

# Supporting Documentation Full Council Meeting

Tuesday 19 July 2022



## **AGENDA ITEM – 5 Repair Café**

A survey was undertaken by the Environmental Sustainability Committee (ESC) to ascertain if there is an interest in a repair café in Highworth. 102 responses were received and of these 102 responses only 1 had no interest.

97 people said they would attend and 78 people provide us with the emails to contact them if the Cafe was up and running.

There was also a high response of people willing to give up their time to attend and carry out a variety of mixed skills.

The ESC request authority to set up a Pilot Scheme' Repair Café following the survey responses, with associated costs to spent from the ESC budget.

See link below to information regarding starting a repair café.

[Start your own | Repaircafe](#)

## **AGENDA ITEM – 6 POLICIES**

### **A. Grant Procedure**

It is the Council's Policy that grants will made to organisations, individuals or charities that directly benefit the people of Highworth area.

Applications will be considered by the Finance & General-Purpose Committee, in June, October and February following the relevant closing dates (see our website for the current list of Committee Meeting dates). Applicants are encouraged to attend the relevant meeting to present their project and to answer any questions that may arise.

Eligibility:

- Any Charity, Voluntary Group or Community Organisation
- Agencies that operate within Highworth and are of benefit to the local community, with the following provisos:
  - a. Highworth Town Council will not fund activities that it considers to be the responsibility of a Statutory Authority
  - b. Applications from schools for an activity that takes place within the school day will not be considered
  - c. Highworth Town Council will not fund activities outside its powers and functions

Conditions:

- Grants will not be awarded to individuals
- The Community Group or Organisation must demonstrate the level of benefit to the local community and be able to indicate that a large percentage of the participants are residents in Highworth
- The award must be used for the purpose for which the application was made
- If the group is unable to use the award for some or all of the stated purpose, all monies (or a proportion thereof) must be returned to Highworth Town Council
- All awards must be properly accounted for, and evidence of expenditure should be supplied as requested. An end of project/activity report form will be provided for

completion and return to the Council. If Highworth Town Council is not satisfied with the arrangements, they reserve the right to request a refund of monies awarded

- A detailed budget plan and supporting evidence for grants of £500 or over is required
- Highworth Town Council must be credited on any publicity used to promote the project/activity

#### WHO/WHAT WILL NOT NORMALLY BE FUNDED:

- The activities of political organisations
- The activities of religious organisations, unless they can show they operate clear and open community activities which do not require membership or connection to the organisation and that the application will be of benefit to the community
- An organisation that discriminates on grounds of racial origin, gender, disability, age, (except for obvious reasons, such as becoming a member of a youth club)
- Organisations based outside of the United Kingdom and/or who do not operate in Pound Sterling
- Organisations that have a closed, or offer restricted, membership
- Salary costs will not be funded
- Core school expenditure will not be funded
- Any completed project

#### Notes:

- The Council's decision on any application is final and there is no right of appeal
- The Council reserves the right to decline any application without giving reasons for its decision
- Nothing in this Policy prevents the Council from providing a grant or donation to a group, organisation, or project without application where the Council considers that the giving of such a grant or donation will bring benefits to residents of the Parish
- Where a Member of the Council is a member of a group/organisation applying for funding, that Member must declare, in accordance with its Code of Conduct, an interest in the matter and refrain from voting

Should an application be received which does not meet this criterion, the application will be returned to the applicant by the Town Clerk.

**B. Grant Policy**

**COMMUNITY FUNDING APPLICATION FORM**

<b>Section 1: Contact Details</b>	
Name of group/organisation applying	
Applicants position within the group/organisation	
Contact details of person completing the application form.  This person is responsible for: <ul style="list-style-type: none"> <li>• providing information if requested</li> <li>• receiving the grant money if awarded</li> <li>• signing the grant agreement</li> <li>• providing evaluation/feedback;</li> </ul>	Name
	Email address
	Telephone number
	Postal address

<b>Section 2: Group/Organisation Details</b>	
Briefly explain what the group/organisation does (e.g. youth club, charity) & the aims/objectives	
Please provide the charity & VAT number for the group and constitution, if applicable	
How many people are currently involved in the group /organisation?	<b>Staffing</b> Paid staff = _____ Volunteers = _____
<b>Section 3: Project Information</b>	
Project Title	

Brief Description	
<b>Partnership Working</b> <ul style="list-style-type: none"> <li>What other partners are involved in the project and what are their contributions?</li> </ul>	
What age group(s) will benefit from the project?	Tick/indicate all that apply: <input type="checkbox"/> 0-8 <input type="checkbox"/> 9-14 <input type="checkbox"/> 15-24 <input type="checkbox"/> 25-35 <input type="checkbox"/> 36-50 <input type="checkbox"/> 51-65 <input type="checkbox"/> 66+

<b>Section 4: Financial Details</b>															
How much money are you requesting?	Total amount applied for £														
Please provide a simple itemised breakdown of how money will be spent.	<table border="1" data-bbox="683 1406 1391 1899"> <thead> <tr> <th data-bbox="689 1406 1201 1464">ITEM</th> <th data-bbox="1201 1406 1385 1464">COST</th> </tr> </thead> <tbody> <tr> <td data-bbox="689 1464 1201 1529"></td> <td data-bbox="1201 1464 1385 1529"></td> </tr> <tr> <td data-bbox="689 1529 1201 1594"></td> <td data-bbox="1201 1529 1385 1594"></td> </tr> <tr> <td data-bbox="689 1594 1201 1659"></td> <td data-bbox="1201 1594 1385 1659"></td> </tr> <tr> <td data-bbox="689 1659 1201 1724"></td> <td data-bbox="1201 1659 1385 1724"></td> </tr> <tr> <td data-bbox="689 1724 1201 1789"></td> <td data-bbox="1201 1724 1385 1789"></td> </tr> <tr> <td data-bbox="689 1789 1201 1899"><b>TOTAL:</b></td> <td data-bbox="1201 1789 1385 1899"></td> </tr> </tbody> </table>	ITEM	COST											<b>TOTAL:</b>	
ITEM	COST														
<b>TOTAL:</b>															

Is this the total cost of the project?	<input type="checkbox"/> yes                      No <input type="checkbox"/>
If no, please give details of funds raised or applied for from other partners, agencies, groups etc:	Other funds applied for/secured (including amount):

Section 5: Declarations	
Signature of main contact person	
Date form completed	
Bank details (should an award be made)	Sort Code: Account Number: Account Name:

Checklist:

- Have you read the Guidelines
- Have you answered all the questions
- Has the group got a bank account (money cannot be paid into individual's accounts)
- Have you enclosed the most recent certified accounts if you are applying for a sum in excess of £500. Applications over £500 should also submit a Project and Business Plan  
Have you enclosed a copy of your Constitution if you are a registered charity
- Confirm the project has not already been completed

**Completed forms and any supplementary sheets should be sent to:**

Town Clerk  
Highworth Town Council  
3 Gilberts Lane

Electronic copies to be sent to: -  
admin@highworthtowncouncil.gov.uk

Highworth Swindon SN6 7FB  
Town

For further support please call Highworth  
Council on: 01793 762377 or 763511

## C. Complaints Policy

### Complaints Procedure

#### 1. Overview

Any complaint made to the Town Council will be dealt with as sensitively and as quickly as possible - it should be directed to the Town Clerk. If the complaint is regarding the Clerk the complaint should then be directed to the Chairman of the Full Council.

Any written complaint made about the services that Highworth Town Council provides, or about a member of staff will be acknowledged by post or by email, by the tenth working day of receipt.

Where possible a response to the complaint will be provided within 14 working days, if the nature of the complaint means that it is likely to take longer to investigate and respond, a letter will be sent with an estimated reply time – within the 14 working days.

Should the Town Clerk not be able to deal with the complaint, providing that it is appropriate it will be referred to the relevant committee for consideration – the complainant will be informed of this. For complaints about Street Lighting, Council Tax, Housing, Highways (roads and pavements) and Rubbish Collections/Street Cleaning – please contact Swindon Borough Council on 01793 445500.

#### 2. Complaints against Councillors

Highworth Town Council adopted a new Code of Conduct for Members in 2012.

The Swindon Borough Council Standards Committee is responsible for considering written complaints that elected Members of the Town Council have breached the Town Councils Members' Code of Conduct.

If you wish to submit a complaint (as described above), you should complete the Complaints form which can be found on Swindon Borough Council's website, and send it together with relevant supporting evidence to Swindon Borough Council's Monitoring Officer at the contact address below.

Please Note:

- a. The Standards Committee can only deal with complaints about the alleged behaviour and conduct of Councillors and will not deal with complaints about any of the Council's departments, paid employees or matters not covered by the Council's Members' Code of Conduct.
- b. All complaints must be made in an e-mail, please ensure that you use the Complaints Form as a guide to the cover writing and where possible within 28 days of the alleged breach. If you are writing a letter or sending all of the details required.
- c. If you are unsure about any aspect of the process or need general advice, please contact the Council's Monitoring Officer before submitting a complaint.

## Procedure for Considering Complaints and Sanctions

The **Procedure for Dealing with Complaints** document contains details of the procedure and assessment criteria that the Standards Committee will follow in considering complaints, and the potential sanctions available to the Standards Committees following a hearing if a Member is found to have breached the Code of Conduct. This can be found on the Swindon Borough Council website or on request from the Highworth Town Council Office.

Contact Monitoring Officer

Lisa Hall, Chief Legal Officer (Monitoring Officer)  
Swindon Borough Council

Civic Offices

Euclid Street

Swindon

SN1 2 JH

E-mail: [Lhall@swindon.gov.uk](mailto:Lhall@swindon.gov.uk)

## D. Habitual Vexatious Complainant

### **HABITUAL & VEXATIOUS COMPLAINANTS POLICY**

#### **1. Introduction**

This policy identifies situations where a complainant or contact, either individually or as part of a group, or a group of complainants or contacts, might be considered to be 'habitual or vexatious' and ways of responding to these situations.

In general the term habitual means 'done repeatedly or as a habit'. The term vexatious is recognised in law and means '*denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant*'. This policy is intended to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.

The term complaint in this policy includes requests made under the Freedom of Information Act 2000, GDPR and reference to the complaints procedure is, where relevant, to be interpreted as meaning requests under those Acts.

Habitual or vexatious complainants or contacts can be a problem for Council staff and Councillors. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Town Clerk and Councillor time and displace scarce human resources that could otherwise be spent on Council priorities. Whilst the Council endeavours to respond with patience and sympathy to the needs of all complainants and contacts there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

#### **2. Habitual and vexatious complaints policy**

For the purpose of this policy the following definition of habitual or vexatious complainants will be used:

The repeated and/or obsessive pursuit of:

- (i) Unreasonable complaints/enquiries and/or unrealistic outcomes; and/or
- (ii) Reasonable complaints/enquiries in an unreasonable manner.

Prior to considering its implementation the Town Clerk may send a copy of this policy to the complainant/contact to give them prior notification of its possible implementation.

Where complaints/contacts continue and these are considered to be habitual and/or vexatious in accordance with the criteria set out in the attached document (Schedule A), Highworth Town Council shall consider the item in private session and resolve by a simple majority vote to declare a case of habitual and/or vexatious complaint exists or and for an appropriate course of action to be taken. The attached schedule (B) details the options available for dealing with habitual or vexatious complaints.

The Town Clerk will notify complainants/contacts, in writing, of the reasons why their complaint/contact has been treated as habitual or vexatious and the action that will be taken.

Once a complainant is determined to be habitual and/or vexatious, their status will be kept under review for a minimum period of one year after which the status can be withdrawn or not by the Town Council by considering the item in private session and resolve by a simple majority vote.

### **3. SCHEDULE A – Criterial for determining habitual or vexatious complaints/contacts**

Complainants/contacts (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet *one* of the following criteria. Where complainants/contacts:

- a. Persist in pursuing a complaint where the Council's complaints process has been fully and properly implemented and exhausted.
- b. 2. Persistently change the substance of a complaint/enquiry or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint/enquiry is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint/enquiry as they need to be addressed as separate complaints/enquiries.)
- c. Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- d. Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.
- e. Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a trivial matter is, can be subjective and careful judgment will be used in applying this criteria.
- f. Have threatened to/or used physical violence towards employees at any time. This will, in itself, cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication. The Council has determined that any complainant/contact that threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant.
- g. The complainant/contact will be informed of this in writing together with notification of how future contact with the Council is to be made.
- h. Have, in the course of addressing a registered complaint/enquiry, had an excessive number of contacts with the Council – placing unreasonable demands on employees. A contact may be in person, by telephone, letter, email or fax. Judgment will be used

to determine excessive contact taking into account the specific circumstances of each individual case.

- i. Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint/enquiry. Employees recognise that complainants/contacts may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. *Some complainants/contacts may have a mental health disability and there is a need to be sensitive in circumstances of that kind.*
- j. Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
- k. Make unreasonable demands on the Council and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognised practice.
- l. Make unreasonable complaints/enquiries which impose a significant burden on the human resources of the Council and where the complaint/enquiry:
  - i. clearly does not have any serious purpose or value; or
  - ii. is designed to cause disruption or annoyance; or
  - iii. has the effect of harassing the public authority; or
  - iv. can otherwise fairly be characterised as obsessive or manifestly unreasonable.
- m. Make repetitive complaints, enquiries and allegations which ignore the replies which Council Officers have supplied in previous correspondence.
- n. Having by continuous, persistent and repetitive contact with a single employee, be classed as harassing, victimizing, bullying or causing mental anguish to that employee to a point that their work for the council is impaired.

#### **4. SCHEDULE B – Options for determining habitual or vexatious complaints/contacts**

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

- a. A letter to the complainant/contact setting out responsibilities for the parties involved if the Council is to continue processing the complaint/enquiry. If terms are contravened, consideration will then be given to implementing other action as indicated below.
- b. Decline contact with the complainant/contact, either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant/contact will be notified of this person.

- c. 3. Notify the complainant/contact, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint/enquiry but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant/contact will also be notified that the correspondence is at an end, advising the complainant/contact that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint or enquiry.
- d. Inform the complainant/contact that in extreme circumstances the Council will seek legal or police advice on habitual or vexatious complaints or enquiries and if applicable seek an injunction or prosecution against anyone deemed to be habitual and/or vexatious in their dealings with Council.
- e. Temporarily suspend all contact with the complainant/contact, in connection with the issues relating to the complaint/enquiry being considered habitual or vexatious, while seeking advice or guidance from its solicitor or other relevant agencies, such as the Local Government Ombudsman or External Auditor.

## E. Environmental Policy

### **Environmental Policy Statement**

The following is the policy of Highworth Town Council with regards to its place within the environment.

Highworth Town Council and its staff will operate at all times showing due regard to global and local environmental considerations and issues. Highworth Town Council will therefore conduct itself in such a manner so as to improve the environment or ensure that its operation minimises Highworth Town Council's impact there on. Employees will observe policies in force at sites visited in the course of their duties.

The Clerk and Staff are therefore charged with:-

- 1) Ensuring that the daily operation of Highworth Town Council does not constitute a nuisance to others.
- 2) Correctly using equipment and facilities provided to ensure the safe and correct handling and disposal of materials and waste products.
- 3) The economical use of all resources so as to minimise waste and take advantage of recycling schemes of general advantage to the community and the environment as appropriate.
- 4) The containment and safe disposal and/or recycling of chemicals, liquids, solids and gases in accordance with good operating practices.
- 6) Promotion of environmental awareness and general encouragement for staff to raise issues of concern and make recommendations and offer ideas to the Clerk to improve Highworth Town Council's performance.

In addition, field staff will, at all times, observe the environmental policies and instructions issued by competent, recognised authorities when visiting customer sites and premises. If, in the event that such instruction would appear to contradict Highworth Town Council policy statements, common good sense or create a potential environmental or safety hazard, staff are instructed to refer to the Town Clerk or Supervisor for advice before proceeding.

## F. Tree Policy

### Tree Management Policy

#### 1. Introduction

Trees are a highly valued feature of Highworth. They have an ecological and environmental value. Trees contribute to their environment by providing oxygen, improving air quality, climate amelioration, conserving water, preserving soil, and supporting wildlife. During the process of photosynthesis, trees take in carbon dioxide and produce the oxygen we breathe. Trees are also important in urban landscapes not only visually but enhance the environment by improving air quality by filtering airborne dust, smoke and fumes. Trees absorb traffic noise in built-up areas and can help to limit noise pollution. They reduce temperature extremes by providing shelter in hot weather. They can act as a screen, increasing privacy in residential road and gardens and provide food and habitat for birds and other wildlife thus supporting nature conservation value and biodiversity.

Research has shown that trees also provide many psychological and health benefits and have a positive impact on mental health and wellbeing, reducing stress and encouraging outdoor exercise.

#### 2. Trees within Highworth

Highworth Town Council has discretionary power to maintain trees in open spaces as per the deed, hand tools only from the ground where applicable under an agreement with Swindon Borough Council (SBC) which is the authority responsible for trees within the borough. Highworth Town Council has a responsibility to maintain trees on our land to ensure they are in a safe condition and not causing an unreasonable danger or actionable nuisance. Highworth Town Council carries out an annual tree inspection on our trees. Highworth Town Council also reports any tree issues that come to our notice on those that we are not responsible for.

Highworth Town Council can undertake work at ground level and up to head height if they so wish anything outside of this falls to Swindon Borough Council. Trees growing on land which forms part of the adopted highway are the responsibility of the Highways Authority, Swindon Borough Council.

Trees are generally maintained as part of Swindon Borough Councils continuous programme of work.

Trees along the main roads	Inspected annually
Street trees	Pruned on a cyclical basis every 1,3 or 5 years depending on species and location
Parks and green space trees	Pruned on an ad-hoc basis

Any problems reported are assessed by Swindon Borough Councils expert Tree Officer and any remedial work is determined on a priority basis depending on the nature of the request.

**All enquiries regarding trees in Highworth should be directed to Swindon Borough Council on 01793 445500 [www.swindon.gov.uk](http://www.swindon.gov.uk)**

### **3. Highworth Town Council – responding to complaints**

#### Obstructing/Overhanging Tree Branches

Tree branches can cause obstruction to public footpaths, roadways, signs, streetlighting and open spaces. Highworth Town Council will respond to reports where work can be undertaken at ground level by the Grounds Team who will eliminate hazards caused by obstructive branches.

#### Shading and loss of light

Trees are often perceived to block light to nearby properties. However, pruning or removal of trees will often have a negligible impact on the amount of light reaching a house or garden. Therefore, tree works to improve light levels will not normally be considered.

#### Loss of view

Trees will only be pruned or removed to restore views when necessary to retain important public viewpoints or there is a potential to bring about significant public benefit and/or enhance the local landscape or townscape. Pruning of trees for highway sight-line requirements will be dealt with on a case by case basis.

#### Trees affecting reception (Television, satellite or solar panels)

Pruning in the short term may help improve television reception, however in the long term the flush of quick extra growth associated with pruning can exacerbate the problem. In most cases the problem can be resolved by relocating the aerial or satellite dish or using a booster. Residents are advised to contact their satellite or tv provider for specialist advice. Removal or pruning of trees will only be considered in exceptional circumstances.

#### Overhead cables/telephone wires

Utility companies have certain legal rights to carry out works to public or privately owned trees to address health and safety problems, to maintain a clearance between trees and their apparatus to ensure continuity of supply. This may sometimes involve the loss of trees. Where works to trees are necessary as a result of proximity or conflict, we will encourage utility operators to adopt the most appropriate long-term solution, giving consideration to tree health, local tree cover and visual amenity.

Highworth Town Council will not prune a tree within our maintenance work in order to prevent or reduce interference with telephone wires. We would recommend contacting the telephone service provider.

#### General/Minor Nuisances

Highworth Town Council will not prune trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside our control. There are a variety of potential nuisances associated with trees, most of which are minor or seasonal and considered to be normal and acceptable consequences of living near trees.

Examples of such problems are:

- Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings
- Insects associated the trees (spiders, wasps flies etc)
- Reduction or increase of moisture to gardens
- Suckers or germinating seedlings in gardens

- Leaves falling into gutters, drains or onto flat roofs
- The build-up of algae on fences, paths or other structures

Clearing of leaves from gutters and pathways and weeding of set seeds are considered to be normal routine seasonal maintenance which property owners are expected to carry out.

Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings are not readily controllable by pruning and cleaning of affected surfaces can be considered routine maintenance. Pruning will not normally be considered solely as a way of alleviating problems with these issues alone.

#### Trees considered too big / too small

Felling trees sits within the remit of Swindon Borough Council.

#### Damage and tree roots

Many tree conflicts arise because of the presence of tree roots and the perception that they are causing damage. Where damage is alleged, each complaint will be investigated on an individual basis. The following guidance will be used in assessing levels of nuisance and identifying appropriate action.

Root invasion in gardens, tree roots in gardens are a natural occurrence and root presence is unlikely to be affected by tree pruning or removal. Landowners do have a common law right to prune back tree roots to their boundary, providing that this would not lead to tree death and providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situate within a Conservation Area.

All issues relating to tree roots from land maintained by Highworth Town Council should be directed to Swindon Borough Council.

#### Damage to walls and fences

Any issues where trees are considered to be causing damage to walls or fences should be referred to Swindon Borough Council.

#### Damage to paths

It is often possible to repair paths to take account of adjacent trees and tree roots, Where roots protrude they can be pruned or the path re-laid around the tree with flexible materials such as asphalt to provide a smooth surface. Where trees are considered to be causing damage to paths and footpaths please contact Swindon Borough Council to address the issue.

#### Damage to drains or water pipes

There is no evidence to suggest that the tree roots can actively penetrate an intact pipe or drain, but they can find their way into drains by any existing fault and increase damage. In these situations, the owner of the drain should seek to get the drain repaired at their own expense.

#### Trip Hazards

Highworth Town Council will work with Swindon Borough Council to make safe an unacceptable trip hazard in a street, road or highway which is caused by a tree in our ownership.

#### **4. Other factors constraining work to trees**

##### Birds

Under the Wildlife & Conservation Act 1981 (as amended) it is an offence to kill, injure or take wild birds, their young, their eggs or nests. Non urgent major tree work involving tree removal, reduction in hedge cutting operations should not normally be undertaken during bird nesting and breeding season, which is considered to be from 1<sup>st</sup> March to 31<sup>st</sup> July.

##### Bats

Bats are a European Protected Species and are protected by the Conservation of Habitats and Species Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). Causing damage to a roosting/nesting site is a criminal offence which can lead to imprisonment. Trees displaying signs of roosting bats will be referred to an ecologist before any work commences. Any trees supporting roosting bats will not be worked on until Natural England is consulted.

##### Restrictive covenants

Occasionally, restrictive covenants attached to the deeds for a property may restrict what work can be undertaken to trees.

##### Unadopted land

There are areas in Highworth that may not be adopted by Swindon Borough Council and may not have ownership recognised by neighbouring properties. Highworth Town Council does not have the authority or responsibility to maintain private land. Some instances may be considered on a case by case basis as exceptional circumstances.

#### **5. Damage relating to trees**

##### Direct damage to property

Tree roots, stems and branches get thicker each year via a process called secondary thickening. Over time as they increase in size they can disrupt or distort adjacent structures and surfaces. This is generally limited to 'lightly loaded' structures such as low walls, fences and paving. Trees generally deflect around more 'heavily loaded' structures such as houses. Any reports of damage to property needs to be reported to Swindon Borough Council in the first instance.

#### **6. Insurance claims**

Where trees are alleged to have caused direct or indirect damage to property and a formal claim is submitted the matter will be referred to Swindon Borough Council.

## G. Use of Podium

### Use of the Podium and Market Square Guidelines

#### 1. Usage

The Podium and Market Square can be used for the following, this list is not exhaustive.

- Highworth Weekly Market
- Community Outreach
- A General Community Meeting Space
- Business use i.e. Café Tables
- Civic Functions
- Charitable Promotions
- Church/Carol Services
- May Day
- Christmas Lights

#### Use by Cafes/Public Houses

Cafes may put tables and chairs on the Podium. The responsibility of the tables and chairs along with the clearing of any litter (including cigarette butts) is the responsibility of the business owner. Highworth Town Council expects especially during COVID-19 times that frequent cleaning and disinfecting of tables will take place and again the onus is entirely down to the business owner. This area is solely for non-alcoholic beverages, alcohol **must not** be consumed. Business owners are to ensure that their own insurance policy covers customers while dining on the Podium. Storage facilities are not permitted in any circumstances.

Usage will be reviewed every 12 months. Priority will be given to any charity/group or event that have booked the Podium.

#### 2. Making a booking

If you would like to book the Podium or Market Square, please contact Highworth Town Council [admin@highworthtowncouncil.gov.uk](mailto:admin@highworthtowncouncil.gov.uk) or 01793 762377.

Bookings of the Podium will be for single use, unless prior agreement is sought from Highworth Town Council.

#### 3. Conditions of use

A copy of the users Public Liability Insurance will be required unless agreed with Highworth Town Council prior to the booking being agreed.

A Risk Assessment may be required prior to the booking taking place.

The walkway from the Market Place to the Podium steps must be kept clear at all times.

Vehicles are not permitted on the Podium without prior permission from The Town Clerk.

The Market Square Car Park is to be free of cars from 6:00am on Saturdays.

No parking spaces are to be designated for individual businesses unless agreed by the Council on application for a temporary specific purpose. Highworth Town Council reserves the right to close off spaces for events and parking.

These guidelines must be adhered to at all times. If you are in breach of these conditions future bookings will not be granted.

Name.....

Signature.....

On behalf of (Group or Business).....

I agree to the above conditions of hire and accept if I breach these conditions I may not be permitted to future use of the Podium.