

**TUNBRIDGE WELLS COMMONS CONSERVATORS**

**Minutes of a meeting held in Committee Room A on Thursday 10 July 2014 at 2.00pm**

- PRESENT:            Ian Marshall (Chairman)  
                      Neill Buchanan  
                      Ewen Cameron  
                      Mungo Chapman  
                      Cllr Barbara Cobbold  
                      George Craig  
                      Nathan Dickinson  
                      Peter Freeman  
                      Cllr James Scholes  
                      Cllr Victor Webb  
                      Cllr Chris Woodward
- APOLOGIES:        Corin Thoday
- ATTENDING:        Rodney Stone (Clerk)  
                      Geoff Levitt (Treasurer)  
                      Steve Budden (Warden)  
                      Julia Woodgate (Support Officer)  
                      John Barber (Friends of Tunbridge Wells and Rusthall Common)  
                      Jennifer Blackburn (Rusthall Parish Council)

**MINUTES**

**1.     MEMBERSHIP**

**RESOLVED. To formally appoint George Craig in place of Will Wright as a Conservator representing Targetfollow.**

The Chairman welcomed George Craig to the meeting.

**2.     MINUTES OF THE LAST MEETING**

The minutes of the meeting held on 27 March 2014 were considered, approved and signed by the Chairman.

**3.     MATTERS ARISING**

a) Parking

The Chairman reported that the yellow lines have now been introduced in Castle Road and elsewhere, as agreed, and that the traffic flow has shown immediate

improvement. The Warden indicated his intention to start repairing the road edges as soon as possible. The only negative effect that has been observed is that cars are now parking in Major Yorks Road, very close to the exit from Nevill Park.

b) Invasive species

The Warden reported that the stand of Himalayan Balsam has been sprayed, and the remaining Japanese Knotweed at the end of Common View is due to be treated shortly.

c) Coding of invoices

It was confirmed that plans are in place to code all appropriate invoices by compartment and type of work to give a fuller picture of how the maintenance budget is spent.

d) Cycleway

There has been no work undertaken on resurfacing the cycleway, but there is a noticeable increase in cyclists using Hungershall Park. The Chairman asked Targetfollow to clarify whether cycle spaces were to be provided in Major Yorks car park. Targetfollow agreed to report back to the next meeting.

e) Pedestrian Crossings

John Barber reported that the campaign has collected more than 1000 signatures for the petition and it has the support of Greg Clark. It is to be discussed at the next Joint Transportation Board meeting.

f) Tunbridge Wells Vision

The Clerk reported that he has received a reply from the Leader of the Council about the possible road widening included in the Vision document, stating that there are no plans at present, and informal talks will be held with the Conservators if the need arises.

g) Fir Tree car park

Targetfollow reported that the pay and display machine has been removed and there are no plans to reinstate it.

The Clerk informed the meeting that, in view of the sensitivity of the matter, he had consulted lawyers with the Borough and County Councils as both Councils may have a statutory role. There was agreement that there were issues which may breach section 12 of the Inclosure Act 1857 and section 29 of the Commons Act 1876. The Clerk also reported that there had been threats that, if the Conservators permitted such charging, it might result in Judicial Review proceedings.

h) Sign for Major Yorks car park

Targetfollow confirmed that they are in discussion with KCC over a sign on the verge opposite the entrance to the car park, and will be pursuing the planning process.

4. **WARDEN'S REPORT**

The Warden reported his concern about the wildflower areas. The poppy seeds at Vale Road have flowered and made a good show, and he will cultivate the circles and sow more poppy seed at the end of the season to ensure that they flower again next year and each year of the First World War commemorations.

However, the results of the new wildflower area above the coach park on London Road are not promising. The growth has proved very coarse, indicative of too many nutrients, and the Warden believes that the work to impoverish the soil will be very expensive. He therefore recommended that this area return to the normal mowing regime next year.

In the more established areas by Inner London Road he reported that the plug plants appear to have taken and much of the yellow rattle that was sown last autumn has germinated, but very little of it is flowering. The reason is unknown, although one expert has suggested that the soil may be too compacted. He therefore proposes to vigorously scarify the areas this autumn to try to improve the situation. Next summer will be the final year of the three year experiment.

He reported that the manhole cover missing at Nevill Park has not yet been replaced, but it should be the responsibility of Southern Water. In the meantime he has erected fencing around the manhole. Southern Water will be advised of the position.

Targetfollow reported that they are investigating the cause of the spring drying up in the Pantiles. The Warden confirmed that there appears to be water at the Cold Baths.

The Warden was asked to start the encroachment procedure to get the old picnic tables removed from the Common by the Mount Edgcumbe. The issue of cabling also needs to be pursued as it may be a health and safety hazard. John Barber offered to speak to the owners informally to see if agreement can be reached before formal steps are taken.

5. **FINANCIAL STATEMENT no 5 2013/14**

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

6. **ACCOUNTS AND BALANCE SHEET 2013/14**

As many of the invoices were not submitted by the end of the year they have been accrued. This takes into account the work that was completed before 31 March 2014 but where the invoices were paid in the current financial year.

The reserves are down slightly, and the Treasurer expressed his belief that they are at a prudent level and should not be deliberately reduced further.

There were minor underspends on administration and salaries due to lower than expected pension contributions. There were overspends on drainage and maintenance of cleared areas due to the bad weather which had been agreed previously by the Conservators.

The Freehold Tenants were thanked for their contributions which have enabled so many improvements to take place on the Commons, and the Warden agreed that, without these projects, the improvement of the Commons would be unable to move forward.

The Treasurer informed the meeting that the accounts had been audited and the controls found to be satisfactory.

**RESOLVED. To approve the accounts.**

7. **FINANCIAL STATEMENT no 1 2014/15**

**RESOLVED – that the statement be approved.**

8. **RUSTHALL CRICKET CLUB CONTAINER**

A site meeting was held with the Cricket Club and the position in which they proposed siting the container was satisfactorily screened from the road. The Chairman therefore recommended that the Conservators approve the request.

Targetfollow stated that they were negotiating a licence with the club.

**RESOLVED – to allow the container to be placed where proposed.**

9. **COMMON VISION**

John Barber distributed copies of the two completed leaflets, each containing maps and suggested walks, and the meeting expressed their gratitude for the excellent work. The leaflets are also downloadable from the Conservators' and Friends websites.

The next project is the interpretation panels. The design work has been done but the money needs to be raised before production can begin. It is intended that all the existing panels will be replaced with three extra ones.

The educational element has been very well received by the two pilot schools, with St Pauls trying to get their own funding to continue.

10. **PUBLIC ART ON THE COMMON**

The principle of allowing public art on the Common was discussed. Most Conservators felt the Commons are inappropriate venues as they are natural open spaces, not parks, and security would be a constant problem. Fallen trees should, however, be utilised, possibly as seats.

**RESOLVED – to reject future proposals for public art on the Common.**

11. **ON STREET PARKING**

Targetfollow wished to clarify the Conservators' position on street parking, but it was agreed that the results of the recent changes to the parking regulations need to be determined first.

12. **LICENCES FOR COMMERCIAL ACTIVITIES**

Targetfollow expressed their belief that fitness classes and other commercial organisations should be required to pay for licences in order to conduct their business on the Commons.

The Clerk stated that the public have a right to freely use the Common for exercise whether or not they are paying someone to lead them. Whether the trainers have the same rights is a grey issue.

Currently the Conservators require proof of Public Liability Insurance and risk assessments before giving permission, and the classes make donations towards the upkeep of the Commons.

It was pointed out that granting a licence could be seen as permission to occupy a space, which is illegal. It could also lead to issues such as potential liability.

It was unresolved whether the Conservators, as managers of the Common, should grant any licences, or whether Targetfollow could do so. Targetfollow stated that one third of the income from the Common goes to the Conservators, but the Freehold Tenants pointed out that this income belongs to them and they have no obligation to spend it on the Common.

13. **ANY OTHER BUSINESS**

a) **Helicopter landings**

A request has been received to allow a helicopter to land on the Lower Cricket Pitch to enable the pilot to open an art exhibition being held by a disabled man. The disabled artist would not be involved in the helicopter landing.

**RESOLVED. Not to allow helicopters, other than the air ambulance, to land on the Common on this or any other occasion.**

b) Right to Bid

The Friends application to have the two Commons listed as community assets has been accepted by TWBC, which means that they have secured a right to bid in the event of the owners, Targetfollow, putting up the Commons for sale any time in the 5 years after the listing.

Targetfollow have subsequently registered their intention to sell the Commons, giving a six week period for the Friends to say whether or not they want to make a bid and, if so, then a 6 month moratorium from the date of advice of intention to sell given to TWBC would apply for the Friends to make the bid and in which period Targetfollow cannot sell to any other party.

Targetfollow stated that they have no present intention to sell the Commons, but have registered their intention on legal advice as the best way to protect the value of their asset, which is devalued by the Friends' right to bid presence. They had considered appealing against the listing but concluded that a better way to free themselves from the inhibition of the right to bid was to proceed as if they were selling the Commons.

Cllr Scholes asked them to confirm that they have no intention of selling the Commons, even though they have advised TWBC of this intention, and George Craig, for Targetfollow, confirmed that this is the case. Cllr Scholes asked why they did not wait until they intended to sell, and George Craig repeated that they were protecting the value of the asset. Targetfollow said that they, as property owners, are always prepared to consider the sale of properties but in this case significant value would be attached to this asset.

Targetfollow confirmed that it is their intention to use up the six month moratorium, and at the end of it they will not sell the Commons unless a very substantial bid is received. Any sale would include the whole of the Commons, including the car park.

John Barber, for the Friends, said that in due course he would welcome a meeting with Targetfollow to discuss the situation.

The next meeting will be held at **2.00 p.m. on 25 September 2014.**