

TUNBRIDGE WELLS COMMONS CONSERVATORS

Minutes of a meeting held in Committee Room A on Thursday 24 March 2016 at 2.00pm

- PRESENT: Cllr Barbara Cobbold (Outgoing Chairman)
Ewen Cameron (Incoming Chairman)
Cllr Ronen Basu
Mungo Chapman
George Craig
Peter Freeman
Ian Marshall
Clare Sinha
Corin Thoday
Cllr Chris Woodward
- APOLOGIES: Cllr James Scholes
Paul Burnett
- 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)
Terry Hughes (TWBC)
- OBSERVING: Julie Stillwell
Peter Stillwell
Robert Hogben
Cllr Thelma Huggett

MINUTES

1. APPOINTMENT OF CHAIRMAN

In accordance with the third Schedule of the County of Kent Act 1981 it was noted that the Conservators are required at the first meeting held on or after 1 January each year to appoint a Chairman for the ensuing year.

RESOLVED. That Ewen Cameron, representative of the Manor of Rusthall, be appointed as Chairman until the quarterly meeting of the Conservators in March 2017.

Ewen Cameron in the Chair

The Chairman thanked Cllr Cobbold for all her work as Chairman, which had been most appreciated.

2. TRAVELLERS

Terry Hughes, from TWBC, outlined the protocol the council have developed to deal with incursions from travellers. As outlined the protocol, in the first instance the landowner will issue a letter to the occupiers informing they have no permission to reside on the land and asking them to leave within 24 hours. 24 hours later an authorised representative of the Borough Council attends the site and performs a site assessment and welfare check. If no welfare issues exist the authorised representative presents the occupiers with a s77 notice to leave within 24 hours. 24 hours later the Borough Council's legal services request time before a judge to apply for a s78 eviction notice. This may take between one and three days. 24 hours after service of this notice the Borough Council will employ the services of a bailiff to evict the occupiers. As local authorities have powers parishes do not, they have agreed to see the process through on behalf of the parishes that wish it. They are extending this invitation to the Conservators.

All but two parishes have agreed to join the scheme, which involves making a one off contribution of £500. This will be match funded by the council to form the basis of a fund. Apart from the initial attendance by the Proper Officer, the council will do all further work.

The cost of the legal work will be borne by the council, and the cost of employing the bailiffs and clean up costs will come from the fund up to a maximum of £3,000.

There will be a review after one year and no participant will be obliged to continue.

Access to legal work is a problem for the Conservators, but it was pointed out that Targetfollow are the landowners and therefore responsible for the legal work. The Conservators are managers of the Commons and responsible for the clean up. The legal team at the Council are reluctant to work on behalf of a private landowner.

Targetfollow have insurance which covers the legal costs and damages, although the Conservators would still have to deal with it. The question was raised whether the Conservators could get similar insurance.

Mr Hughes confirmed that eviction is faster if done by the landowner. The Clerk asked to be included in his forthcoming meeting with the legal team as he was unaware that there may be a quicker route.

RESOLVED. To await the outcome of the Clerk's meeting before making a decision.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 3 December 2015 were considered, approved and signed by the Chairman.

4. **MATTERS ARISING**

a) Pedestrian Crossings

John Barber confirmed that the crossings are still going through the processes.

b) Inner London Road

The Warden had nothing to report on the potential pipe under the Common as he has heard nothing further.

c) Roadside survey of trees

The Warden reported that he has not yet agreed a price for this, but still believes it should be done to demonstrate that the Conservators are doing all that can be expected of them.

d) S106 money

It was confirmed that the sum of £18,882.50 has been paid to the Conservators in respect of mitigation of the extra pressures from the K&S Hospital redevelopment.

5. **WARDEN'S REPORT**

The Warden reported that he had been able to complete all the planned winter work. The major clearances down Major Yorks Road and at Happy Valley have been carried out, as well as the clearance beside the Tarry Path, funded by the Freehold Tenants.

The damage at the top of Bulls Hollow drive caused by the building work has been repaired at the householder's expense, and the Warden pointed out that the sheds and building which were encroaching on the Common, and were supposed to have been moved by the end of October, were still there.

No tree surgery or hedge removal has yet taken place at the new Village Green as the nesting season has begun. Dandara have agreed to pay for this work in the autumn.

The tree surgery report on the trees at the foot of Strange's Avenue has recommended surgery rather than removal. The developer of the nearby flats wanted to remove them but has agreed to pay for their surgery.

The first cut of grass has just taken place and some new bins have been installed, including one funded by a member of the public. As the drier weather arrives there will be a major programme of bench renovation, paid for by the s106 money.

At Lower Green Road the Warden reported that there is still no agreement on the cause of the water bubbling out of the ground. Kent Highways are still trying to resolve the issue with South East Water.

6. **FINANCIAL STATEMENT**

The Treasurer submitted Financial Statement No 4 2015/16 showing total payments of £73,067.38 and receipts of £96,277.17. This includes the s106 payment. The payments are always high in this quarter as the major expenditure is over the winter.

RESOLVED. To approve the report.

7. **EXTERNAL AUDITOR**

The Treasurer informed the meeting that now the Conservators have been drawn back into the public audit regulations, an external auditor, PKF Littlejohn LLP, has been appointed for the 2015/16 and 2016/17 accounts.

The provision for audit fees has been raised this year, but it is not yet known how expensive this will prove, although the internal audit should make it a simple and quick job.

RESOLVED. To note the appointment of the external auditor.

8. **BULLS HOLLOW**

A paper on a possible land swap has been circulated to all Conservators by Targetfollow, but the Chairman pointed out that it would be very difficult for the Conservators to discuss the merits of the land in question unless they had been there. Accordingly he suggested a site visit should be arranged. Jenny Blackburn offered to act as guide.

RESOLVED. To postpone any decision until after the site visit.

9. **CYCLE PATH**

The minutes from the working party meeting have been circulated and the Chairman proposed that the recommendations be accepted.

It was pointed out that the council's representatives did not appear to have walked the routes proposed and the plans were, in many places, unworkable. The proposal, as submitted to the JTB and adopted by them, did not include most of the criticisms and suggested alternatives put forward by the working party.

RESOLVED. To accept the recommendations of the working group.

RESOLVED. To draft a letter to the council referring to the discussions and outlining the Conservators' concerns, to be circulated to Conservators before sending.

10. **FORUM PATH**

The owners of the Forum have requested permission to resurface the crumbling path behind the building to make it suitable for wheelchairs. It was pointed out that they have recently erected posts around the building on their land. They do not appear to have sought any permission.

RESOLVED. To allow the resurfacing of the path, but object to the posts.

11. **LAND SWAP**

The Clerk confirmed that the land swap has been approved by the Secretary of State.

He ran through the detail of the agreement with Dandara to pay for the maintenance of the new Village Green for twenty years, after which maintenance will revert to the management company of the development unless a new agreement is reached with the Conservators. He confirmed that the first four annual payments of £500 have been made, and the first round of tree surgery will commence as soon as possible. The agreement also allows for two more rounds of tree surgery in future years.

He was asked who would be responsible if there was an accident there involving a falling tree, and said that the Conservators have an obligation to maintain it.

The Clerk was asked if the Conservators are satisfied that they can take legal responsibility for the new Town and Village Green despite it not being part of the Common as laid down in the County of Kent Act 1981. The Clerk replied that he was happy to do so in this minor case as it would be very expensive to seek a legal opinion.

12. **NEVILL PARK PARKING**

Targetfollow informed the meeting that an agreement has been reached with the Nevill Park residents to prohibit parking on the part of the road that crosses the Common. Two notices will be erected warning that it is a private road, and RCP will issue parking notices. It was suggested that signs should be put out beforehand to warn motorists of its introduction.

RESOLVED. To allow notices to be erected on the verges.

13. **RUSTHALL BEACON**

Rusthall Parish Council wants to join in the Queen's birthday celebrations by lighting a beacon on the Common at the cross roads of Rusthall Road, Coach Road and Lower Green Road on 21 June. The temporary beacon will be gas operated, 2 meters high and anchored firmly to the ground. The crowd will be kept away from the beacon on the opposite side of the road, and no road closures will be required.

RESOLVED. To allow the beacon to be temporarily erected on the Common and lit on 21 June.

14. **RUSTHALL PERMISSIONS**

- i) Rusthall Bonfire – 29 October 2016
- ii) Roadside signs for Rushall Bonfire
- iii) Roadside signs for Rusthall Fete 16 July 2016

RESOLVED. To allow the Rusthall Bonfire to be held on the same basis as in previous years and subject to the same conditions, and to allow signs to be erected on the verges one week before each event and removed promptly thereafter.

15. **LANGTON GREEN FETE SIGNS**

RESOLVED. To allow signs be erected on the verges one week before the event and removed promptly thereafter.

16. **HOSPICE IN THE WEALD 10K RUN**

RESOLVED. To allow the run to take place on the same basis as last year and subject to the same conditions.

Ewen Cameron left at this point

Barbara Cobbold in the Chair

17. **MOUNT EDGCUMBE COTTAGE SUMMERHOUSE**

The owners have applied for permission to erect a summerhouse in their garden. This would be sited within the garden, which is bounded by a wall. The map is not clear exactly where the boundary lies, but as the summerhouse is wholly within the existing and established garden it does not prejudice the Common.

RESOLVED. To allow the summerhouse to be erected.

18. **ANY OTHER BUSINESS**

- a) Reprint of map leaflets

John Barber advised the Conservators that the leaflets had recently been reprinted with revisions, most of the cost of which was met by Cllr Scholes from his members' fund.

b) Water supply at Highbury

Cllr Woodward raised the difficulty experienced by the owners of Highbury in arranging an easement in order to install a new mains water pipe. Targetfollow agreed to investigate the hold up and try to resolve the situation.

RESOLVED. Targetfollow to meet with the Owner and Cllr Woodward with the aim of achieving a resolution to this matter.

RESOLVED. To allow a new water pipe to be taken across the Common to Highbury once the above resolution has been reached, on condition that all damage is repaired.

c) McMillan Williams

The new owners of the recently renovated building at the bottom of Major Yorks Road have asked permission to hold a family fun day to celebrate the opening of the new office. It will be free and open to the public. They plan to have a barbecue on their car park, but expect people to spill onto the Common. They also want a bouncy castle on the Common.

RESOLVED. To allow the fun day on condition that it is not commercial. It will be and subject to the usual conditions and liaison with the Warden.

d) Change of Conservator

Cllr Basu will be standing down after the elections in May and it is expected that the new representative will be Cllr Thelma Huggett.

19. PLANNING APPLICATIONS

Mount Edgumbe Cottage – summerhouse in garden. Commented that the permission of the Conservators will be required.

40 Common View – two storey rear extension. No comment on plan but pointed out that no materials could be stored on the Common.

Mount Ephraim House – demolition of existing extensions and rebuilding, and widening entrance. No comment on plans but pointed out that no damage could be done to the Common on two sides. No comment on widening of entrance although verge will be lost on grounds that they are entitled to access their property.

8 Rusthall Road – rear extension. No comment on plans but pointed out that grass verge is Common and must be protected.

3 Rustwick – extension. No comment on plans, but pointed out the restricted access and the sensitivity of the SSSI.

20. **SALARIES**

RESOLVED – to increase the salaries of the Warden and Support Officer by 1%, with effect from 1 April 2016.

The next meeting will be held at 2.00 on **23 June 2016.**