

Committee: Open Spaces

Date: 4 October 2022

Title: Licences 2023/2024

Purpose of Report

For Members to consider and discuss the suggested conditions to be included in a licence to be agreed between the Town Council and the users of the pitches on Britten's Field and the Wharf Lane Recreation Ground from 2023 onwards.

Recommendation:

Members are asked to resolve to accept the suggested conditions with any amendments considered necessary for users of the pitches on the recreation ground and Britten's Field. These conditions to be incorporated into any licences or user agreements for the council's land.

Background:

1. A 3 year licence to use space on the recreation ground for playing cricket and football belonging to the Town Council is attached at **Appendix 8A** dated 1 March 1977. The licence was between Town Council and the Trustees of Ilminster Cricket and Football Club as they were known at that time.
2. A licence to use space on the recreation ground is attached at **Appendix 8B** dated 21 February 1980. The licence was between Town Council and the Ilminster Town Association Football Club, as they were known at that time, and referred to the western portion of the recreation ground, which belongs to the Council, on Wharf Lane.
3. No evidence of a more recent licence has been found in relation to Ilminster Cricket Club using the IEF land as this was the reason why the Town Council were unable to grant tenure:

Open Spaces 5th November 2011 Minute 12 Cricket Club nets licence

Cllr Shepherd reported that the new nets had been funded by various grants including a grant from the ECB. This grant required a formal commitment from the Town Council to the long term use of the playing area. As the Council could not grant security of tenure, a nets licence had been drawn up.

4. The Town Council agreed for a Recreation Ground Users Group to be set up.

Town Council 17th October 2017 Minute 329 Resolved that a Recreation Ground Users Group was set up. The group formed in 2018 and was a forum for discussion on matters relating to the active use of the Wharf Lane Recreation Ground and Britten's Field and included representatives from the clubs that use the area, members of the public and some Town Councillors

and staff. They made recommendations to the Open Spaces Committee about the management and maintenance of the Wharf Lane Recreation Ground and Britten's Field as well as improvements to the equipment and facilities of these areas. They had no delegated or decision-making powers.

5. Members may wish to consider the formulation of a new Recreation Ground Users Group from April 2023 in order to further develop the uses of the recreation ground and Britten's Field. This will tie in with the 2023-2024 financial and governance year.
6. Over the past three years, officers have had difficulties answering questions and complaints from the residents of Ilminster and outlying villages, in relation to who has been using or is going to be using various pitches and areas on the recreation ground and Britten's Field at any particular moment in time.
7. In addition to various questions and complaints about activities that have been taking place or about to take place, there have been enquiries from organisations wishing to avail themselves of areas of council land that might be available for their activities.
8. There have been in the past a number of complaints from both members of the public and from members of staff over inappropriate actions by players from both cricket and football teams. These incidents have been reported to the clubs and to the police along with evidence to verify the complaints when provided.
9. Officers have received enquiries from other groups who are interested in using space on the recreation ground and Britten's Field such as the walking football club and a croquet club who had enquired about using the grandstand pitch or other pitches in the summer months this year. In addition, during some public consultation that took place in November 2021, members of the public enquired about the possibility of rugby pitches being allowed on the recreation ground or Britten's Field.
10. Other groups such as a childcare group, and Green Ilminster have used space on the recreation ground for other activities, however it is difficult to confirm such events when the officers are not aware of training/matches.
11. It also means that time is consumed for outside staff trying to plan maintenance and reparation work due to lack of prior awareness and knowledge of possible activities. Whilst we are aware that clubs do endeavour to liaise there are times when human error creeps in and one person thinks someone else has notified the council and vice versa.
12. As a result of there having been no formal notification of matches, or training days from either of the cricket club or football clubs, officers have been left

unable to answer the public's questions about the use of the land at a particular moment in time.

13. The council has shown through its willingness to sign a recent agreement in respect of the grandstand pitch to support the activities of the football club (and youth football club) in their endeavours to promote their sport.

Report:

14. This report covers the 'grandstand pitch' on the recreation ground. The $\frac{3}{4}$ football pitch and the cricket pitch on IEF land. The cricket pitch and three smaller pitches on Britten's Field (5v5, 7v7, 9v9) as can be seen on **Appendix 8C**.
15. The white fenced Archie Gooch Football Pitch is not part of this report as that pitch falls under a separate lease held between the Town Council and Ilminster Sports Club Ltd.
16. The $\frac{3}{4}$ football pitch and the cricket pitch on IEF land are now currently part of ongoing discussions for a separate lease between the IEF and Ilminster Cricket Club which should be completed by May 2023. Aspects of the use of this land will be allowed to continue in the manner in which it currently operates pending the new leases.
17. As there are no current licences in place, it is recommended that formal conditions for users of the recreation ground and Britten's Field pitches are discussed and agreed to enable licences to be prepared.
18. It was for this reason that officers held an initial meeting on the 6th September 2022 with the three main users of the pitches, the cricket club, the senior football club and the youth football club.
19. Prior to the meeting, the three clubs provided the days/times of when they would use each of the pitches from April 2023 to March 2024.
20. At the meeting, all of the clubs had the chance to see the calendars of all of the users and were able to make any changes they thought necessary. The updated calendar is on **Appendix 8D**.
21. As part of plans being considered for the development of Winterhay play area, officers enquired as to whether a football pitch suitable for the use of the youth football club should be considered as part of the plans. If they had wanted this, then the proposal would have been put before the Town Council for their consideration, however, this offer was rejected. Funds are being made available for the development of this area and these could have assisted the officers proposal.

22. Prior to the meeting, officers had endeavoured to research previous licences and also considered information gained over the previous three years to produce a list of conditions for the clubs to discuss at the meeting. Contact was also made with other councils in order to establish how licences were being both written and implemented for their facilities.
23. The comments from the meeting lead to some changes to the conditions which can be found listed below.
24. Since the meeting on 6th September, both football clubs have responded to the conditions with further comments that can be found in **Appendix 8E**. The cricket club had nothing more to add. Therefore, each condition is now detailed below with an explanation in italics to assist additional clarity.
25. Suggested conditions are as follows:
 - a. All pitches are not for the exclusive use of the football and cricket clubs unless they have a prior booking agreed with the Town Council. The grounds are public spaces for the use of everyone and must be booked accordingly.

Clubs are the main users of the pitches, and will communicate when they will use each pitch such as morning/afternoon/evening.

Occasional users would need to provide more information such as times and details of their activities, and these would be discussed with the clubs when necessary. Charges for occasional users would be different according to the space requested.

Any new users would initially make enquiries to officers, although it may be possible for them to join a Recreation Ground Users Group (RGUG) should Members wish to set one up. However, the decisions from a RGUG still have to go through Open Spaces before being recommended to Town Council. The RGUG would not have any decision making powers.
 - b. There will be no Senior football matches held on Britten's Field. If there are, they will incur a charge.

The Senior football team have stated that they never play matches on Britten's Field, and so this is stated in the conditions to assist with any questions officers receive regarding any claims that the Seniors are on Britten's Field.
 - c. Pitch fees will also cover ITC grounds team and maintenance costs: grass cutting, litter picking, annual weed killer (not special weedkiller).

The Town Council must cover the costs of maintaining open spaces.

Fees would be based on square metres of individual pitches being used.

Any additional funds raised from occasional users of council land assist the council with future budgetary requirements, they do not reduce fees charged to the Cricket and Football Clubs.

- d. Goal posts to be moved and stored in the Archie Gooch Pavilion within two weeks of the end of their season.

Historically 4 volunteers from the football club have moved the portable goalposts from the recreation ground back to the storage facilities of the Archie Gooch Pavilion at the end of the football season.

These goals are the subject of a large majority of complaints received by the office during the summer months. A solution needs to be found and agreed.

It has been suggested that council staff have access to a key to move the goals week to week to allow cutting underneath them. However, there is usually just one staff member on their own grasscutting, which is an issue. Any damage to the goals could then make the council liable for replacement costs.

Cricket nets and screens are rollable and not padlocked together meaning with a small group of individuals can move them easily, and the grass can be cut underneath. At the end of the season, the cricket club stack them behind the cricket pavilion and the nets packed away.

Possibility of charging for council grounds team to move them if this is not done?

- e. A club nominated volunteer to inspect and remove all debris from grounds ie. sock tape, litter before and after matches.

Although the Clubs carry out their inspections, the ground staff often have to follow up again as there remains a large amount of sock tape particularly on Britten's Field after the pitches have been used. As Britten's Field neighbours a nature reserve, it is a major concern for all. There are approximately 30 bins/dog bins around the recreation ground and Britten's Field. The ones on Britten's Field are rarely full, so there is no need for more bins, they just need to be used.

Pitch fees cover council costs of paying ground staff to keep open spaces looking their best.

Dog fouling must continue to be reported to South Somerset District Council as the Town Council has no enforcement powers.

- f. A club nominated volunteer to oversee matches to ensure people use the public toilets and not areas around the grounds.

FA Handbook 2022 p.642 Respect.

A few reports were made to officers about the Senior football players and the cricket players, some with evidence, and these were reported to the police and Clubs notified. This is unacceptable behaviour and illegal. The Police can only take action if they see it for themselves therefore the Clubs are asked to take action.

Possibility of a fine of £100 to a Club for each reported incident?

- g. Use of pitches to be agreed prior to the season ie. fixture lists.
Notification of unplanned matches must be made no later than 7 days prior to the match/training session. If an immediate change is required, an email notification to Town Council must be made at that time.
Even if a club needs to change pitch in the last hour prior to a game, send an email to Town Council of the change in pitch use. For example, if your match is in another town but you can't use their pitch, you may decide to come back to play in Ilminster. If so, please send an email stating which pitch is being used.
- h. Clubs to ask Town Council for use of the pitches if any matches run over the end of their season.
In consultation this appears to be a point to be considered.
- i. Clubs to ask Town Council for use of the pitches for any period during the week and weekends that haven't already been notified, also if fixtures or training dates are changed.
In consultation this appears to be a point to be considered.
- j. From time to time, TC may allow others to book space for events or groups ie. fitness, childcare groups, Party on the Park etc.
*Enquiries for potential bookings could be discussed with the Clubs before permission is granted, although these types of bookings are generally held on weekdays, not the evening/weekend.
The larger events such as Party on the Park are already well-established and work well.*
- k. After the playing season finishes, a period of time should be allowed for minimal use for maintenance to take place and for the playing surfaces to recover back to their original condition. May and June being the preferred months. Therefore, any matches outside of the agreed season will require a written request for approval from the Town Council.
In consultation this appears to be a point to be considered.
- l. Where pitches overlap, priority is given to the club whose season it is, and prior agreement with the Town Council has to be obtained. Overlapping pitches should be avoided when possible.
Although this may not be considered an issue for the Clubs, it is an issue for the council who receive the complaints.
- m. Clubs must inform Town Council prior to any works being carried out by any third party on the grounds.
The council will also notify Clubs of any maintenance work they plan to carry out although this is likely to occur during week days so should not affect games.

- n. Pitch fees will be set for 2023/2024 and will increase annually by the rate of inflation for the next 3 years.
The council could agree to set a cap on the rate of inflation.
 - o. Clubs are asked to settle accounts by 31st December each year or within 30 days of the invoice date, whichever occurs first.
In consultation this appears to be a point to be considered.
 - p. Any damage to the pitches caused by a club must be rectified within 2 weeks by that club to the satisfaction of the Recreation Manager or the Countryside Manager.
In consultation this appears to be a point to be considered.
 - q. Each club to provide the Town Council with a copy of their current public liability insurance certificate with a minimum cover of £5 million.
In consultation this appears to be a point to be considered.
26. The emphasis is on better communications being established between the Town Council and all users of the land, working together. It is about enabling the community to obtain full access to land that the council owns in a fair and equitable manner. It is not about giving priority to any one group or organisation.
27. It is the Town Council's responsibility to enable open spaces to be available to all residents of Ilminster and at the same time, endeavour to maximise income. This is in an effort to ensure that facilities are self-funding and not a burden through the precept (council tax).
28. Members are asked to resolve to accept the suggested conditions with any amendments considered necessary for users of the pitches on the recreation ground and Britten's Field. These conditions to be incorporated into any licences or user agreements for the council's land.
29. Any licences or user agreements that are negotiated by officers will be brought to Town Council or relevant committee for final ratification and resolution.

Julie Earp
Deputy Town Clerk
September 2022