



RECREATION AND PROPERTIES **COMMITTEE**

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

Date: **Tuesday 10 June 2008**

Time: Immediately following the Planning Committee Meeting

Venue: Council Chamber, Town Hall, Devizes

Enquiries: 01380 722160

Chairman: Councillor Parsons
The Town Mayor (Councillor Mrs Burton)

Councillors: Beinhorn Callow Mrs S Evans
Leighton Gudgeon Smith
A R Taylor C S Winchcombe

AGENDA

1. MINUTES

To approve as a correct record and authorise the Chairman to sign the minutes of the meetings held on the 27 May 2008, 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 2008 to 31 May 2008 are circulated alongside this agenda. These figures indicate the monthly income and cumulative income against budget. It should be noted that the income figures for April are lower than the budget, which is a trend for the month. May figure should see a recovery in the level of income.

6. REPORTS FOR INFORMATION – VENUES – CUSTOMER SATISFACTION FEEDBACK

Attached to this Agenda (Doc 6/1) is the Venues Customer Feedback information received up to the end of May 2008

7. REPORT FOR DECISION – PLACEMENT OF PUBLIC ART

Recommendation

That the committee agrees a site for the placement of a sculpture, which is to be presented to the town by Mr Patrick Norton.

Purpose of the Report

To agree a site for a new piece of public art

Background

At a meeting of the Community and Civic Resources Committee in November 2007 it was agreed that The Town Council would accept a piece of public art on behalf of the town presented by Mr Patrick Norton.

Mr Norton's preferred location for the art is in Albion Place, but before agreeing to this it was felt that it was appropriate to consult with local residents about a preferred location.

Despite limited response to this consultation, it is clear that Albion Place is the favoured location with no other site being put forward. Officers have also written to the retailers in Albion Place and no objection has been raised.

Included in Mr Norton's offer is the cost of installing the piece of art.

This committee has been asked to agree the location as the ongoing management of the art will be the responsibility of this committee now that the Council has agreed to accept it.

Options Considered

The committee need to decide if they accept the results of the public consultation and site the public art commission by Mr Norton in Albion Place

or

The they believe that there is an alternative location which is equally suitable

Implications & Risks

Financial and Resource Implications

No financial provision has been made for this project, however the entire cost is to be met by Mr Norton. The Council may wish to insure the sculpture in future years, which should have a negligible financial implication.

Legal Implications and Legislative Powers

The Local Government act 1972, s145 provides the Council with powers to support the arts.

Environmental Implications

The environmental implication will be ecstatic and it is hoped that they will be positive

Risk Assessment

Officers are not aware of any risk associated 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.

8. REPORT FOR DECISION – WINDSOR DRIVE ALLOTMENTS: DOG SITUATION

Recommendation

That the committee directs officers in what action it wishes to be pursued with regard to dog owners taking their animals on Windsor Drive allotment site.

Purpose of the Report

To determine the course of action officers should take with regard to dogs being present on Windsor Drive allotment site.

Background

The chairman of the Allotment Association has raised the issue of dogs with the council as he has now received a number of complaints about dogs roaming free on the Windsor Drive allotment site and it has been reported that dogs are fouling on tenants plots.

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The allotment agreement signed by all tenants states that the tenant must not keep or allow onto the Allotment any animals whatsoever (Clause 4). Clause 6 goes on to state that the Tenant must not be a nuisance or annoyance to any other Allotment holder and this could be easily extended to dogs roaming free or fouling other tenants plots.

Policing the site is a problem given its location and the limited staff resources available, it has also been reported that dog walkers who are not tenants are encroaching on to the site to exercise their pets.

The latter would be easily deterred if only the tenants locked the gates closed on both entry and exit however the locks have been vandalised or stolen on a number of occasions over the past two years and it is suspected that this may be a result of denying non tenants access.

Identifying the owners of un-tethered dogs is an issue and to date no one has said whom these animals belong to.

Options Considered

The options identified are:

Continue to let tenants bring their dogs on site providing they are kept on a leash and are controlled at all times, if they do not abide by this ask the owner to vacate the site immediately exercising the councils rights under clause 4 and 6.

Remind tenants that no animals (including dogs) are allowed on site regardless of them being kept under control, if the owner ignores this ask them to vacate immediately under clause 4.

Allow dog owners to continue as they have done to date.

Implications & Risks

Financial and Resource Implications

If officers are directed to police the situation more closely there will be cost implications. Portable CCTV has been investigated but this option is extremely expensive.

Legal Implications and Legislative Powers

Under the Small Holdings & Allotments Act 1908, s23, 26 & 42 the council has a duty to provide allotment gardens.

Environmental Implications

Dog pollution.

Risk Assessment

These have been outlined in the options above. If a dog is left to roam free on the site it possible that any person with a fear of dogs may feel intimidated regardless of how well mannered the dog is.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder act 1998 however the tenancy agreement is legally binding and does give the council the power to act if there is a breach of contract.

9. 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.

DEPUTY TOWN CLERK