

Hessett Parish Council

Village Green Policy

and

Other Land and Greens Policy

(for land and greens owned and maintained by the Council)

Introduction

This policy covers the following areas:

Section A - Hessett Village Green

Section B - Lime Tree Close Green, Heath Close Green, the Green on the corner of Heath Road & Heath Close and the Heath area that is accessed from the footpath in Heath Road and is located beside the allotments.

The Council governs issues relating to the Village Green in accordance with this policy, which is based on the strict statutory rules concerning the use of Greens and guidance published by Government.

The Allotments are also owned and managed by the Parish council but are covered by a separate laws and policies. A full list of the land maintained/owned by Hessett Parish Council can be found in the "Land Asset Register" published on the Parish Council web site. A brief history of the Village Green can also be found there.

Section A - Hessett Village Green

The Village Green, as shown on the map (next page), is registered under the 1965 Commons Registration Act and is owned and administered by the Parish Council, which is responsible for its maintenance, protection and upkeep.

Uses and Responsibilities

The Green is protected against uses other than those consistent with its normal enjoyment and the Parish Council has a duty to ensure that the rules are adhered to. The over-riding guiding factors when considering possible uses of the Green are statutes written to:

- ◆ protect the Green against damage and encroachment;
- ◆ uphold rights of access and enjoyment for all in the neighbourhood; and
- ◆ guard against changes of use.

The Parish Council is happy to advise anyone on the use of the Green - the contact for the Parish Council is via the Clerk (contact details available on the Parish Council web site or village noticeboard).

Uses that are lawful and do not require permission include:

- ◆ Walking, with or without a dog;
- ◆ Playing sports and games such as football & cricket;
- ◆ Use of existing paths for access/egress on foot.

Uses that are lawful but require permission from the Parish Council include:

- ◆ Village fêtes or fairs;
- ◆ Public gatherings for entertainment;
- ◆ Special events to mark important public events;
- ◆ Occasional and temporary uses, for example for the short-term placement of items such as skips during renovation works.

Uses that are unlawful include:

- ◆ Physical alterations, such as tracks or paths (but see below re existing tracks);
- ◆ Fencing of any part of the Green or otherwise making it inaccessible to the public;
- ◆ Wilful damage (i.e. where it is reasonable to conclude that someone is aware of the risk

of damage), for example by vehicles, bicycles or horses or the storage/siting of building materials or skips;

- ◆ The building or introduction of any structure, including even small things such as steps, bollards, posts, marker stones or similar;
- ◆ Camping or caravanning;
- ◆ The planting of trees, except by the Parish Council;
- ◆ The pruning or cutting down of trees, except by the Parish Council;
- ◆ The driving of a vehicle across grass areas;*
- ◆ Parking a vehicle on the grass or tracks.*

** Temporary exceptions can be made by express written permission from the Parish Council where the purpose is for the better public enjoyment of the Village Green. Examples may include where a vehicle is used to bring a gazebo onto the green for an event that has also been granted permission by the Council.*

Maintenance

The Parish Council maintains all parts of the Green, whatever the surface, with the exception of private access tracks, and so decisions relating to maintenance and repair of the Green are taken by it. The Parish Council is not responsible for the maintenance of tracks and does not use public funds for this purpose (see below). The Parish Council establishes and maintains a programme of planned maintenance for the Green and the fixed assets set out upon it. Grassed areas are cut and seeded as required and other areas may be subject to repair or replacement from time to time, dependent on need.

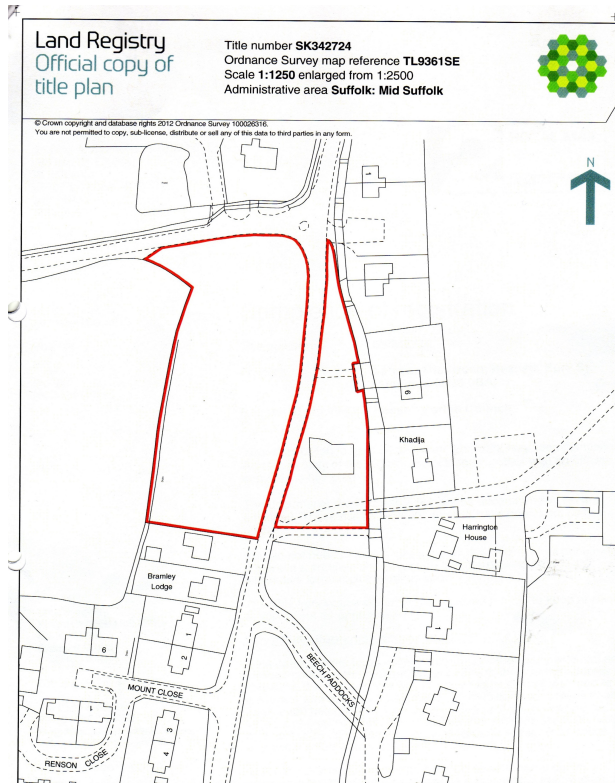
Owners and Residents of Adjacent Properties

Each owner and / or resident of property adjacent to the Village Green must ensure that there is no encroachment onto the Green, this includes even small items such as flowerbeds, shrubs, hedges, nameplates, lights or lighting columns. Residents should check their deeds or lease so that they know the boundary of their property as this will help them ensure that they do nothing to break the law concerning use of the Village Green.

Existing Access Tracks and their Maintenance

Some properties adjacent to the Green have access tracks that have existed for many decades, or even for over a century in some cases. Because these tracks were established before the Green became a registered green, there is an evolved right to continue to use them for private access. This right is known as a 'prescriptive right' and is protected in law.

Loose surfacing that was laid down on tracks before 1968 is lawful but it is unlawful to create new tracks or paths or to change the type of surface of an existing track or path. Existing tracks across the Green are for the private benefit of the householders only (and in some cases, local farmers for access to their land and barns).



This official copy issued on 20 December 2012 shows the state of this title plan on 20 December 2012 at 16:45:33. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries. This title is dealt with by Land Registry, Kingston upon Hull Office.

Responsibility for the maintenance of tracks lies with their lawful users who must ensure that they are maintained in such condition to ensure that they are fit and safe for pedestrians to cross or walk on. Repairs must be undertaken using materials and surfaces on a like-for-like basis.

Enforcement

Where the Green has been unlawfully used or damaged the Parish Council may take the action available to it in law to seek to remedy the damage and /or to ensure that the action does not recur.

Those responsible will be expected to pay all costs in relation to the repair or reinstatement of the Green and works will be subject to timescales set down by the Parish Council.

Should the Council have to commission its own works in relation to repairs or reinstatement all costs incurred will be charged to those responsible for the damage.

Inspections

The Council will inspect The Green at least annually, but otherwise as required, to determine its condition and that of its assets. The planned maintenance programme will be reviewed against these inspections. Any necessary works that may be required will be prioritised with resources made available. The results of such inspections will be formally recorded.

Events on Hessett Village Green

The Parish Council wishes to see traditional uses of the Green continue for the enjoyment of all. Protecting the fabric of the Green remains paramount, as is avoiding public nuisance to others. The Council's events management policy is designed to manage these potentially conflicting issues.

Use of the Village Green for Events - Events Management Policy

The following policy is intended as guidance - if you have any questions please get in touch with the Clerk to the Parish council - contact details can be found on the Parish Council website and on the village noticeboard.

1. Application must be made to the Parish Council for permission to hold events on the Green (see below for details of the information required).
2. The Village Green may be used only for events open to the general public, and not for commercial or personal gain.
3. The Village Green and the safety or welfare of those attending is the responsibility of the user throughout the event and this includes ensuring that:
 - a. The event is properly supervised;
 - b. Local residents are not troubled or inconvenienced (e.g. through rowdy behaviour, excessive use of amplified sound, bright lights etc);
 - c. No damage takes place as a result of the event. If in the opinion of the Council any damage has been caused, then this must be rectified at the expense of the applicant and or organiser.
 - d. Public Liability Insurance (if required) is in place;
 - e. Any Liquor or Public Entertainment Licences required by law are in place.
4. No vehicles are allowed on the Village Green without specific and written prior permission of the Council. This permission needs to be sought at the time of the event request and the Council may decline such requests or impose specific conditions.
5. Everyone must leave the Green by midnight at the latest and no overnight stays of any kind are permitted.
6. No charges may be made by the user for any event on the Village Green without prior specific and written consent of the Parish Council.
7. Event organisers are responsible for ensuring that all signs, rubbish and other materials are removed immediately after the event.

8. Should the Parish Council deem it necessary to arrange further cleaning or clearing the costs incurred will be passed on the event applicants and /or organiser.
9. Requests for permission to use the Village Green must be made in writing to the Clerk to the Council at least two months prior to the intended date. Those considering the staging of events should note that, because the Council normally meets only every two months, it may take up to four months for a permission to be considered.
10. Requests for permission to use the Village Green may be made only by village residents or those with a close association with Hessett.
11. Requests must detail:
 - a. The name and address of the applicant and their relationship to the event (e.g. committee member);
 - b. The name of a person nominated to have overall responsibility for the event on the day;
 - c. The name and exact nature and details of the proposed event;
 - d. The proposed start and finish times;
 - e. The anticipated levels of attendance;
 - f. Proposed Car parking arrangements (if any);
 - g. Proposed welfare arrangements (if any);
 - h. Any proposed use of amplification for voice or for music;
 - i. Whether public event and or liquor licenses have been or will be applied for;
 - j. Information about any proposed charges that will be made in connection with attending the event or participating in any aspect of it.
 - k. Any other relevant information that may help the Council in its consideration of the application.

Section B - Other Lands/Greens Owned or Maintained by Hessett Parish Council

These include: Lime Tree Close Green, Heath Close Green, the Green on the corner of Heath Road & Heath Close and the Heath area that is accessed from the footpath in Heath Road and is located beside the allotments.

A full list of these lands maintained/owned by Hessett Parish Council can be found in the "Land Asset Register" published on the Parish Council web site.

These areas are covered By S12 of the Inclosure Act 1857 and/or S29 of the Commons Act 1876 . They are 'open spaces' for the enjoyment of all. There is no public right of vehicle access or parking on these areas.