

**TUNBRIDGE WELLS COMMONS CONSERVATORS**

**Minutes of a meeting held in Committee Room A on Thursday 22 June 2017 at 1.30pm**

PRESENT: Ian Marshall (Chairman)  
Paul Burnett  
Ewen Cameron  
Mungo Chapman  
Cllr Barbara Cobbold  
George Craig  
Cllr Thelma Huggett  
Stephen Lacey  
Clare Sinha  
Corin Thoday

APOLOGIES: Cllr James Scholes  
Cllr Chris Woodward

ATTENDING: Rodney Stone (Clerk)  
Geoff Levitt (Treasurer)  
Steve Budden (Warden)  
Julia Woodgate (Support Officer)  
Clive Evans (Friends of Tunbridge Wells and Rusthall Common)  
Jennifer Blackburn (Rusthall Parish Council)  
Nigel Stapple

OBSERVING: Cllr Joy Podbury  
Alasdair Tod  
David Thorpe

**MINUTES**

**1. MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 23 March 2017 were considered, approved and signed by the Chairman.

**2. RUSTHALL ARCHAEOLOGY**

Nigel Stapple from WKD Archaeology gave a talk to the Conservators about the current archaeological research in Rusthall.

*Nigel Stapple and David Thorpe left the meeting at this point*

### 3. MATTERS ARISING

a) McMillan Williams

The Warden reported that he has been given a start date of w/c 26 June 2017 for the work to rebuild the bank and build a retaining wall.

b) Stranges Avenue

The Clerk has written to Amberley Homes, the developer of the new flats on London Road, to say that the Conservators will complete the work promised but not delivered, and pass on the cost.

c) Drainage

The Warden confirmed that all the Commons drainage is working well and the roadside drains appear clear, although they have not been tested.

d) Information Panels

Planning permission for the new panels has been applied for. All panels are ready to install. It was confirmed that the Conservators had approved the panel design by email.

e) Showfields play equipment

Cllr Cobbold confirmed that the equipment had now been sited on Showfields.

f) Pedestrian Crossings

Clive Evans confirmed that both crossings have been approved and funded for installation before the end of the financial year 2017/18.

### 4. WARDEN'S REPORT

The Warden reported that the preceding quarter is usually the quietest time of the year, but this year has been busier than usual finishing the winter projects. The clearances have been graded and seeded, and the grass has now germinated, the Himalayan Balsam has been treated and the height barrier at the entrance to Fir Tree car park has been installed.

Three projects are still to be carried out: two flights of steps, one to Fir Tree pond and one on the path adjacent to the Tarry Path; and an extension to the surfaced path linking the Marlpit ponds to Common View.

Currently the sight lines are being cut and then the annual path clearance will take place. As the rough grass cutting begins, the Warden reported that he is going to start experimenting with rotational cuts as recommended in the new management plan.

The wildflowers on London Road are still not very successful, mostly because they are restricted to the areas immediately under the trees. He is planning to have a survey done this year and then the Conservators can make a decision on their future at the September meeting. He believes it to be a worthwhile project, but possibly not being carried out in the best place.

5. **RISK REGISTER**

**RESOLVED. To adopt the final version of the Risk Register, as recommended by the Committee.**

6. **FINANCIAL STATEMENT no 5 2016/17**

**RESOLVED. That the statement be approved.**

7. **ANNUAL GOVERNANCE STATEMENT**

The Treasurer explained that this was the first page of the annual return. This year all boxes were ticked as the outstanding issue last year had been resolved.

**RESOLVED. To confirm all statements in Section 1.**

8. **UNAUDITED ACCOUNTS AND BALANCE SHEET 2016/17**

The Treasurer reported that the internal audit had found the design and performance of controls for the ten relevant objectives to be sound.

**RESOLVED. To approve the accounts.**

9. **STATUTORY ANNUAL RETURN**

The accounts appear in the format required by the external auditors so that they can track changes in future years and spot any discrepancies.

**RESOLVED. To approve the Annual Return.**

10. **FINANCIAL STATEMENT no 1 2017/18**

**RESOLVED. That the statement be approved.**

## 11. LICENCES

The Clerk informed the meeting that he had looked carefully at the problems that might arise if Targetfollow require fitness classes to have a licence. The problems are:

- a) The Conservators have two statutory duties, one of which is to ensure inhabitants have free access.
- b) Any issuing of licences should be a management issue not an ownership one.
- c) How to divide the income from the licence payers.
- d) Enforcement – the Warden cannot be expected to police it.

Targetfollow expressed their concern that classes could claim prescriptive rights over their use of the Common if allowed to continue on the current basis. Their belief is that the people running the classes are charging the public for the service so they are not exercising their right to free use of the Commons.

They also pointed out that licences give more control because they can be cancelled if the activities are unacceptable, whereas there is currently no mechanism for discontinuing classes.

Some Conservators felt that whether or not the instructors were running a business, the members still had the right to be there freely.

Some disquiet was expressed about damage to the Conservators' reputation, and it was agreed that they should be distanced from it. If licences are issued by the landowner, they should not refer to the Conservators at all.

In reply to Conservators' concern that they would no longer receive donations for the upkeep of the Commons and repair of wear and tear from the classes, Targetfollow offered to make up the lost donations.

The other major concern was that Targetfollow may start to issue licences for activities other than fitness classes. Targetfollow assured the meeting that no other activities would be licenced without the explicit permission of the Conservators.

**RESOLVED. To allow Targetfollow to issue licences to fitness classes on the Common providing:**

- a) Targetfollow makes up for the shortfall in donations to the Conservators;**
- b) no licences are granted except to fitness classes unless explicit permission by the full Conservators body is given;**
- c) the licence is between Targetfollow and the fitness class and the Conservators have no part.**

## 12. DRONE PROTOCOL

The Clerk reported that he had researched the subject and, although there are no byelaws to prevent the flying of drones, it would not be legal on most parts of the Common. A warning from the Warden that they are breaking the law should be sufficient in most cases. Given that the regulations are currently changing, he does not feel that a protocol is necessary at the moment.

**RESOLVED.** Clerk to write to the relevant government department to enquire about changing the bye-laws.

**13. DEPOSIT RETURN SCHEME**

A local group is collecting signatures for a petition to introduce a deposit scheme on bottles and cans to encourage people to return them, which should reduce litter. Sufficient signatures will entail a parliamentary discussion.

**RESOLVED.** To allow a stall or table to be erected on the Common so that the organisers can collect petition signatures.

**14. ANY OTHER BUSINESS**

a) Dandara land swap

A request was made to use some of the money paid by Dandara to clear up the area between the Common and the new piece of land. The Warden stated that it was in the plan and will be done shortly.

b) Rusthall Arts Festival

**RESOLVED.** To give permission for the Rusthall Community Arts Festival 2017 to use the Quirky Tree area and the Toad Rock area for some of the weekend activities on condition that the Warden is satisfied with the arrangements.

c) Management Plan

The Management Plan is now starting to be implemented, and the Warden will include a regular update with his quarterly report. The Freehold Tenants will fund a wall chart to assist planning. The first element to look at is the tender document for the new grasscutting and litter contracts.

**15. PLANNING APPLICATIONS**

Pantiles Car Park – Lawful Development Certificate. Wrote to point out that the area on the plan was too large, the car park has been used as a fairground within the last ten years and to query whether granting the certificate would be contrary to the Borough Council's legal duty towards the Commons. Certificate granted.

22 Rusthall Road – rebuild chimney. Wrote to point out that no materials should be stored on Common.

The Chairman stated his disappointment that Targetfollow had not mentioned the application for the Pantiles Car Park at the previous meeting, even though the application had already been submitted. Targetfollow accepted that they should have informed the Conservators.

**16. MEETING TIMES**

The Chairman stated that the earlier start time was extremely difficult for him, and for several other Conservators, to manage. He therefore proposed changing it back to 2.00.

Targetfollow opposed this as they have a long journey back to Norwich and the half hour can be critical in traffic build up.

**RESOLVED. Meetings to revert to 2.00 start.**