

**RECREATION AND WORKS COMMITTEE  
REPORT OF MEETING HELD ON 26 NOVEMBER 2008**

**PRESENT**

Chairman – Councillor Mrs Cruse

Councillors Cruse, Hazelton, Howells, Mrs Knight, Mrs Lord,  
Mrs Mason, Miers, and Walters Wright.

Miss R Key – Clerk to the Council

Mr Carl Smallwood – Environmental Health Officer – for the first  
item on the agenda only

**APOLOGIES**

Councillor Pasley

Councillor Mrs Way

**RW812 DECLARATIONS OF INTEREST**

Councillor Cruse

- personal interest in RW820 the closure of St Barnabas' school consultation as a trustee of The Portishead Nautical Trust who fund the dyslexia centre at the school site

Reason: the closure of the school may affect the dyslexia unit

Councillor Mrs Mason

- personal interest in RW823 as a member of the cross-churches Committee for Trinity Hall

Reason: the cross-church committee has suggested that the application for the grant be made to the Council.

Councillor Mrs Lord

- Personal interest in RW823 – grant application.

Reason: Councillor Mrs Lord is acquainted with the grant applicant.

Councillor Mrs Knight

- Personal interest in RW823 – grant application

Reason: Councillor Mrs Knight is acquainted with the grant applicant.

**RW813**

Declaration by members who serve on both the Town and District Council

Councillor Mrs Knight stated that any views she expressed on matters to also be considered at North Somerset Council would be provisional and based on the facts currently known. They would be exercising their rights to also reconsider the matter afresh when the matter went before North Somerset Council. .

## RW814 DOG BINS

Mr Carl Smallwood addressed the Committee in relation to the provision of dog bins and the emptying of them in Portishead. Mr Smallwood stated that Portishead and North Weston Town Council did not pay for the provision and emptying of any dog bins within the Portishead and North Weston area. The following numbers of bins are provided and emptied with the following North Somerset towns:

Clevedon – 24  
Banwell – 15  
Nailsea 19

North Somerset Council provides and empties the following numbers of bins with in the area:

Portishead – 31  
Clevedon - 46  
Nailsea - 26

North Somerset is therefore looking for Portishead and North Weston Town Council to provide and arrange for the emptying of dog bins within its area.

The costs of providing the dog bins are as follows:

Bin	£56
Post to attach bin to	£85
Cost of emptying per week	£3

Discussions ensued and a number of councillors pointed out that Portishead and North Weston Town Council had provided a large number of the dog bins within the town and that it was not correct to state that North Somerset Council had provided them all. Portishead and North Weston Council had provided the bins on the basis that North Somerset Council would provide the emptying service at North Somerset Council's cost.

Councillors also asked why, given that the current problems related to the Port Marine development, the s106 agreement had not included an obligation on the developers to install the dog bins as part of their obligations. Mr Smallwood stated that this had been missed out by North Somerset Council.

Councillor Walters drew the Councillors' and Mr Smallwood's attention to the fact that North Somerset Council may be under a statutory duty to deal with the dog faeces under the Open Spaces Act 1910 and the Environmental Protection Act 1990. Councillor Walters pointed out that North Somerset Council may be responsible for keeping the roads and open spaces clear of dog mess and litter. He asked why the Council should be liable for the dog bins when the areas affected by dog mess is newly built, subject to a

s106 agreement between North Somerset Council and the developer and there is no land which is owned by the Town Council in the vicinity.

Mr Smallwood agreed to send a list of the dog bins and their location within the Portishead area to the Town Council for review.

Further discussions ensued and the following resolution was passed after Mr Smallwood had left the meeting.

Councillor Mrs Knight drew to the Committee's attention that Port Marine now had no litter bins, no public toilets and no dog bins. Councillor Walters also pointed out that the residents were also still paying full council tax.

#### RECOMMENDED

1. That the Clerk write to David Turner of North Somerset Council, cc Carl Francis Pester and Ian Edsar to express the Town Council's views in relation to the provision of the dog bins and drawing to North Somerset Council's attention the statutory duties to provide litter clearance. The letter should be structured so as to pre-empt an argument from North Somerset Council that since the public areas are not adopted, they should not be liable for them.

#### **RW 815 PORTISHEAD TOWN FOOTBALL CLUB**

The Clerk provided a verbal update that the consent to the new stand had been given by the Town Council in its capacity as landlord. The planning application had now been received by the Town Council and the consent letter had made it clear that Portishead and North Weston Town Council had reserved the right to object on planning grounds regardless of the fact that it had given permission as landlord.

#### **RW816 MERLIN PARK**

The Clerk gave an update. The lease had now been agreed and was ready for execution. A previous resolution allowed for the Town Clerk and Chairman to sign the document.

#### **RW817 APPLICATION FOR PUBLIC ENTERTAINMENT LICENCE- TRINITY SCHOOL**

The Clerk gave an update. The application had been sent off to the relevant parties and the notice of the application would appear shortly in the North Somerset Times.

#### **RW818 PARISH WHARF**

The Clerk gave an update and briefed the Councillors on the deed and in particular the liabilities for contamination of the yard and for abandoned vessels. Discussions ensued in relation to the possibility of arranging a deposit scheme. The Councillors were concerned in relation to possible risk of liability arising from contamination.

#### RECOMMENDED

1. The Town Council, having executed the Deed, acting by the Clerk and Chairman, return the documents as drafted to John Brentnall of Wards with an authority to go ahead and complete the documents as soon as possible.
2. That the Clerk looks into the availability of insurance in relation to the risk of contamination of the yard by boat owners and abandonment of vessels.
3. The Clerk is to investigate the possibility of introducing a deposit scheme with the other beneficiaries under the Deed in order to ameliorate the risk of loss arising from contamination etc under the Deed.

### **RW819 BOUNDARY WALL AT LEESIDE, PORTISHEAD**

The Clerk provided a report to the Committee. The ownership of the land beneath the footpath has been traced to J A Venn Limited. This company has been dissolved and so the ownership of the footpath is likely to vest in the Crown as bona vacantia.

As a result the chances of getting a contribution to any repairs to the wall are slim. However, it appears that North Somerset Council may be dealing with the matter anyway.

Councillor Walters suggested that if the wall is unsafe, the Town Council should explore removing the wall and simply sculpting the bank behind it, rather than replacing the wall entirely.

#### **RECOMMENDED**

1. That no further action be taken until North Somerset Council have inspected the wall and footpath and have decided on their course of action. The Town Council can then review their response.
2. The neighbour most directly affected by the footpath and wall is informed that action is being taken to rectify the problem in the form of a letter from the Town Council.

### **RW820 CONSULTATION OF THE PROPOSED CLOSURE OF ST BARNABAS SCHOOL**

The Committee discussed the proposed closure of St Barnabas' school. Councillor Mrs Lord expressed her agreement that a school of 40 children on the site was not viable. However, she was also anxious to avoid a situation where the school was shut down and soon after it was discovered that there were too few places at the local schools and that children had to attend school in Pill and Long Ashton.

Councillor Mr Cruse drew the Committee's attention to the commitment in the report on the proposed closure to the continuing broader educational provision within the area. The Portishead Nautical Trust has been funding the dyslexia unit at the site for many years.

**RECOMMENDED that:**

1. The Town Council cannot realistically consider the closure of St Barnabas School without having information on the total provision for primary education in Portishead projected for the next 10 years. The Council agrees that if the school is closed then it is essential that the present ancillary educational services continue at the site and the site continues to be used for educational purposes (e.g. a pre-school, the children's centre and the dyslexia unit).

Councillor Mr Cruse did not vote on this matter.

### **RW821 RE-CONSULTATION ON STREET CAFÉ FURNITURE**

The Council has received a new consultation paper in relation to the payment of a licence fee to North Somerset Council to allow the placing of café furniture on pavements that are adopted by North Somerset Council.

Councillor Mrs Knight pointed out that the consultation will not affect the businesses in Portishead as those currently that put furniture out, put it on unadopted land.

RECOMMENDED that the Portishead and North Weston Town Council:

1. write to North Somerset Council to state that the consultation is not relevant to those businesses in the High Street since their furniture is not on adopted highway.

### **RW822 APPLICATION FOR ENTERTAINMENTS LICENCE – TRINITY SCHOOL**

Duplicate agenda item – no discussion was needed.

### **RW823 GRANT APPLICATION FOR LADS LASSES AND DADS PLAY SCHEME**

An application for a grant has been received from a Mrs Short in relation to the above. A request of £100-£200 has been made to purchase construction themed toys (e.g. stickle bricks, lego) for use by a Saturday morning club for dads and their children.

RECOMMENDED that the Portishead and North Weston Town Council:

1. Give a grant of £200 to the Lads Lasses and Dads group from the Youth Budget for the purpose of buying toys for the group.

### **RW824 MATTERS TO REPORT**

a) A resident of North Weston has raised concerns in relation to the car parking at North Weston Hall. In particular cars are being parked inconsiderately and are blocking residents' driveways.

Action is being taken in relation to the provision of a car park with a meeting taking place between Portishead and North Weston Town Council and North Somerset Council on 18 December which the Clerk agreed to attend.

RECOMMENDED that the Portishead and North Weston Town Council:

1. Town Clerk to find out if Monday night classes are moving to Trinity Hall.
2. If things don't improve Town Clerk to attend the Hall on Monday evening to discuss this with the users.
3. Town Clerk to have informal discussion with the issue with the PCSO asking her/him to keep an eye on the parking and to report particular problems with details of the time and incident to Town Clerk.

There being no other business the Chairman closed at meeting at 8.40 pm