

## AGENDA

### ENVIRONMENT COMMITTEE MEETING

Date: Thursday, 2 March 2023

Time: 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT\*

Membership:

Councillors Richard Darby, Steve Davey, Oliver Eakin, James Hall, Ann Hampshire, Nicholas Hampshire, Pete Neal, Julian Saunders (Chair), David Simmons, Sarah Stephen, Eddie Thomas, Roger Truelove, Tim Valentine (Vice-Chair), Tony Winckless and Corrie Woodford.

Quorum = 5

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Pages

#### Information about this meeting

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  - (d) Anyone unable to use the stairs should make themselves known during this agenda item.
2. Apologies for Absence
  3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves, their families or friends.

The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPIs) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

4. Minutes

To approve the [Minutes](#) of the meeting held on 11 January 2023 (Minute Nos. 565 – 572) as a correct record.

**Part B reports for the Environment Committee to decide**

- |    |   |         |
|----|---|---------|
| 5. | Motion to ban disposable barbeques in public open spaces                  | 5 - 34  |
| 6. | Scrapsgate Field, Minster - Horse Riding Area                             | 35 - 40 |
| 7. | Marine Town Food waste and Alternate weekly Refuse and Recycling roll out | 41 - 46 |

8. Items referred from Area Committees

Western Area Committee – 1 December 2022 [link to minutes](#)

**Flooding in rural areas**

Excerpt from minutes:

‘Due to changing weather patterns, drains were not able to cope and this was now a problem for some residents in the Western area. Members felt that this matter was beyond KCC and should be taken up with the Government as a proper funding package was needed to deal with the issue. It was agreed that the Chair would refer the matter to the Environment Committee Chair.’

**Resolved:**

- 1) *That the Chair of the Western Area Committee raised the matter of increased incidences of flooding due to changing weather patterns to the Chair of the Environment Committee with a view to this being taken up with the Government as a proper funding package was needed to deal with the issue.*

9. Forward Decisions Plan

47 - 48

**Issued on Monday, 20 February 2023**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of committees, please visit [www.swale.gov.uk](http://www.swale.gov.uk)

**Chief Executive, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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<b>Environment Committee Meeting</b>	
<b>Meeting Date</b>	2 March 2023
<b>Report Title</b>	Motion to ban disposable barbeques in public open spaces
<b>EMT Lead</b>	Emma Wiggins, Director of Regeneration & Neighbourhoods
<b>Head of Service</b>	Martyn Cassell, Head of Environment & Leisure
<b>Lead Officer</b>	Graeme Tuff, Greenspaces Manager
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	<ol style="list-style-type: none"><li>1. To agree to the Chair of the Environment Committee to send a letter to Central Government and local MPs lobbying for a national ban on the sale of disposable BBQs.</li><li>2. To monitor the impact of other Council's use of Public Space Protection orders in resolving the problem.</li></ol>

## **1 Purpose of Report and Executive Summary**

- 1.1 Council recommended that Environment Committee look into the proposed motion titled 'Use of BBQs'.
- 1.2 This report picks up the details of the motion points and makes a recommendation for future action.

## **2 Background**

- 2.1 The Summer of 2022 set new records for heat in the UK and brought to the public awareness the risk of large scale fires in open spaces. Kent saw a number of major incidents and Swale had a few recorded fires in our open spaces (Barton's point and Milton Creek Country Park).
- 2.2 As a result a Motion (see appendix I) was presented to Council on 7 December 2022. Councillors referred the Motion to the next feasible Environment Committee without debate.
- 2.3 The motion asked Councillors to note the comments made by London's Fire Commissioner which amongst other things, suggested a national ban on the sale of disposable barbeques. It also asked specifically to write to Central Government and the local MPs for Swale in support of a national ban. Officers see no issue with this action and the recommendations above support that.
- 2.4 The motion proposed a ban on the use of barbeques from all council owned land to the extent that this is possible, with the exception of registered campsites,

beach huts or events that have a risk assessment in place and a method agreed with the council regarding use and disposal.

2.5 Barbeques have a number of risks when used in public spaces. As mentioned in the motion a single ember could in certain circumstances create a large scale fire, putting those in the public space at risk and greatly impacting nature and biodiversity. Furthermore, if they are left in-situ they create a risk of other users of the spaces touching/falling/stepping on them and causing injury. Finally, it is difficult to dispose of these products safely. They remain hot for a long time after use and are therefore difficult to take home. This results in them either being left or placed in public litter bins and examples have been seen elsewhere where litter bins then catch fire.

2.6 The motion asked for views on how we might control use and implement fines for non-compliance. Swale currently has byelaws in place for our parks and open spaces and foreshores. The 2005 Pleasure grounds, public walks and open spaces document (appendix II) details the sites where the byelaws apply and the conditions of use. Under the protection of the ground, its wildlife and the public, we have a section specifically for fires;

*9 (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.*

*9 (2) Byelaw 9 (1) will not apply to;*

- a) Any event at which the Council has given permission that fires may be lit;*
- b) The use in a designated area for camping of a properly constructed camping stove or barbeque in such a manner as to safeguard against damage to the ground or danger to any person.*

2.7 Therefore, there are existing legal mechanisms in place to deal with the issue should it be felt required. The issue with byelaws of course is having the resource to enforce them and if we were to enforce, there is no option to impose an immediate fine, and therefore a court case would need to be prepared. In all enforcement we have to consider what is proportionate and the level of fine imposed is generally low. Therefore, one would suggest this mechanism would only be used in extreme circumstances.

2.8 Furthermore the separation of particular instances from enforcement makes for an inconsistent approach and open to challenge. For instance, a beach hut owner could not accurately be evidenced as being a lower risk than somebody simply sitting in a park or beach location. This becomes easier in the example of events, as these are generally pre-planned, registered with the Council and event documents provide evidence of safety and risk assessments. Our 'landhire' form is used to capture this information for any requests to use Council owned land for events.

2.9 The Sheppey Promenade Beach and Foreshore byelaws of 1991 (appendix III), however, do not contain any reference that could be considered to cover the use

of disposable barbeques. Therefore, at the current time it would be difficult to enforce any ban on use of barbeques on the beaches.

- 2.10 We have liaised with a neighbouring Borough, who have recently used different legislation to try and enforce a ban on barbeques in public places. Public Space Protections orders were introduced in the Anti-Social Behaviour, Crime and Policing Act 2014 and allow Councils to implement new controls that require residents to adhere to them. Failure to do so could result in the issue of a fixed penalty notice on the spot. This stemmed directly from a range of incidents that resulted in considerable damage to beach huts, litter bins and personal injuries. Their consultation took 8 weeks and 43% of respondents supported a ban. The Public Space Protection order, amongst other things included '*lighting or fuelling any open fire; and using, lighting or discarding any disposable barbecue*'. This allows for enforcement officers to issue immediate 'fixed penalty notices' (FPNs).
- 2.11 Swale Borough Council has a range of PSPOs in place covering dog offences, alcohol control and the gating of specified alleyways with regular reviews in place. Consultation with the public and police would be required to create a new PSPO related to this motion and evidence would need to directly link to disposable barbeques being the source of incidents.

### **3 Proposals**

- 3.1 It is proposed that the Council support the calls for a national ban on the sale of disposable barbeques and we write to Central Government and local MPs showing our position.
- 3.2 It is also recommended that officers monitor the impacts of other Council's bans and how effective they are, whilst working with Community Safety colleagues to monitor stats on fires.

### **4 Alternative Options Considered and Rejected**

- 4.1 Amend the current byelaw for foreshores and beaches to include a section on fires as per the pleasures grounds byelaws. As discussed, enforcement resources would need to be reviewed at a time where the Council is reassessing what it can and can't do due to the pressures of the Medium Term Financial Strategy. Furthermore, if we are reviewing alternative methods, it would not be best use of officer resource.
- 4.2 Seek to implement a new PSPO immediately and go out to consultation on including the ban on use of barbeques. This is not recommended at the current time as it is not felt there is sufficient evidence to justify the inclusion and we may be challenged on its implementation. This would also not allow time for a review of other Council's bans.

## 5 Consultation Undertaken or Proposed

- 5.1 We consulted with another Council who have recently implemented a ban.
- 5.2 We have liaised with Kent Fire and Rescue colleagues through the Swale Community Safety Partnership. We have agreed to monitor stats more closely and look at education campaigns due to the increase in wider fires across the Borough (not necessarily barbeques).

## 6 Implications

Issue	Implications
Corporate Plan	The proposal would align to Priority 2 of the Corporate Plan - Investing in our environment and responding positively to global challenges.
Financial, Resource and Property	The enforcement of byelaws and/or PSPOs would need either an increase in internal officer resource or increased costs of using an external contractor. This would need to be reviewed against the current Medium Term Financial Strategy and against the Council's priorities.
Legal, Statutory and Procurement	As discussed in the main document the Council currently has byelaws in place that could be used if required. There is strict guidance in place for the use of PSPOs and we would need to evidence the impact their use was having in Swale in order to justify.
Crime and Disorder	There has been an increase in fires recorded across Swale in the past 12 months but the source of these is often not known. It is considered the hot weather may have contributed to this but also, we have seen an increase in deliberate acts. As a result, the Community Safety Partnership will be reviewing alongside their priorities.
Environment and Climate/Ecological Emergency	Fires in greenspaces can harm wildlife and affect the biodiversity of the location.
Health and Wellbeing	None Identified at this stage
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	The main report documents the main concerns relating to use of disposable barbeques in public spaces. Consideration could be made in high use areas to install specific barbeque bins where hot items could be placed safely.



Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None identified at this stage.

## **7 Appendices**

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Motion presented to Council
- Appendix II: The 2005 Pleasure grounds, public walks and open spaces document
- Appendix III: The Sheppey Promenade Beach and Foreshore byelaws of 1991

## **8 Background Papers**

- None

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## Motion - Use of BBQ's

The summer of 2022 has set new records in the UK for heat. Connected to this have been numerous fires that have devastated large plots of land, destroyed properties, killed animals, caused injuries and endangered life. Fortunately, it appears no life was lost but the impact of these fires will last for years.

Some of these fires were caused by people having BBQ's and failing to dispose of them after they have finished. One ember can cause a large fire these can be from a BBQ or other means with a naked flame.

Barbecues and any naked flames pose a significant fire risk if they are not put out properly and, if necessary, disposed of. These can cause grass fires in open spaces and scorching the grassed areas. The dry spell has left grassland like a tinderbox and increases the chances of a fire caused by a disposable barbecue.

London's Fire Commissioner Andy Roe has said "Despite our grass fire warnings, we've still seen some people behaving carelessly and recklessly. On Saturday (23rd July) firefighters prevented a serious blaze at Wanstead Flats caused using a disposable barbecue. We need urgent action now to see a national ban on the sale of disposable barbecues. They can be bought for as little as five pounds and can cause untold damage, especially when the grass is as dry as it has been over the last few weeks".

This council recognises the threat BBQ's and naked flames can have on our land but also that they can also be used appropriately and are an important aspect to the tourism of the area. Several years ago this council agreed a motion to ban the use of lanterns on council land due to the risk they present to livestock and fire. BBQ's if unmanaged are an even greater risk.

This council recognises the comments from Andy Roe and resolves to ban the use of disposable BBQ's from all council owned land with the exception of registered campsites or events that have a risk assessment in place and method regarding use and disposal agreed with the council.

This council:

- Recognises the comments from Andy Roe.
- Would support a ban on the use of BBQs from all council owned land, to the extent that this is possible, with the exception of registered campsites, beach huts or events that have a risk assessment in place and a method agreed with the council regarding use and disposal.
- Would support the introduction of a charge/fine to people who did not follow such a ban, to the extent that this is possible.
- Requests the Environment committee to undertake the necessary work to develop and adopt a policy which would fulfil these objectives, to the extent that they are feasible within the law and any other relevant constraints.
- Calls on the Government to introduce a national ban on the sale of disposable barbecues as soon as possible and resolves to write to the relevant Government Departments and our local MP's expressing this view.

The intention of this motion is also connected to the environmental emergency and our need to protect of grass lands for peoples leisure and welfare of animals and all those who rely on the grasslands. We recognise that a blanket ban on BBQ's would have serious consequences on aspects of our tourism in Swale as it is popular with people when camping and we do not wish to deter this.

Proposer: Cllr Bowen  
Secunder: Cllr Dendor

## **Pleasure Grounds, public walks and open spaces**



# **ARRANGEMENTS OF BYELAWS**

## **PART 1 - GENERAL**

1. General Interpretation
2. Application
3. Opening times

## **PART 2 - PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC**

4. Protection of structures and plants
5. Unauthorised erection of structures
6. Grazing
7. Protection of wildlife
8. Camping
9. Fires
10. Missiles
11. Interference with life-saving equipment

## **PART 3 - HORSES, CYCLES AND VEHICLES**

12. Interpretation of Part 3
13. Horses
14. Cycling
15. Motor vehicles
16. Overnight parking

## **PART 4 - PLAY AREAS, GAMES AND SPORTS**

17. Interpretation of Part 4
18. Children's play areas
19. Children's play apparatus
20. Skateboarding etc
21. Ball games
22. Cricket
23. Archery
24. Field Sports
25. Golf
26. Golf

## **PART 5 - WATERWAYS**

27. Interpretation of Part 5
28. Bathing
29. Ice Skating
30. Model Boats
31. Boats
32. Fishing
33. Pollution of waterways
34. Blocking of watercourses

## **PART 6 - MODEL AIRCRAFT**

35. Interpretation of Part 6
36. General prohibition
37. Use permitted in certain grounds

## **PART 7 - OTHER REGULATED ACTIVITIES**

38. Trading
39. Excessive noise
40. Public shows and performances
41. Aircraft, hang-gliders and hot-air balloons
42. Kites

## **PART 8 - MISCELLANEOUS**

43. Obstruction
44. Savings
45. Savings
46. Removal of offenders
47. Penalty
48. Revocation

## **SCHEDULE 1**

List of Grounds

PART 1

PART 2

PART 3

PART 4

## **SCHEDULE 2**

Grounds in which use of Model Aircraft is Permitted.

Byelaws made under section 164 of the Public Health Act 1875 section 15 of the Open Spaces Act 1906 and sections 12 and 15 of the Open Spaces Act 1906 by the Swale Borough Council with respect to pleasure grounds, public walks and open spaces.

## **PART 1**

### **GENERAL**

#### **General Interpretation**

1. In these byelaws:

“the Council” means Swale Borough Council;

“the ground” means any of the grounds listed in Schedule 1;

“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

### **Application**

2. These byelaws apply to all of the areas listed in Schedule 1 unless otherwise stated.

### **Opening times**

3. (1) No person shall enter or remain in the ground known as King Georges Playing Field, Sittingbourne except during opening hours.
- (2) “Opening hours” means the days and times during which the ground is open to the public indicated by a notice placed in a conspicuous position at the entrance to the ground.

## **PART 2**

### **PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC**

#### **Protection of structures and plants**

4. (1) No person shall without reasonable excuse remove from or displace within the ground:
- (a) any barrier, post, seat, or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or
  - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.
- (2) No person shall walk on or ride, drive or station a horse or any vehicle over:
- (a) any flower bed, shrub or plant;
  - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
  - (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

#### **Unauthorised erection of structures**

5. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.



### **Grazing**

6. No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze in the ground.

### **Protection of wildlife**

7. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting, or the setting of traps or nets or the laying of snares.

### **Camping**

8. No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping except in a designated area for camping.

### **Fires**

9. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.
- (2) Byelaw 9(1) shall not apply to:
- (a) any event at which the Council has given permission that fires may be lit;
  - (b) the use in a designated area for camping of a properly constructed camping stove or barbecue in such a manner as to safeguard against damage to the ground or danger to any person.

### **Missiles**

10. No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.

### **Interference with life-saving equipment**

11. No person shall except in case of emergency remove from or displace within the ground or otherwise tamper with any life-saving appliance provided by the Council.

## **PART 3 HORSES, CYCLES AND VEHICLES**

### **Interpretation of Part 3**

12. In this Part:

“designated route” means a route in or through the grounds which is set aside for a specified purpose, that route and its purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means a mechanically propelled vehicle other than a motor cycle or invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle, and includes a caravan.

### **Horses**

13. (1) No person shall ride a horse in the ground except on a designated route for riding or in the exercise of a lawful right or privilege.
- (2) In any part of the ground where horse riding is permitted under byelaw 13(1), no person shall ride a horse in such a manner as to cause danger to any other person.
- (3) Byelaw 13(1) only applies to the grounds listed in Part 1 of Schedule 1.

### **Cycling**

14. No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles or on a designated route for cycling.

### **Motor vehicles**

15. No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way for that class of vehicle.

### **Overnight parking**

16. No person shall without the consent of the Council leave or cause or permit to be left any motor cycle, motor vehicle or trailer in the ground between the hours of 12 midnight and 6 a.m.

## **PART 4 PLAY AREAS, GAMES AND SPORTS**

### **Interpretation of Part 4**

17. In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket;

“golf course” means any area within the ground set aside for the purposes of playing golf and includes any golf driving range, golf practice area or putting course;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding the vehicle or by one or more persons pulling or pushing the vehicle.

### **Children's play areas**

18. (1) No person aged 14 years or over shall enter or remain in a designated area which is a children's play area unless bona fide in charge of a child under the age of 14 years.
- (2) Byelaw 18(1) applies to the grounds listed in Part 2 of Schedule 1.

### **Children's play apparatus**

19. No person aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 14 years by a notice conspicuously displayed on or near the apparatus.

### **Skateboarding Etc.**

20. No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

### **Ball games**

21. (1) No person shall play ball games in the grounds.
- (2) Byelaw 21 (1) applies to the grounds listed in Part 3 of Schedule 1.

### **Cricket**

22. No person shall throw or strike with a bat a cricket ball except in a designated area for playing cricket.

### **Archery**

23. No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.

### **Field Sports**

24. No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Council or on land set aside by the Council for the purpose.

### **Golf**

25. (1) No person shall drive, chip or pitch a hard golf ball except on the golf course.
  - (2) Byelaw 25(1) applies to the grounds listed in Part 4 of Schedule 1.
26. (1) No person shall play golf on the golf course unless he holds a valid ticket issued by or on behalf of the Council entitling him to do so, which ticket shall be retained and shown on demand to any authorised officer or agent of the Council;

- (2) No person shall walk or run on or across the golf course unless -  
(a) taking part in the game of golf or accompanying a person so engaged; or  
(b) doing so in the exercise of a lawful right or privilege.
- (3) No person shall offer his service for hire as an instructor on the golf course without the consent of the Council.

## **PART 5 WATERWAYS**

### **Interpretation of Part 5**

27. In this Part:

“boat” means any yacht, motor boat or similar craft but not a model or toy boat;

“power-driven” means driven by the combustion of petrol vapour or other combustible substances;

“waterway” means any river, lake, pool, or other body of water, and includes any fountain.

### **Bathing**

28. No person shall without reasonable excuse bathe or swim in any waterway.

### **Ice Skating**

29. No person shall step onto or otherwise place their weight upon any frozen waterway.

### **Model Boats**

30. No person shall operate a power-driven model boat on any waterway except in a designated area for model boats.

### **Boats**

31. No person shall sail or operate any boat, dinghy, canoe, sailboard, or inflatable on any waterway without the consent of the Council except in a designated area for the sailing or operation of boats.

### **Fishing**

32. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals except in a designated area for fishing.

### **Pollution of waterways**

33. No person shall foul or pollute any waterway.

### **Blocking of watercourses**

34. No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed or diverted, or open, shut or otherwise move or operate any sluice or similar apparatus.

## **PART 6 MODEL AIRCRAFT**

### **Interpretation of Part 6**

35. In this Part:

“model aircraft” means an aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) by jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or
- (c) by one or more electric motors or by compressed gas.

“radio-control” means control by a radio signal from a wireless transmitter or similar device.

### **General prohibition**

36. No person shall cause any power-driven model aircraft to—

- (a) take off or otherwise be released for flight, or control the flight of such an aircraft in the ground; or
- (b) land in the ground without reasonable excuse.

### **Use permitted in certain grounds**

37. Byelaw 36 does not apply to the ground listed in Column 1 of the table in Schedule 2.

## **PART 7 OTHER REGULATED ACTIVITIES**

### **Trading**

38. No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

### **Excessive noise**

39. (1) No person shall, after being requested to desist by any other person in the grounds make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:

- (a) shouting or singing;

- (b) playing on a musical instrument; or
  - (c) operating or permitting to be operated any radio, amplifier, tape recorder or similar device,
- (2) Byelaw 39(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

### **Public shows and performances**

40. No person shall without the consent of the Council hold or take part in any public show or performance.

### **Aircraft, hang-gliders and hot-air balloons**

41. No person shall except in case of emergency or with the consent of the Council take off from or land in the ground in an aircraft, helicopter, hang-glider or hot-air balloon.

### **Kites**

42. No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

## **PART 8 MISCELLANEOUS**

### **Obstruction**

43. No person shall:
- (a) obstruct any officer of the Council in the proper execution of his duties;
  - (b) obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
  - (c) obstruct any other person in the proper use of the ground.

### **Savings**

44. It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of his duty.
45. Nothing in or done under these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.

### **Removal of offenders**

46. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

## **Penalty**

47. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

## **Revocation**

48. The byelaws made by Swale Borough Council on 10th July 1996 and confirmed by the Home Department on 2nd September 1996 relating to the ground are hereby revoked.

## **SCHEDULE 1 LIST OF GROUNDS**

### **The grounds referred to in Byelaw 2 are as follows:**

#### **Faversham**

Batteries Close, Lynsted  
Brook Road Play Area  
Bysingwood Road Play Area, Giraud Drive  
Goldfinch Open Space, Goldfinch Close  
Horselees Play Area, Boughton  
Hazebrouck Open Space, Hazebrouck Close  
King George's Playing Field at the Mount  
Lionfield Play Area  
Lower Road  
Millfield Playing Field  
North Brent's (Upper)  
North Preston Playing Field  
Oare Gunpowder Works Country Park, Oare  
Perry Woods, Selling  
Recreation Ground  
Stone Street Memorial Gardens  
Sumpter Way Play Area  
Swimming Pool Play Area, Leslie Smith Drive  
Wildish Road Play Area  
Windermere Open Space

#### **Isle of Sheppey**

Abbey Rise, Minster  
Anne Boleyn Close, Eastchurch  
Barton's Point Coastal Park, Sheerness  
Canal Bank Open Space, Sheerness including Chilham Close Play Area  
and  
Nursery Close Play Area  
Castle Site, Queenborough  
Chalk Road, Queenborough  
Dickson's Field, Eastchurch  
Estuary Road Open Space, Sheerness  
Festival Field (New Road), Sheerness

The Fleet, Sheerness  
The Glen, Minster  
Kingsborough Manor Community Woodland, Minster  
King George's Playing Field, Queenborough  
Leysdown Coastal Park, Leysdown  
Linear Park, Warden Bay  
Lovell Road Open Space and Play Area, Minster  
Love Lane Disused Burial Ground, Minster  
Minster Abbey Disused Burial Ground, Minster  
Minster Cliffs Pleasure Ground, Minster including land known as The  
Leas  
New Road Play Area, Minster  
Noreen Avenue Play Area, Minster  
Old Sewerage Road Open Space, Rushenden  
Queenborough Park, Park Road, Queenborough  
Queensway Open Space, Sheerness  
Rushenden Hill, Rushenden  
Rosemary Avenue Playing Field, Halfway  
Scrapsgate Playing Field, Minster  
Sea Front Pleasure Grounds, Sheerness Including Beachfields Park and  
Gardens  
Second Avenue Play Area, Rushenden  
Stanley Avenue Open Space, Queenborough  
The Spinney, Leysdown  
Thistle Hill Community Woodland, Minster  
Trinity Road Gardens, Sheerness  
Vincent Gardens, Sheerness  
Warden Village Hall, Warden Bay  
Whiteway Road, Queenborough  
William Rigby Drive Open Space and Play Area.

## **Sittingbourne**

Adisham Green  
Anselm Close Play Area and Open Space  
Aylewyn Green and Vaughan Drive, Sittingbourne  
Austin Close, Kemsley  
Brittania Close, Kemsley  
Chilton Avenue Playing Field  
Chilton St. James, Swanstree Avenue  
Church Marshes Country Park, Milton Regis  
Denbigh Close Play Area  
Diligent Drive Play Area  
Elm Grove Play Area, Murston  
Eleanor Drive Play Area and Open Space  
Fallowfield Open Space, Sittingbourne  
Hugh Price Close Open Space, Sittingbourne  
Johnson House Gardens  
Johnson Road Open Space



Kemsley Recreation Ground, Kemsley  
King George's Playing Field  
Kingsmill Close Open Space, Milton  
Manor Grove Play Area, College Road (previously known as College Road Open Space and Burley Road Open Space).  
The Meads Community Woodland  
Milton Recreation Ground, Milton Regis  
Murston Recreation Ground  
Newman Drive Lake (previously known as Larkspur Heath)  
North Street Open Space, Milton  
Otterham Quay Open Space, Homefield Drive, Upchurch  
Pear Tree Walk, Newington  
Randle Way Open Space and Play Area, Bapchild  
Rectory Playing Field  
Satis Avenue Open Space, Milton  
Sittingbourne Recreation Ground (Also known as Albany Recreation Ground)  
The Grove, Park and Rose Hill Woods, Sittingbourne  
Walsby Drive Open Space, Sittingbourne  
War Memorial, Central Avenue, Sittingbourne

## **Part 1**

**The grounds referred to in byelaw 13(3) are as follows:**

The Glen, Minster  
Kingsborough Manor, Minster  
Scrapsgate Road, Minster

## **Part 2**

**The grounds referred to in byelaw 18 (2) are as follows:**

### **Faversham**

Batteries Close, Lynsted  
Brook Road Play Area  
Bysingwood Road Play Area, Giraud Drive  
Horselees Play Area, Boughton  
Hazebrouck Open Space, Hazebrouck Close  
King George's Playing Field at the Mount  
Lionfield Play Area  
Lower Road  
Millfield Playing Field  
North Preston Playing Field  
Recreation Ground  
Sumpter Way Play Area  
Swimming Pool Play Area, Leslie Smith Drive  
Wildish Road Play Area  
Windermere Open Space

## **Isle of Sheppey**

Abbey Rise, Minster  
Anne Boleyn Close, Eastchurch  
Canal Bank Open Space, Sheerness including Chilham Close Play Area  
and  
Nursery Close Play Area  
Dickson's Field, Eastchurch  
Festival Field (New Road), Sheerness  
The Glen, Minster  
King George's Playing Field, Queenborough  
Leysdown Coastal Park, Leysdown  
Lovell Road Open Space and Play Area, Minster  
New Road Play Area, Minster  
Noreen Avenue Play Area, Minster  
Rushenden Hill, Rushenden  
Sea Front Pleasure Grounds, Sheerness Including Beachfields Park and  
Gardens  
Second Avenue Play Area, Rushenden  
Stanley Avenue Open Space, Queenborough  
The Spinney, Leysdown  
Vincent Gardens, Sheerness  
Warden Village Hall, Warden Bay  
William Rigby Drive Open Space and Play Area.

## **Sittingbourne**

Anselm Close Play Area and Open Space  
Chilton Avenue Playing Field  
Denbigh Close Play Area  
Diligent Drive Play Area  
Elm Grove Play Area, Murston  
Eleanor Drive Play Area and Open Space  
Johnson Road Open Space  
Kemsley Recreation Ground, Kemsley  
King George's Playing Field  
Manor Grove Play Area, College Road (previously known as College  
Road Open Space and Burley Road Open Space).  
Milton Recreation Ground, Milton Regis  
Murston Recreation Ground  
Otterham Quay Open Space, Homefield Drive, Upchurch  
Randle Way Open Space and Play Area, Bapchild  
Rectory Playing Field  
Sittingbourne Recreation Ground (Also known as Albany Recreation  
Ground)  
The Grove, Park and Rose Hill Woods, Sittingbourne

**Part 3**

**The grounds referred to in byelaw 21(2) are as follows:**

- Love Lane Disused Burial Ground, Minster
- Minster Abbey Disused Burial Ground, Minster
- Austen Close, Kemsley
- Aylewyn Green, Kemsley
- Pear Tree Walk, Newington

**Part 4**

**The grounds referred to in byelaw 25(2) are as follows:**

- Barton's Point Coastal Park
- Leysdown Coastal Park

**SCHEDULE 2**

**GROUND IN WHICH USE OF MODEL AIRCRAFT IS PERMITTED**

**Byelaw 36**

Name or description of ground

Barton's Point Coastal Park

Days and times at which use of model aircraft is permitted

Use permitted by members of Barton's Point Flying Club only  
GIVEN under the Common Seal of Swale Borough Council this 26th day  
of January Two Thousand and Five

THE COMMON SEAL of SWALE )  
BOROUGH COUNCIL was )  
hereunto affixed in the presence of:- )



W D Milne  
Borough Solicitor

The foregoing byelaws are hereby confirmed by the Secretary of State  
and shall come into operation on the eighth day of April 2005.

Signed by authority of the Secretary of State

P Rowsell  
Senior Civil Servant in the Office of the Deputy Prime Minister

## Contacting Swale Borough Council

The Customer Service Centre deals with all enquiries across the Council; it should be your first stop when contacting us.

Copies of this booklet are available on the council website [www.swale.gov.uk](http://www.swale.gov.uk).

If you would like further hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request. Please contact the council at:

Swale Borough Council  
Swale House, East Street  
Sittingbourne  
Kent, ME10 3HT

**Customer Service Centre** ☎ **01795 417850**

**Page 28**

## Sheppey Promenade Beach and Foreshore



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### Contacting Swale Borough Council

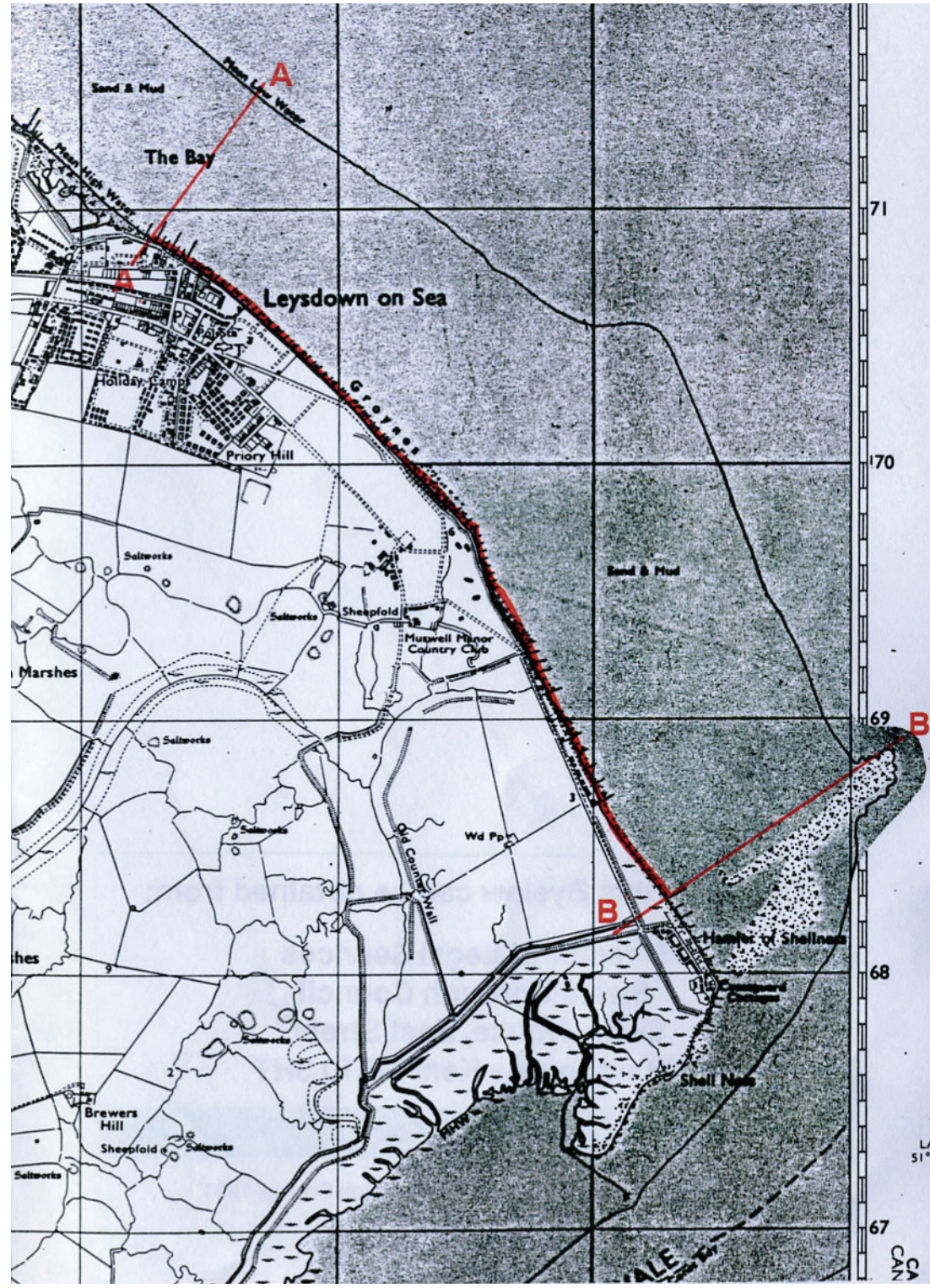
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Kent, ME10 3HT

Customer Service Centre ☎ 01795 417850



**SWALE BOROUGH COUNCIL  
(SHEPPEY PROMENADE BEACH AND FORESHORE)  
BYELAWS 1991**

By virtue of powers conferred on the Council by Sections 82 and 83 of the Public Health Acts Amendment Act, 1907.

For preserving order and good conduct among persons frequenting the said Promenade Beach and Foreshore; for regulating the erection of any booths, tents, sheds, stands, stalls, shows, or other erections and the playing of games, and generally for regulating the user for such purposes as shall be prescribed by the byelaws in respect of the said Promenade Beach and Foreshore or any part thereof; For regulating the selling and hawking of any article, commodity or thing on the Promenade Beach and Foreshore; For regulating the user of the said Promenade and Foreshore or any part thereof for riding or driving.

1. Throughout these byelaws the following expressions shall have the meanings assigned to them that is to say:

"The Council" shall mean The Swale Borough Council.

"The Promenade" shall mean all those four lengths of roadway footpath and sea wall:

a) firstly from a point to the south of Queen-borough Hard (o.s. ref: TQ 906722) to a point adjoining the Lappel Bank vehicle compound (o.s. ref: 908738)

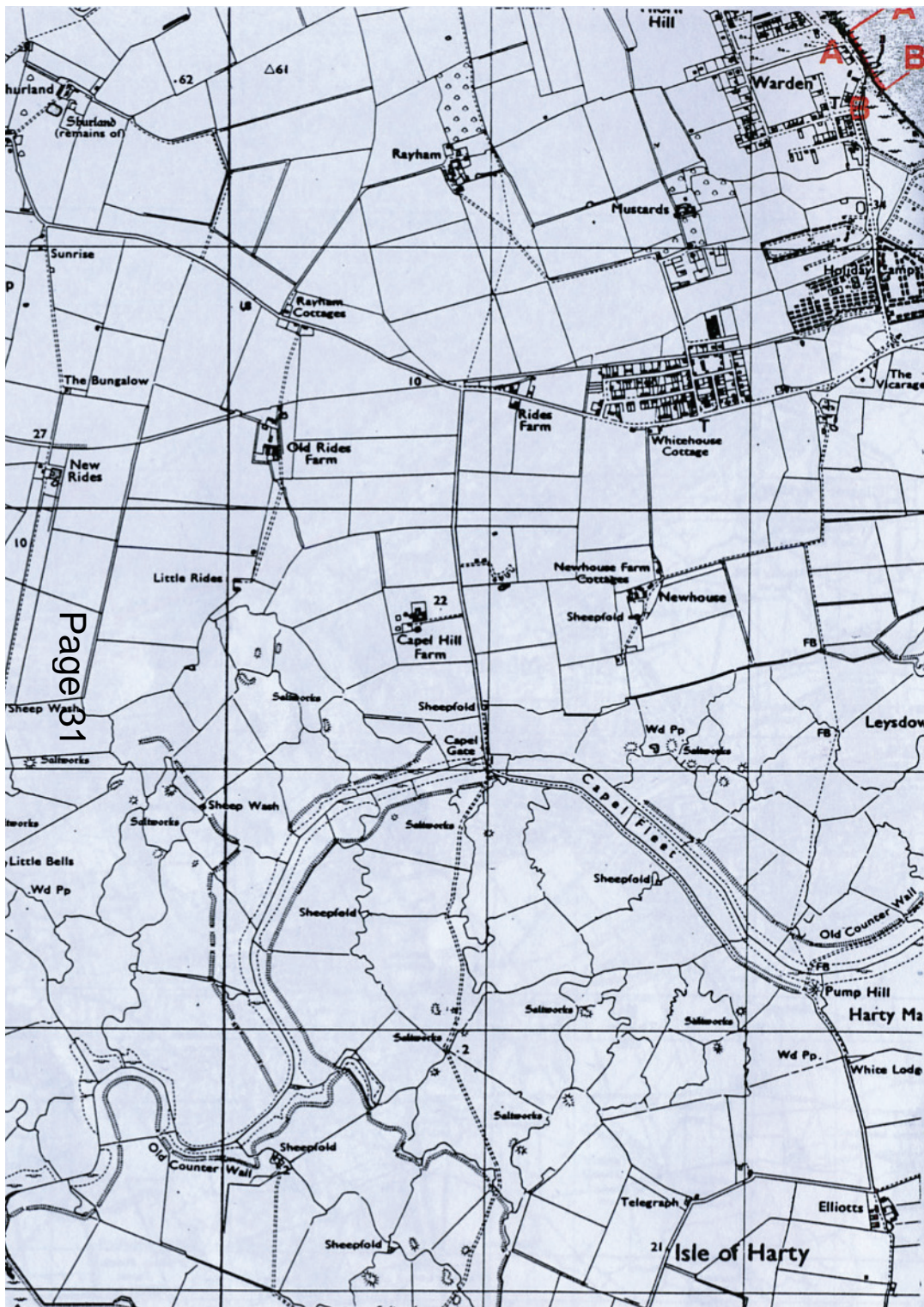
b) secondly from a point to the east of Garrison Point Sheerness (o.s. ref: 910756) to the end of the concrete sea defence at Minster Leas (o.s. ref: 964735) including Neptune Terrace, Sheerness.

c) thirdly from a large water outfall pipe at Ward-en (o.s. ref: 025717) to the end of concrete sea defence (o.s. ref: 024718)

d) fourthly from a large groyne (o.s. ref 033708) to a large groyne marking the end of the Natur-ist Beach (o.s. 053683)

"Beach" shall mean all that area of beach including all letties, slip-ways and landing stages from time to time situate above the line of the level of High Water mark of medium tides between the lines marked AA and BB on the plan annexed hereto.

"Foreshore" shall mean all those four areas of land including jetties, slipways and landing stages from time to time situate between the line of the level of High Water mark of the medium tides and the line of the level of Low Water mark of medium tides between the lines marked AA and BB on the plan annexed hereto.



Page 31

## Saving for officers

2. An act necessary to the proper execution of his duty on the Promenade Beach or Foreshore by an officer of the Council the National Rivers Authority or the Medway Ports Authority or any act which is necessary to the proper execution of any contract with the Council or either of the said Authorities shall not be an offence under these byelaws

## Erection of posts, rails and fences etc.

3. A person shall not on the Promenade Beach or Foreshore except as hereinafter provided erect any post, rail, fence, pole, tent, booth, stand, building or other structure (other than a windbreak) or similar device. Provided that this prohibition shall not apply where, upon an application to the Council, they grant permission to erect any post, rail, fence, pole, tent, booth, stand, building or other structure upon such occasion and for such purpose as are specified in the application

## Selling and hawking

4. A person shall not on the Promenade Beach or Foreshore sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article, unless in pursuance of an agreement with the Council or otherwise in the exercise of any lawful right or privilege he is authorised to sell or let to hire on the Promenade Beach or Foreshore such commodity or article

## Performances etc.

5. A person shall not on the Promenade Beach or Foreshore hold or take part in any public show or performance. Provided that this byelaw shall not apply to any person holding or taking part in a band show or any other entertainment held on the Promenade Beach or Foreshore in pursuance of any agreement with the Council.

## Begging, touting etc.

6. No person shall on the Promenade Beach or Foreshore to the annoyance or obstruction of any person using the same, beg or solicit alms, or for the purpose of selling or advertising any article or of obtaining custom, tout or importune, either verbally or by the distribution of handbills, circulars or advertisements. Provided that this byelaw shall not apply to any collection of money or sale of any article in accordance with any Regulations made under Section 5 of the Police, Factories Etc. (Miscellaneous Provisions) Act, 1916 for the time being in force in the Borough.







## Truck, machine and vehicle prohibition

7. A person shall not drive, bring or cause to be brought onto the Promenade Beach or Foreshore (other than that part known as Crundall's Wharf Queenborough) any truck, machine or vehicle other than:

- (i) a wheeled bicycle, tricycle or other similar machine.
- (ii) a wheelchair, pushchair or perambulator drawn or propelled by hand and used solely for the conveyance of a child or children or a disabled person.
- (iii) a mechanically or electronically propelled wheelchair used solely for the conveyance of a disabled person.

Provided that this byelaw shall not apply to:

- a. any vehicle belonging to the police, fire or ambulance services or where entry to any part of the Promenade Beach or Foreshore is required for the purpose of any emergency in connection with the saving of life.
- b. for the purpose of direct access to the slipways set aside by the Councillor the launching or recovering of any boat or vessel.
- c. any vehicle which is on the Promenade for the purpose of using and obtaining access to and egress from any parking place which has been set aside by the Council.

## Removal of barriers etc.

8. A person shall not on the Promenade Beach or Foreshore without reasonable excuse:

- (i) remove or displace any barrier, railing, post or seat or any part of any erection or ornament
- (ii) remove, displace or otherwise interfere with any life saving appliance placed by the Council.

## Games etc.

9. No person shall participate in any game, sport or pastime in a manner likely to interfere with or cause annoyance or danger to any other users of the Promenade Beach or Foreshore.

## Radios etc.

10. No person shall on the promenade beach or Foreshore by operating or causing or suffering to be operated, any radio, cassette or disc player, amplifier, or similar instrument, make, cause or suffer to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons on the Promenade Beach or Foreshore.

## Riding and driving

11. No person shall on the Promenade Beach or Foreshore break in any horse or other animal or ride or drive any horse or other animal in a race or so as to cause danger or annoyance to any person using the Promenade Beach or Foreshore.

## Intentionally obstructing constables etc. in the execution of duty

12. No person shall on the Promenade Beach or Foreshore:
- intentionally obstruct any officer of the Council in the proper execution of his duties
  - intentionally obstruct any person carrying out any act which is necessary to the proper execution of any contract with the Council
  - intentionally obstruct any other person in the proper use of the Promenade Beach or Foreshore or behave so as to give reasonable grounds for annoyance to other persons on the Promenade Beach or Foreshore.

## Penalties

13. Every person who shall offend against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

## Saving of crown and other rights

14. Nothing contained in any of the foregoing byelaws shall be deemed to be or shall operate as a grant by or on behalf of the Crown or other owner of the Beach or of the Foreshore below high water mark of any estate or interest in or right over such Beach or Foreshore, or any part thereof, nor shall anything contained in or done under any of the provisions of the foregoing byelaws in any respect prejudice or injuriously affect the rights and interests of the Crown in such Foreshore, or prevent the exercise thereon of any public rights or prejudice or injuriously affect any right, power or privilege legally exercisable by any person in or over and in respect of the Beach or Foreshore.

## 15. The following Byelaws are hereby revoked:

- Byelaws relating to the Seashore made by the Urban District Council of Sheerness on the eleventh day of July 1911 and confirmed by the Secretary of State on the twentieth day of October 1911.
- Byelaws with respect to Esplanades and Promenades made by the Borough Council of Queenborough in Sheppey on the fourteenth day of July 1971 and confirmed by the Secretary of State on the twenty fourth day of November 1971.

- Byelaws relating to the Seashore made by the Borough Council of Queenborough in Sheppey on the eleventh day of July 1972 and confirmed by the Secretary of State on the eighteenth day of September 1972.

THE COMMON SEAL of THE  
SWALE BOROUGH COUNCIL  
was hereunto affixed this 31<sup>st</sup> day  
of May 1991 in the presence of:

**Mr R Hawkins**  
**Authorised Signatory**

The foregoing Byelaws are hereby confirmed by the Secretary of State and shall come into operation one month after the date on which consent of the Department of Transport is given to the Byelaws.

**L.S**

Signed by the Authority of  
the Secretary of State.

19th September 1991  
Home Office  
London SW1

**R. J. Fries**  
(An Assistant Under-Secretary of State)

Secretary of State for Transport consents

8th October 1991  
Department of transport

**M.W. Jackson**  
(An Assistant Secretary in the London WC1  
Department of Transport)

<b>Environment Committee Meeting</b>	
<b>Meeting Date</b>	2 March 2023
<b>Report Title</b>	Scrapsgate Field, Minster – Horse Riding Area
<b>EMT Lead</b>	Emma Wiggins, Director of Regeneration & Neighbourhoods
<b>Head of Service</b>	Martyn Cassell, Head of Environment & Leisure
<b>Lead Officer</b>	Graeme Tuff, Greenspaces Manager
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. To agree to the regular grass cutting for an informal horse-riding area on Scrapsgate Field by reducing maintenance elsewhere on the site.</li> <li>2. To agree for the Head of Environment and Leisure, in consultation with the Environment Committee Chair, to review the arrangements after a year to ensure the operational success and health and safety of the changes.</li> </ol>

## 1 Purpose of Report and Executive Summary

- 1.1 The use of Scrapsgate Field, Minster was raised at Sheppey Area Committee on 22 September 2022, Minute 301(1)9/22, requesting that the issue of reinstating the horse-riding circle in Scrapsgate Field, Minster be referred to the Chair of the Environment Committee.
- 1.2 This report provides background information, proposal and options for Members to consider.

## 2 Background

- 2.1 Scrapsgate Field is approximately 4.6ha of open space located to the west of Scrapsgate Road, Minster on the edge of the urban area. It forms part of Minster Marshes, designated part of a Local Wildlife Site and consists of a small car park and large grass areas with a small amount of tree planting bounded by drainage ditches, including the main Environment Agency maintained Scrapsgate Drain. Approximately a quarter of the area is maintained as short amenity grass with the balance of long grass with a series of grass paths cut through for circular walking routes. A plan of the site is included as Appendix I.
- 2.2 The site is used for casual recreation, dog walking and in the past has been utilised for informal horse riding. This site along with part of The Glen, Minster was informally designated for casual horse-riding use with the installation of appropriate signing to try to provide local stables with the ability to ride off road. In

addition to the active recreation use of the field, it is also a valuable area for biodiversity given the varied features and maintenance regimes.

- 2.3 In addition to the regularly maintained short grass for informal recreation, the rest of the field was cut once or twice per year (rough-cut) until the early 2000's, when following a complaint relating to ground nesting birds, Ward Members requested the cutting be stopped. Subsequently the rough-cut grass was removed from the ground's maintenance contract.
- 2.4 On 11 September 2012 Minster Parish Council applied for and were successful in registering Scrapsgate Field as a Village Green (VG263) under The Commons Act 2006. Registration provides a level of protection using the Inclosure Act 1857 and the Commons Act 1876:
  - Protection against injury, damage and interruption to their use or enjoyment as a place for exercise and recreation.
  - Protection against encroachment on or inclosure of a green and interference with or occupation of the land unless it is with the aim of improving the enjoyment of the green.

Further to this, the owner of a Village Green cannot do anything that interferes with the lawful recreational activities of the local inhabitants.

### **3 Proposals**

- 3.1 Sheppey Area Committee have requested the Environment Committee to consider options for the field following a proposal by a local riding group. The group identified safety concerns of training horses in a field with uneven ground following the reduction in grass cutting, alongside issues with dog walkers, some of whom failed to clear up after themselves. A 20x40m arena with bark chip was requested. The group were willing to contribute to costs and it was subsequently suggested that the Council might consider a lease for the group to use the land and provide the desired facilities, limiting the Council's exposure to provide, manage and maintain such a facility.
- 3.2 While use for horse riding seems appropriate given its historic usage, given the registration of the land as a Village Green and the restriction of not doing anything that interferes with lawful recreational activities, it is not possible to restrict access or usage by local inhabitants for dog walking and other recreational use, including horse riding.
- 3.3 It has been estimated that the cost of returning the whole site to a rough-cut maintenance regime would be approximately £11,380 per annum, for which there is not a budget currently identified and this is not recommended with the current Medium Term Financial Strategy challenges.
- 3.4 However, it would be possible to cut on three occasions per year at least an area requested of approximately 800 sqm (20x40m) for an additional cost of £295 or

alternatively reduce the area of amenity cut grass on the recreation field by a width of approximately 4m to balance the increased costs.

- 3.5 Taking this approach would provide a regularly cut area of grass that could be used informally by horse riders while not being exclusive or interfering with the lawful use of the village green by other users. It is further proposed that this arrangement is reviewed by the Head of Environment and Leisure, in consultation with the Environment committee Chair, after a year to ensure the operational success and health and safety of the changes.

## 4 Alternative Options Considered and Rejected

- 4.1 Retain the site maintained as it currently is – this does not provide a reasonable maintained area for horse riding that the community is requesting.
- 4.2 Develop a horse menage area with appropriate surfacing at an estimated cost of £15,000 - £20,000. There is no budget currently identified and there are considerable ongoing maintenance, management and insurance implications providing such a facility by the Council.
- 4.3 Lease an area of the field for development and management of a menage by an external group/organisation for exclusive use – The provision and disposal (leasehold) of such an area on public open space is likely to be unlawful given the Village Green registration and restriction of use to other local inhabitants.

## 5 Consultation Undertaken or Proposed

- 5.1 None at this stage. We will liaise with the residents interested following this meeting.

## 6 Implications

Issue	Implications
Corporate Plan	The proposal would align to Priority 2 of the Corporate Plan - Investing in our environment and responding positively to global challenges.
Financial, Resource and Property	The proposal to provide an area of maintained grass will be cost neutral by reducing grass cutting elsewhere on the site.
Legal, Statutory and Procurement	The site is a registered Village Green (VG263) and as such legal restrictions are placed through the Inclosure Act 1857 and the Commons Act 1876. In addition, the owner of a Village Green cannot do anything that interferes with the lawful recreational activities of the local inhabitants.
Crime and Disorder	None identified at this stage.

Environment and Climate/Ecological Emergency	The proposal does not impact the Local Wildlife Site or biodiversity as varied cutting regimes promote different species.
Health and Wellbeing	None Identified at this stage
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	Officers have considered the potential implications of a clash of users e.g., horse riders/dog walkers/walkers. The site would be well signed and make clear to horse riders they need to always be in control. Risk assessments for the site will detail the steps taken.
Equality and Diversity	There are no differential equality issues raised by the proposals in this report at this time.
Privacy and Data Protection	None identified at this stage.

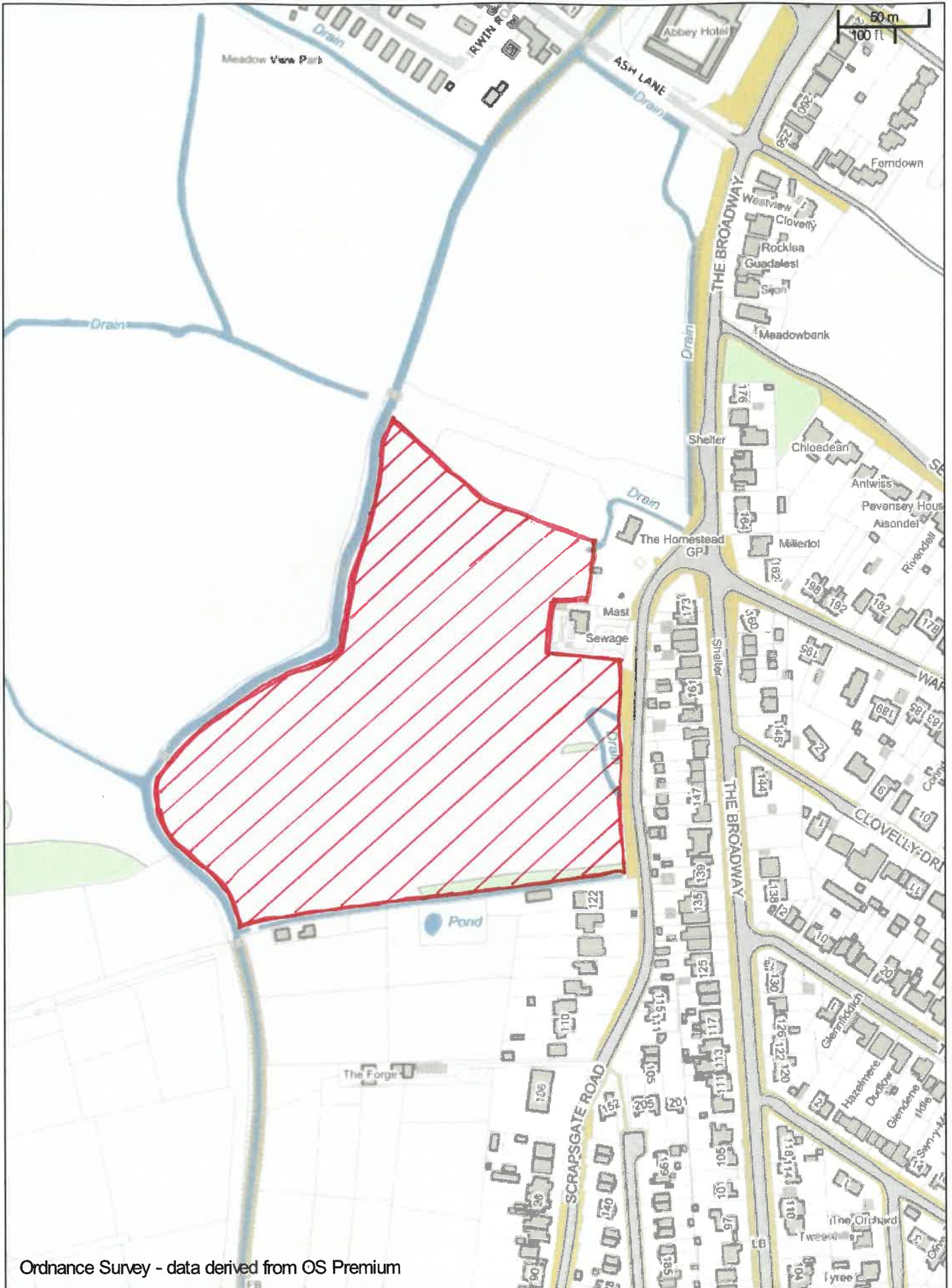
## 7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Scrapsgate Field, Minster Plan

## 8 Background Papers

- None



Ordnance Survey - data derived from OS Premium

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<b>Environment Committee</b>	
<b>Meeting Date</b>	2 <sup>nd</sup> March 2023
<b>Report Title</b>	Marine Town Food Waste and Alternate Weekly collections
<b>EMT Lead</b>	Emma Wiggins, Head of Regeneration and Neighbourhoods
<b>Head of Service</b>	Martyn Cassell, Head of Environment and Leisure
<b>Lead Officer</b>	Kelly Upson, Environmental Contracts Manager
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	1. That the Committee approves the implementation of the next stage of the Marine Town food waste project and the proposed methodology.

## 1 Purpose of Report and Executive Summary

- 1.1 This report recommends an option for the future of waste collections in Marine Town, Sheerness and seeks Committee approval of the suggested option to roll out food waste collections and alternate weekly refuse and recycling collections from September 2023.

## 2 Background

- 2.1 In 2007, Swale rolled out a new waste collection methodology of ‘Alternate Weekly Collections’ (AWC’s). Recycling and general waste would be collected fortnightly on alternate weeks. Food would be collected every week in a food caddy. Although it was always the intention of the council to deliver this service to all properties, there were some challenges. At that time, it was agreed that residents of Marine Town, Sheerness would remain on a weekly black sack refuse collection, as many terraced properties had been converted into flats. The perception was that some of these properties had restricted storage, exacerbated for some by an absence of access to rear gardens. This storage issue made wheelie bins an unrealistic option for all residents.
- 2.2 Since the initial roll out in 2007, Marine Town residents have been provided with a fortnightly mixed recycling collection alongside the weekly general waste collections. Although initially the quality of the recyclate presented was poor, over the past several years the quality and quantity of recyclate has greatly improved, reducing the quantity of general refuse being placed out for collection, especially on the recycling week.
- 2.3 A combination of different factors drove officers to review this situation. Under the government’s 25 year environment plan, it has been announced that every local authority is to provide free separate food waste collections by 2025. The vast majority of residents in Swale already have this service, but it needs to be

provided to the last few remaining pockets. In addition, recycling performance would need to improve to reach national targets. To do so, all residents would need to be offered a recycling and food waste collection. By maximising the recycling opportunity for all residents in the Borough, the result will positively impact recycling weights and reduce household residual waste tonnages.

- 2.4 As part of the resident engagement process for the new waste collection service, all residents in Marine Town were hand delivered a survey with a pre-paid envelope. The response rate was high. The majority of residents advised that they would like the facility to be able to recycle their food waste as offered to the rest of the borough.
- 2.5 In 2022, the waste survey results led to a food waste trial taking place across three slightly different roads in Marine Town – Berridge Road, Unity Street and Wellesley Road. This was a huge success with set out rates for food caddies reaching up to 50% of households.
- 2.6 As this was a success, alternate weekly collections were introduced in a second phase. Initially residents continued to place refuse bags out on recycling week but with regular monitoring and door knocking this was quickly resolved. Overall, the trial has been a success with no increase in fly tipping and good quality recycling being placed out with very little contamination.
- 2.6 The results of the trial demonstrate that this method of collection can work well in areas where waste must be collected in sacks due to inadequate storage for wheeled bins. It also confirmed that pre-trial concerns regarding food caddy ownership and caddies being left on streets did not materialise during the extended trial.

### **3 Proposals**

- 3.1 The proposal is to deliver what was originally intended and introduce weekly food waste collections to the remainder of Marine Town and to change the collection methodology from a weekly refuse and fortnightly recycling collection to an alternate weekly refuse and recycling collection as received by the rest of the borough.
- 3.2 The vast majority of the borough are already on alternate weekly collections with separate food waste. After this project has been completed, it is the intention of the officers to review any last remaining pockets of 'exempt' properties within the borough and if there is a likely chance of success, these areas will also be considered for the same waste collection methodology. These exempt pockets will be smaller, localised areas than the proposals in this report and engagement will be on smaller scale with ward councillors being notified in advance.
- 3.3 Communications with residents will be vital throughout the process. This will include door knocking, leaflets, letters and area specific social media communications. As well as the preparatory work, officers will visit the area twice weekly for the first 2 months to monitor and offer guidance and advice to

residents. Feedback from residents in the trial was positive around the communications received.

## **4 Alternative Options**

- 4.1 To extend the trial to a further 3 roads at a time. This option is not recommended as the process is resource intensive and will impact on officer time and costs. It will also take longer to implement to all roads and may not be complete before the start of the new waste contract in March 2024. This may hamper the new service.
- 4.2 To follow the initial trial process and roll out weekly food waste to all roads but continue with weekly refuse and fortnightly recycling for a limited period. The change to alternate weekly refuse and recycling collections would then be implemented at a later date. This option was considered but it was deemed unnecessary as the trial was conducted in two stages to monitor if food waste collections were possible in this area i.e due to limited storage, would bins be left on streets and blow away etc. Both aspects of the trial have been successful. Now we know the trial worked, it would be a clearer comm's message to make these proposed changes in one campaign. Such an approach has been successful in other areas such as Sheppey Beach Villas, where food collections and alternate weekly collections have been rolled out simultaneously. A two-stage approach would also require additional resource for a longer period and additional comms to ensure residents are clear on the separate phases. There would be a further cost to contractor resource, as this option would require an extra crew one day a week to collect the food waste separately. Costs may double overall with this option and the extended project delivery period may impact upon the start of the new contract in March 2024.
- 4.3 To do nothing, leave the trial roads on alternate weekly collections but do not roll out to the rest of the area. This option is not recommended as it is a requirement within the Environment Bill to ensure all properties have access to food waste collections by 2025. It would also do little to improve recycling figures and environmental improvements.
- 4.4 To provide food waste collections to the remainder of the area and maintain weekly refuse collections and fortnightly recycling services. This is not recommended as this option will cost the council more money overall as we will be providing this area with a more extensive service than other residents. Such a service would require additional vehicles once a fortnight to collect the three waste streams and this additional service would need funding.
- 4.5 To revert back to weekly refuse collections on the 3 trial roads and remove the food waste bins. This option is not recommended for the reasons in 4.3. In addition, residents have demonstrated that this service can work, so the council may suffer reputational damage if we removed the service after a successful trial.

## 5 Consultation Undertaken or Proposed

- 5.1 Consultation was undertaken in the form of the Waste and Street cleansing survey in 2021. Residents of Marine Town were issued a paper copy of the survey with a pre-paid return envelope and response rates were high. The majority of residents advised that they would like the facility to be able to recycle their food waste.
- 5.2 Local politicians and the town council were kept updated throughout.
- 5.3 End of food trial survey results showed that 88.5% of survey respondents used the caddy. 50% advised that they have wasted less food since using the caddy. 94% advised that the information received was clear and easy to understand. Overall residents gave the scheme a 9 out of 10 satisfaction rating.
- 5.4 The current contractor has been consulted and have agreed that they are able to accommodate the changes in collection methods for Marine Town. The future contractor (Suez) are aware that there are plans to introduce food waste and alternate weekly refuse and recycling collections to the area before the start of the new Waste and Street Cleansing contract and this may bring additional benefits to routing and efficiency. A more consistent service across the borough will enhance resilience and provide improved financial value for residents.
- 5.5 At time of writing, Officers are due to provide a verbal update at the Sheppey Area Committee on the 21<sup>st</sup> February 2023.

## 6 Implications

Issue	Implications
Corporate Plan	<p>The provision of food waste collections and change to Alternate weekly refuse and recycling collections supports the priority 'Investing in our environment and responding positively to global challenges', with particular reference to 2.5 'Work towards a cleaner borough where recycling remains a focus and ensure that the council acts as an exemplar environmental steward, making space for nature wherever possible.'</p> <p>Bringing this area in line with the rest of the borough meets objective 3.1 of the corporate plan "Undertake targeted interventions to identify our most disadvantaged families and communities, improve our understanding of the issues they face, and develop new ways of working to reduce social exclusion and enhance opportunities and quality of life."</p>

	<p>A more consistent, less resource intensive approach will also offer better value which is relevant under priority 4.4 “Continue to reduce dependence on government-controlled funding sources and support staff to find innovative ways to ensure other objectives can be met in the context of diminished resources”.</p>
<p>Financial, Resource and Property</p>	<p>To deliver this project, temporary resources will be required in the form of project officers. Three temporary project officers will be required for 2 days per week for 3 months. This cost is estimated at £9.9K (including on costs).</p> <p>These project officers will be supported by the Environmental Campaigns and Performance Officer, Contracts Technical Officer, the Contract Monitoring Officer’s and the Environment Warden.</p> <p>1800 food bins and silver caddies - £10,225.60  1800 rolls of food waste bags - £3000  Additional Driver + 1 crew 1 day per week for 4 weeks  Total cost = £23.1K plus £3.7K Biffa support costs</p> <p>Defra advised that the costs of new burdens under the Environment Bill will be funded. However, details of how and when these applications may be submitted have not been released as yet. Queries have been submitted to DEFRA but no answers have been received. If invitations to apply for funding open before the project starts then an application will be submitted, but the alternative funding will be via the Waste Scheme promotion reserve fund as this is a spend to save project.</p> <p>By bringing the waste collection methodology for this community in line with the remainder of the borough, there will be future savings on the next waste contract price equivalent to approximately £80K per annum. The future waste contractors have been made aware that these changes will be implemented prior to the next waste contract starting.</p>
<p>Legal, Statutory and Procurement</p>	<p>Local Authorities will be required to provide food waste collection to all households by 2025. These new duties will be funded via the ‘new burdens’ doctrine, but it is currently unclear from DEFRA when applications may be submitted.</p>
<p>Crime and Disorder</p>	<p>Reports of fly tipping in the alleys of Marine Town are not infrequent. By liaising with the residents on a regular basis throughout the process, we hope to remind residents about what they should be doing with their waste, educate on ways to minimise their waste and hope to drive fly tipping down in the process. The trial showed no increase in fly tipping. The</p>

	Environment Warden will monitor the area regularly to monitor fly tipping and investigate offences.
Environment and Climate/Ecological Emergency	If collected separately, food waste can be diverted from waste to energy into an anaerobic digester plant. This is a more efficient process for energy extraction and it produces a soil conditioner at the end of the process, which will be used locally on agricultural land. This project aims to minimise food going into the residual waste stream to help us achieve the Climate and Ecological Emergency Action Plan targets. This collection methodology also helps residents to try and reduce food waste in the first place.
Health and Wellbeing	Recent ONS statistics show that communities want to do more to help tackle climate change. By allowing people the opportunity to recycle more (at no extra cost to them), this will promote a sense of satisfaction and wellbeing, as well as the potential to save them money by wasting less food.
Risk Management and Health and Safety	Some premises place a lot of waste out for collection and there are risks that these residents will not be happy with changing to an alternate weekly refuse and recycling collection and will not take advantage of the weekly food waste collection service. Our education officers will identify and target these premises.  There is a risk that this could lead to increased fly tipping in the area, although the trial did not reflect this outcome. Officers will monitor and promptly investigate any such fly tips.
Equality and Diversity	An EIA has been completed. The assessment identified no significant areas of concern. Providing a weekly food waste collection and changing to alternate weekly refuse and recycling collections will bring the area in line with the rest of the borough and ensure equality across all areas of the borough.
Privacy and Data Protection	None identified at this stage

## 7 Appendices

None

## 8 Background Papers

None

## Environment Committee Forward Decisions Plan – March 2023

<b>Report title, background information and recommendation(s)</b>	<b>Date of meeting</b>	<b>Open or exempt?</b>	<b>Lead Officer and report author</b>
Motion to ban disposable barbeques in public open spaces	March 2023	Open	Head of Service: Head of Environment and Leisure, Martyn Cassell  Lead Officer: Graeme Tuff
Scrapsgate field horse riding area	March 2023	Open	Head of Service: Head of Environment and Leisure, Martyn Cassell  Lead Officer: Graeme Tuff
Marine Town Food waste and Alternate weekly Refuse and Recycling roll out	March 2023	Open	Head of Service: Head of Environment and Leisure, Martyn Cassell  Lead Officer: Alister Andrews/Kelly Mehmet
Public conveniences – early discussion on new contract	June 2023	Open	Head of Service: Head of Environment and Leisure, Martyn Cassell  Lead Officer: Alister Andrews
Air Quality Action Plan	June 2023	Open	Head of Service: Environmental Health Service, Tracey Beattie  Lead Officer: Clare Lydon

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