signage, which needs to be replaced.

### **Legal Implications and Legislative Powers**

Section 111 of the Local Government Act 1972 provided the Council with a power to provide services which are incidental to its main function. In this case to provide Open Spaces as set out in the Open Spaces Act 1906 ss 9 & 10.

### **Environmental Implications**

Officers are not aware of any environmental implications in providing signs on its open spaces.

### **Risk Assessment**

Officers are not aware of any risk implications in providing signs on its open spaces.

### **Crime and Disorder**

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

## **11. REPORT FOR DECISION – FAMILY MEDIATION SERVICE REQUEST TO RUN A BAR AT THE TOWN HALL**

### **Recommendation**

That the committee considers an appeal by the Family Mediation Service against the council's policy not to allow them to supply their own alcoholic beverages at an event in December.

### **Purpose of the Report**

To consider an appeal against the Council's policy with regard to supply of alcoholic beverages.

### **Background**

A letter from the Family Mediation Service (doc 9/1) has been received by the Mayor, appealing the decision not to permit the service to supply their own alcoholic beverages at an event in December.

Officers' decision is based on the policy which requires hirers to purchase wine directly from the Council through its bar franchise or pay a corkage fee of £6.00 per bottle.

The event itself has been booked under the Council's grace and favour policy and therefore no charge will be made for the use of the Assembly Room and under that policy the Family Mediation Service can provide their own mince pies.

Any alcohol provided will be consumed under the Council's premises licence and therefore the Designated Responsible Person has legal responsibility for the supply of all alcoholic beverages. The Council has no policy allowing hirers to provide their own alcohol.

### **Options Considered**

The Committee needs to decide if they wish to allow the Family Mediation Service to provide their own alcohol. If they the Committee agree to make an exception to the policy it will need to decide on what basis this exception to the policy is being made and how the Council will meet its obligations under the licensing legislation.

### **Implications & Risks**

#### **Financial and Resource Implications**

If the Committee were minded to allow this appeal then it would be affectively increasing its grace and favour budget.

#### **Legal Implications and Legislative Powers**

Section 111 of the 1972 Local Government act provides the Council with the ancillary powers to undertake any function, which is incidental or ancillary to the delivery of its main duties and powers. The licensing legislation places responsibility on the Council, as licensed premises and the Committee will need to be clear how this responsibility will be met.

#### **Environmental Implications**

Officers are not aware of any environmental implications associated with this decision.

#### **Risk Assessment**

If an exception is made to the policy there is a risk that the licensing legislation could be breached resulting in the council's licence being revoked. Additionally, making an exception will undermine the policy and make it difficult to deal with other organisations that make such a request, further exposing the Council to risk of failing in its responsibility as a licensed premise.

#### **Crime and Disorder**

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

## **12. REPORT FOR DECISION – ROUNDABOUTS**

### **Recommendation**

It is recommended that Devizes Town Council accept a proposal to work with others to improve the appearance of the town by adopting and maintaining roundabouts around the town.

**Purpose of the Report**

This report is to provide information to the Council so that they can consider this recommendation.

**Background**

There are 8 roundabouts around the town, falling in the parishes of Devizes, Roundway and Bishops Cannings, which are in the ownership of Wiltshire Council. Some are in a poor state of repair due to infrequent maintenance and do not present the town in a welcoming light.

Wiltshire Council has indicated that it has no objection to improvements being made to the roundabouts, although a detailed agreement to identify extent of responsibility will need to be established.

Following instruction from a previous meeting of this committee, officers have consulted with Bishops Cannings and Roundway Parish Councils to establish if there might be any objections to the proposal and to invite them to serve on a working party.

Bishops Cannings have stated that they do not have any objections and are happy for us to proceed without any further consultation with them.

Roundway Parish Council appointed two councillors to the working party. The working party met on 2 May 2010 and the proposals were explained and discussed in detail. The full proposal is detailed below. It was decided to recommend to the Committee that Option C of the proposals is accepted.

**Options Considered**

A number of options have been considered including undertaking the work with the Devizes Town Council workforce. However, the existing Parks and Open Spaces team is already working at full capacity and it would be necessary to employ more staff to do the extra work, which would include planting, spraying, grass cutting, pruning and general maintenance, as they already do, for example, at the Southbroom Road roundabout.

Another option would be to seek sponsorship to cover the additional costs as other Town Councils have done: Chippenham, Calne, Corsham, etc. This, however, involves substantial officer resources in seeking to obtain sponsorship and there is no ongoing certainty in future funding.

Therefore, the benefits of using an independent marketing company to progress this objective has been explored.

Marketing Force is a national company which has wide experience in this field. The proposal requires a 5-year minimum contract. Sponsorship is sought from local companies in the first instance.

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Their proposal provides testimonials from several councils and implements a sustainable planting programme in keeping with any town scheme that is in place. Floral bedding is not used as the cost would be prohibitive. However, should we wish to add features such as our own containers planted with flowers, e.g the canal boat, that would be possible.

Marketing Force would facilitate a programme of work including liaising with Wiltshire Council for permissions, sourcing sponsors, advertising boards (which would incorporate the Devizes Town Council logo), as well as landscaping and maintenance of the roundabouts by their own approved and licensed contractors. All potential sponsors and advertising will be approved by Devizes Town Council.

A survey of 8 roundabouts suggests a gross sponsorship income of approximately £18,000 - £20,000 per annum.

There are 3 options in the proposal, all at 0% incremental cost to Devizes Town Council:

Option A - a revenue share scheme of 40% of the sponsorship income to Marketing Force and 60% to Devizes Town Council With maintenance being undertaken by Devizes Town Council. Any income from this option would be invested in the additional staff to undertake the maintenance.

Option B – a fixed guaranteed fee based upon Marketing Force's standard card rate paid to Devizes Town Council regardless of whether a sponsor is found or not with Devizes Town Council undertaking the maintenance. The fixed fee will be based on the final number of sites available and a final survey. For example, based on 8 sites being worth a gross £18,000 in sponsorship value, the fixed fee paid to DTC would be £7,200 per annum. We could also negotiate to revert to a revenue share if the gross total sponsorship sales exceeded £12,000, giving us a guaranteed sum each year. However, once again, any income would have to be expended on increased staffing.

Option C – all landscaping and maintenance undertaken to an agreed high standard with all sponsorship rights going to Marketing Force. Minimum 5 years contract.

After examining all the options, the preferred one is Option C as this would not incur any costs or additional resources and would be reviewed in 5 years.

### **Implications & Risks**

#### **Financial and Resource Implications**

Officers are not aware of any financial or resource implications with Option C

**Legal Implications and Legislative Powers**

Officers are not aware of any legal implications.

Power to plant trees etc and to maintain roadside verges is provided under the Highways Act 1980 s96 and Power to contribute to organisations encouraging Tourism under the Local Government Act 1972 s144.

**Environmental Implications**

Officers are not aware of any environmental implications except that the entrances to the town would be enhanced.

**Crime and Disorder**

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

**13. REPORT FOR DECISION – USES OF THE CORN EXCHANGE BY LOCAL RADIO STATION**

**Recommendation**

That the Committee agrees to allow Fantasy Radio to use the small office at the Corn Exchange as a studio.

**Purpose of the Report**

To allow the use of the small office at the Corn Exchange as a studio at the Corn Exchange.

**Background**

Officers have been approached by the operators of Fantasy Radio to use the small office at the Corn Exchange for a broadcasting studio for 4 week in July.

Fantasy Radio is a radio station, which only broadcasts to Devizes and the surrounding villages; therefore its content is very much locally based. The broadcasting itself is being undertaken using a short-term licence, which last for 28 days.

The radio station operators are asking that no charge be made for the use of the Corn Exchange, which will be in an area that is not hired out. This project will not incur the Council any loss of revenue; however, what is proposed is the radio station will give the venues free advertising slots and will promote events taking place in the buildings. Officers see this as an excellent marketing opportunity for the venues as well as supporting this local radio station. Venue staff have also been consulted and they do not believe that there will be any undue disruption for the day to day operation of the building.

**Options Considered**

The committee needs to decide if they accept officer's recommendation to allow Fantasy Radio to use the Corn Exchange.

### **Implications & Risks**

#### **Financial and Resource Implications**

Officers are not aware of any particular financial or resource implication other than a small amount of electricity. This small cost should be mitigated by the value of free publicity during the broadcast.

#### **Legal Implications and Legislative Powers**

All the relevant licences will be the responsibility of the radio station. Section 111 of the Local Government Act 1972 give the Council powers to provide serviced which are ancillary to main powers which in this case is a power to provide and promote conference facilities.

#### **Environmental Implications**

Officers are not aware of any undue environmental implications associates with this decision.

#### **Risk Assessment**

Officers are not aware of any undue environmental implications associates with this decision.

#### **Crime and Disorder**

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998.

14. **EXEMPT REPORT FOR INFORMATION – RELATING TO COMMERCIAL PROPERTIES**
15. **EXEMPT REPORT FOR DECISION – RECREATIONAL FACILITIES**
16. **QUESTION TIME**

Members will be allowed a short period in which to put questions on matters within the remit of this Committee which are not contained in the reports of matters formally considered by the Committee at this meeting. The question may be answered at the meeting or may be referred back to the Committee at a later date. The question may not be the subject of any further details.

TOWN CLERK