

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.**

TUNBRIDGE WELLS COMMONS CONSERVATORS

Minutes of a meeting held in the Council Chamber on Thursday 23 June 2016 at 2.00pm

- PRESENT: Ewen Cameron (Chairman)
Paul Burnett
Mungo Chapman
Cllr Barbara Cobbold
George Craig
Cllr Thelma Huggett
Ian Marshall
Cllr James Scholes
Clare Sinha
Corin Thoday
Cllr Chris Woodward
- 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)
Mike Taylor (Linden Park Cricket Club)
- OBSERVING: Maria Simmons
Clive Evans

MINUTES

1. MEMBERSHIP

RESOLVED. To formally appoint Cllr Thelma Huggett in place of Cllr Ronen Basu as a Conservator representing the Borough Council.

The Chairman welcomed Thelma Huggett to the meeting.

2. LINDEN PARK CRICKET CLUB

Mike Taylor, Chairman of Linden Park Cricket Club, told the meeting about the dog walkers who have started to congregate on the same part of the outfield each day. This has turned into a regular daily social gathering, and the number of people and dogs involved is causing a lot of damage which is very expensive to repair. The outfield has to be maintained to a high standard to remain in the league.

He suggested that the dog walkers' gathering could be moved further away from the cricket pitch; if this is not possible, notices could be put up informing dog walkers

that the pitch is for playing cricket, and asking them to remove any excrement. He does not feel that they are antagonistic, just unappreciative of the damage they are doing.

The Warden pointed out that the gatherings have become an important social event, so moving them may not be easy. He suggested putting temporary fencing around the current meeting area so they would need to move elsewhere, but Mr Taylor thought this would result in more of the outfield being damaged.

It was pointed out that the Conservators do not want to encourage more signage on the Common, but were told any notices could be placed on the railings.

AGREED. To allow signs to be placed on the railings and authorise the Warden to liaise with the club over the wording.

Cllr Scholes asked the club to inform him of the cost of the signs.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 24 March 2016 were considered, approved and signed by the Chairman.

4. MATTERS ARISING

a) Pedestrian Crossings

The Warden reported that he had been contacted by a Kent Highways engineer with a view to implementing the Langton Road crossing if possible. He is to meet him on site, together with John Barber.

b) Roadside tree survey

The Warden reported that it would cost about £300 p.a. to employ a tree surgeon to do a visual survey of all the roadside trees. This would be similar to the one carried out annually by Kent Highways until a few years ago. It would not be a detailed survey, but would indicate which trees needed watching. This would provide evidence that the Conservators are meeting their obligations, and the surveyor could appear in court as an expert witness should the need ever arise.

The Warden made the point that this regime would be in addition to, not instead of, his usual ad hoc inspections which would continue throughout the year.

Questions were raised as to whether the insurance company should be consulted about the level of inspection but this was not felt necessary.

AGREED. To hire an expert to conduct an annual roadside survey.

c) Cycle path

A draft letter to the Head of Economic Development, outlining the Conservators' concerns that their comments have not been incorporated into the cycle plan, has been circulated to Conservators.

d) Forum path

The Warden confirmed that work has not yet started as the money is still being raised. The posts have been painted to blend in with the building.

e) Parking at entrance to Nevill Park

It was confirmed that "no parking" notices have been placed at the entrance to the road and cars are no longer being parked there.

f) Meeting at Highbury

Targetfollow was thanked for meeting the residents of Highbury to resolve the water pipe problem.

5. WARDEN'S REPORT

The Warden reported on the recent incursion onto the Lower Cricket Pitch by travellers.

They arrived on Friday evening, so that no legal process could begin for several days, although the notice to quit was served on them on Saturday morning. The council legal team booked a court date on Wednesday.

The court process was not required in the end as the police evicted them on Tuesday afternoon on the grounds that there were more than six caravans and they were causing damage. The police stayed on site between serving notice and them leaving, which meant that they were unable to dump their rubbish.

This meant less clearing up was required than last time, although they left behind a large quantity of garden waste and hardcore. They also damaged the grass with their two fire pits.

The gap has been closed with posts and the tree trunk will be put back in place shortly on the other side of the posts so that it cannot be pushed out of the way. This will not stop a determined incursion but it will make it more difficult.

Defences need strengthening and improving around all the vulnerable areas of the Commons, although Common View and the Rusthall Cricket Pitch are both difficult to secure further.

He reported that Fir Tree car park is being used more and more frequently by individual travellers, some of whom have been difficult to move on, so he wishes to install a height restriction barrier which will allow high four-wheel drive vehicles through, but not caravans. This barrier would need to be lockable so that he can

admit larger vehicles when necessary, and robust so that it cannot be broken by vandals. He has received one quote for £900 + VAT. He would also need to install signs at the bottom of the road to warn of the height restriction. Planning permission may be needed.

The Treasurer confirmed that the contingency could be used for this purpose.

Targetfollow suggested that RCP could take responsibility for the car park which would mean the reintroduction of charging. A majority of the Conservators agreed that this would be the wrong approach, and the Conservators should continue to manage the car park. The Clerk referred to the very real threats of judicial review he received when charges were introduced last time.

AGREED. To install the barrier and the signs required.

The regular work of the Commons has been continuing. The Warden reported that he has recently been treating the small infestations of Himalayan Balsam. A number of benches have been renovated benches using the s106 payment; twenty-five will be renovated this year. The leak in the outflow pipe at Bracken Cottage Pond will be repaired within the next two weeks.

The wet ground at Lower Green Road has not improved and the Kent Highways drainage expert is still unable to determine the cause, although leakage from a mains water pipe has been excluded. The Warden said that there seemed to be two options: to install a system of drains at a cost of £3,000-£4000 to divert the water to the road and leave Kent Highways to install better drainage in the road; or to leave the area as a wildlife area. The grass has now grown sufficiently long to keep people from walking over the area, and he can temporarily replace the fencing when the grass is mown once a year.

RESOLVED. To leave the area as a wildlife area.

The judging for Britain in Bloom is due shortly and this year, for the first time, the Commons are a separate entry in the conservation category. This is taking quite a lot of officer time, but the Conservators agreed that it is worthwhile.

6. **TRAVELLERS**

The Clerk reported that he had met the senior lawyer from the council legal department, together with Terry Hughes. In a separate meeting he discussed the issue with the Chief Executive and Chief Financial Officer.

He confirmed that joining the council protocol, as presented at the last meeting, is definitely on offer following his explanation to the legal department that the Conservators, as the managers of the Commons, are responsible for any action taken, not the landowner.

He has concluded that the Conservators have four options:

- i) Employ bailiffs to remove trespassers using the rights of landowners. This can be very quick, but the risks are that it can also be very costly and there is

no guarantee that they will not return immediately. Also the vehicles cannot be left on the street as there is a risk of the police bringing a prosecution for obstruction.

- ii) The landowner can apply for a court order, enforced by bailiffs. The risks are those outlined in point i), and the Conservators would need to instruct a solicitor with no previous connection to the Common.
- iii) Tunbridge Wells Borough Council is entitled to take action under Section 77 of The Criminal Justice and Public Order Act. Under this process, the Proper Officer of the Conservators first serves a notice to quit. If they do not then leave, the council, on behalf of the Conservators, will obtain a court order which will prohibit their return for three months. This is the course that was followed in the recent incursion until the police took action, but there is no guarantee that the council would work on behalf of the Conservators unless they have joined the council scheme.
- iv) The police can use Section 61 of the The Criminal Justice and Public Order Act to serve an order to evict them. This was used in the recent incursion, but the police are reluctant to use it as they are bound by many human rights and other constraints.

Because of the risk involved in options i) and ii), and the constraints of option iv), he recommended that the Conservators join the council scheme. It is helpful to have the support of the council, they have lawyers at their disposal, and the costs of acting alone could be significant. The council have been helpful this time, and it is believed that they will only pass on the court costs. However, the Conservators need to join the scheme to ensure council assistance in future.

RESOLVED. To join the council Unauthorised Encampment Reserve Protocol.

RESOLVED. To authorise the Clerk and, in his absence, the Warden, to take action on behalf of the Conservators.

RESOLVED. To write to the police and council to thank them for their help in resolving the recent incursion.

7. **FINANCIAL STATEMENT no 5 2015/16**

RESOLVED. That the statement be approved.

8. **ANNUAL GOVERNANCE STATEMENT**

The Conservators are now subject to external audit regulations and have been selected for the basic audit. The appointed auditor is PKF Littlejohn. The completion and return of the Annual Governance Statement is part of the requirement.

It was agreed that the Conservators will need to provide more written evidence of good governance in the future.

It was also agreed that the Conservators could not confirm statement 4 in section 1, as this relates to the requirements for publishing the accounts in the previous year, before the Conservators were subject to the external audit regime.

RESOLVED. To confirm all statements in Section 1 except for statement 4.

9. **UNAUDITED ACCOUNTS AND BALANCE SHEET 2015/16**

The Treasurer reported that the internal audit was underway and would be finished in time for the submission date to the external auditors. He was not expecting any problems.

RESOLVED. To approve the accounts

10. **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.

11. **FINANCIAL STATEMENT no 1 2016/17**

RESOLVED. That the statement be approved.

12. **MCMILLAN WILLIAMS**

McMillan Williams now own the building on the Common now known as the Lodge on the Common. They recently held an open day with the permission of the Conservators. In preparation for this occasion they resurfaced the car park without asking permission, and dug away most of the earth bank to create a bin store and retaining wall.

The Warden allowed them to finish the resurfacing as it was half done when he discovered it, but has stopped the digging away of any more of the bank. The tarmacked area now extends to the foot of the reduced bank, therefore must have been extended.

McMillan Williams own this land, and the Conservators' records are not clear which parts are registered Common and which were omitted from the registration. The clerk expressed concern over any action the Conservators may take because of this ambiguity.

RESOLVED. To write to McMillan Williams requesting them to reinstate the bank.

13. **BULLS HOLLOW**

Targetfollow have been in discussion with the owner of Bulls Hollow about a land swap that would involve deregistering the area surrounding Bulls Hollow Cottage to enable it to become private garden, and, in return, registering the half of Still Green that is not already Common as new Town and Village Green. This would lead to a small net gain of Common land.

The Clerk pointed out that the prime duty of the Conservators is to protect and preserve the Common. The Dandara land swap could not be taken as a precedent for land swaps as in that case the land given up was unusable as Common and the new land very usable. The case is therefore distinguishable from other cases.

He also reminded the Conservators that the new land cannot become part of the Common; in the case of Dandara, the Conservators will only maintain the new land for twenty years, and the responsibility for maintenance will then revert to the landowner unless a new agreement is reached. Land swaps should not become habitual or the Common will become a patchwork.

The Warden felt that the land around the cottage should be reclaimed as Common, and pointed out that the land has a positive wildlife and ecological value. The part of Still Green on offer as a swap is not desirable as it would be expensive and difficult to maintain, and has no recreational value.

The other Conservators expressed their strong concern that a precedent must not be set for land swaps. They also believe that the land on offer at Still Green is undesirable.

RESOLVED. Not to support the land swap. Targetfollow to advise the owner of the opinion of the Conservators.

14. **ANY OTHER BUSINESS**

a) TWGGS charity walk

Tunbridge Wells Girls Grammar School wish to hold a school walk in September to raise money for their chosen charity. All the girls will take part. This walk will be the same as the one held without problem in 2014.

RESOLVED. To allow the walk to be held.

b) Fishing at Brighton Lake

Targetfollow have received a complaint that foreigners have been fishing at Brighton Lake and eating the catches rather than throwing them back, and asked if it was possible to put up no fishing signs. However, the Warden has never discouraged children to fish there, as it is a healthy outdoor hobby. He has not seen any evidence that the fish stocks are being depleted, and all the ducks and geese are still present.

15. PLANNING APPLICATIONS

The Major Yorke - Change of use to house in multiple occupation. Replied that the grass verges are part of the Common and no damage should be done to them.

Union House – Major redevelopment. Conservators to review the submitted plans and inform the office of any comments. Will put in a claim for a s106 payment of £9,000.

The next meeting will be held at 1.00 p.m. on 15 September 2016. Please note new start time.

TUNBRIDGE WELLS COMMONS CONSERVATORS

**Minutes of a meeting held in Committee Room A on Thursday 15 September 2016 at
1.00pm**

- PRESENT: Ewen Cameron (Chairman)
Paul Burnett
Mungo Chapman
Cllr Barbara Cobbold
Peter Freeman
Cllr Thelma Huggett
Ian Marshall
Clare Sinha
Corin Thoday
Cllr Chris Woodward
- APOLOGIES: George Craig
Cllr James Scholes
- 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)
- OBSERVING: Stephen Lacey
Cllr Joy Podbury
Clive Evans

MINUTES

1. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 23 June 2016 were considered, approved and signed by the Chairman.

2. MATTERS ARISING

a) Britain in Bloom

The Warden confirmed that the results of the Conservation category of the competition have not yet been announced and there has been no feedback for the Commons entry. Putting a Commons entry into the competition had resulted in some extra work on the Commons prior to the judging; this cost around £200 and involved around half a day of officer time to produce the document.

b) Linden Park Cricket Club

The wording for the signs has been agreed but they have not yet been erected.

The office to remind the club to contact Cllr Scholes who may be able to help pay for the signs out of his grant.

c) Pedestrian Crossings

John Barber reported that the Langton Road crossing was progressing well and the details have been agreed. However, the funding has been cut for the Major Yorks Road crossing and it would appear that the prioritisation process will have to begin again for 2017/18. The local MP, Greg Clark, and the chairman of the JTB have both written to Cllr Balfour, but no satisfactory reply has been received.

d) Roadside Tree survey

The Warden reported that a thorough, written annual tree survey will cost rather more than he had initially estimated. He proposed doing it on a five year cycle – the roadside trees will be divided into five sections and one section will be surveyed each year, so that every road will be surveyed every five years. A written tree condition report will be received each year.

It now looks as though the cost will be at least £450 +VAT per year for the first cycle, but the second cycle should be easier. Having a written report from a qualified tree surgeon will be valuable in managing risk.

It was suggested that if such a survey takes place, it would be sensible to have a five year contract to maintain the price.

e) Travellers Protocol

The Conservators will join the council protocol in April 2017.

Peter Freeman arrived at this point

f) McMillan Williams

The Warden reported that they have agreed to reinstate the bank although the work has not yet taken place. He will remind them.

g) Brighton Lake

There are terrapins, or possibly snapping turtles, in Brighton Lake which must have been put there by members of the public. As they can be very destructive, particularly towards the native crayfish, the Warden is looking at how to catch them and what to do with them once caught. There is a possibility that they will not survive the winter if it is very cold.

3. **MEMBERSHIP**

It was noted that Peter Freeman was standing down as a Conservator, with effect from the end of the meeting, and the new Conservator representing the Freehold Tenants will be Stephen Lacey.

The Chairman thanked Mr Freeman for his long service and said his work had been much appreciated.

The Clerk also thanked Mr Freeman, saying he was grateful for the privilege of working with him over many years, which had always been a pleasure.

4. **DATES OF FUTURE MEETINGS**

RESOLVED – That the meetings of the Commons Conservators be held at 1.00pm on the following dates:

23 March 2017
22 June 2017
21 September 2017
7 December 2017

5. **WARDEN'S REPORT**

The main work of the summer, cutting the long grass, has all been completed. The contractor has bought a new collector flail which appears to be doing a good job.

A major programme of bench renovation has begun, funded from s106 money.

The area between Belleville and St Helena has been opened up as the area was very overgrown, and an older style bench has become usable for the first time in many years. However, the bench has attracted drunken youths late at night so it will be moved.

The sodden ground at Lower Green Road, which the last meeting agreed to keep as a wild area, has now started to dry out as Highways appear to have resolved the drainage problem. The Warden is monitoring the situation.

All the drains on the Common by Major Yorks Road are completely clear and open but Highways have failed to clear the road gullies so the water from the Common has nowhere to go. They have promised to clear them shortly, but the Warden has been given no date.

AGREED. The Conservators to write to KCC Highways to request that this work is expedited. Targetfollow to write separately.

The Warden outlined the work he wants to get done this winter. He will start scalloping the racecourse with s106 money.

He also wishes to put in posts at the top of Lower Green Road to protect the verges at an estimated cost of £1,500. There are further problems at Bretland Road and elsewhere so there will be a constant demand on the posts budget.

He is obtaining further quotes for the barrier at the entrance to Fir Tree car park. He expects this to cost £1,500, but planning permission is not required. He will also need to install signs at the bottom of the road to warn users of the difficulty in turning. Highways has offered advice on wording.

As a result of pushing back the vegetation on Major Yorks Road he has discovered a drainage ditch beside the footpath. This could be a hazard, and he recommends installing a pipe for the drainage and filling in the ditch. He estimates the cost as £1,450.

He told the meeting that he plans to return to submitting work schedules to each meeting showing the planned work, including estimated costs, if the cost exceeds £500.

AGREED. The Warden to carry out all the planned work.

6. **POLICY REVIEW**

AGREED. To defer discussion of policies until the new Management Plan is adopted as all policies may be affected.

7. **JOB DESCRIPTIONS**

AGREED. To defer discussion of job descriptions until the new Management Plan is adopted as they will need to be comprehensively updated.

8. **MANAGEMENT PLAN**

The Freehold Tenants circulated a paper outlining the progress that has been made on the development of a new plan. They have brought in expert advice and commissioned reports on habitats, trees, rocks and ponds.

The reports have not yet been completely evaluated, but the next step will be to put them into the context of all the work that takes place on the Commons such as paths and drainage; risk management also has to be considered. The Freehold Tenants' working party aims to draw up a plan of priorities, seeking further advice from the experts who have been very generous with their time. This plan should be ready for the December meeting.

They intend to have a completed plan for the Conservators to consider at the March meeting.

The Warden, who has been very involved in the development of the plan, said it had been very encouraging to hear from the experts, and observed that the precepts of the last management plan are still relevant.

The Clerk pointed out that it is ecology and expert led. He recommended that it should be formally submitted to the council for their consideration before adoption.

The Treasurer, Geoff Levitt, arrived at this point

9. **FINANCIAL STATEMENT**

RESOLVED – that the statement be approved.

10. **INTERNAL AUDIT REPORT**

The report has not yet been received from the external auditors, but the internal report is pleasing in most respects. However, it does point out that the Conservators have not properly assessed the significant risks to achieving their objectives and need to review the adequacy of arrangements to manage these. Although many of the procedures required are already in place, they need to be set down.

AGREED. The officers to consider all the risks, with help from the internal auditors, and bring their recommendations to the committee.

11. **GRASSCUTTING CONTRACT**

The current contract expires at the end of this season and a new one will be required for the start of next year's work in March. As the requirements may change as a result of the new management plan, it was agreed that the contract cannot be put out to tender until the new plan is in place. Although it is not normally good practice to roll over contracts, in this case it would be a sensible solution.

AGREED. To offer the contractor a one year extension to his contract at the current cost.

The litter contract has one more year to run, and the requirements for a new contract will not be drawn up until the new management plan has been adopted.

Cllr James Scholes arrived at this point.

12. **ANY OTHER BUSINESS**

a) **Printing**

The office to use double sided printing and copying where possible for ecological and financial reasons.

b) McMillan Williams

One of their cars is often parked onto the footpath, making it impassable for wheelchairs and buggies. The Warden to speak to them.

c) Golf club

Targetfollow were asked whether their acquisition of the golf club could have implications for the Commons. Corin Thoday stated that there were no implications at all for the Commons and it was not part of a potential land swap.

d) Gibraltar Cottage

The new owner sought permission to put in a fingerpost sign to his house as his drive is largely invisible due to parked cars. If the land involved belongs to Targetfollow a licence will be required. The owner to contact them.

AGREED. To permit the installation of a white painted fingerpost bearing the house name.

e) Eridge Road lime trees

The developer of Union House wishes to widen the entrance to the car park which will involve the removal of two mature lime trees. The Tree Officer has suggested that they could, in return, supply and plant the missing seven or eight trees in the line further along the road, and give a sum of money for their future maintenance.

It was questioned whether the drive is part of the Common. The officers to investigate.

AGREED. To accept the offer if the existing trees are not on the Common. To insist that the two trees stay in place if it is Common.

f) Fitness Classes

The Clerk was asked to look into the legal possibility of issuing licences to fitness classes as Targetfollow are concerned that no class should be able to claim a right of usage.

g) Meeting times

The new, earlier start time has proved difficult for some, but it was moved to assist Targetfollow, who need to return to Norwich after the meeting.

AGREED. To leave the start time at 1.00 p.m.

13. **PLANNING APPLICATIONS**

Union House Development – no comment on plans, but registered claim for a £9,000 mitigation payment

77 Mount Ephraim – new subterranean dwelling. No comment on plans but pointed out that grass verge is part of Common

40 Common View – rear extension. No comment but issued warning about protecting grass verge.

Applications received but not commented on:

Pantiles Service Station – extension of opening hours

Nevill House, Mount Ephraim – construction of two new dwellings

34 Edward Street – appeal lodged against refusal of permission for extension

The next meeting will be held at **1.00 p.m. on 1 December 2016.**

TUNBRIDGE WELLS COMMONS CONSERVATORS

Minutes of a meeting held in Committee Room A on Thursday 1 December 2016 at 1.00pm

- PRESENT: Ewen Cameron (Chairman)
Mungo Chapman
Cllr Barbara Cobbold
George Craig
Cllr Thelma Huggett
Stephen Lacey
Ian Marshall
Cllr James Scholes
Clare Sinha
Corin Thoday
Cllr Chris Woodward
- APOLOGIES: 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)
- OBSERVING: Clive Evans
Cllr Joy Podbury
Alastair Tod

MINUTES

1. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 15 September 2016 were considered, approved and signed by the Chairman.

2. MATTERS ARISING

a) Britain in Bloom Competition

The Warden reported that Tunbridge Wells Common was awarded the silver medal in the 2016 Britain in Bloom – Commons and Open Spaces category. He added that there were only two entrants. He has subsequently considered the criteria and recommends that Tunbridge Wells Common is not entered again.

b) Linden Park Cricket Club

Cllr Scholes confirmed that the club has not been in touch with him about a possible grant for the notices to dog walkers. His discretionary grant fund is now nearly spent. The office to remind them.

c) Pedestrian crossings

John Barber advised the meeting that Targetfollow have helped to resolve the last issues over the pedestrian refuge to enable the crossing on Langton Road to go ahead as planned. He has also received great support from the JTB over the proposed Major Yorks Road crossing, and he has been informed that KCC are to put it forward again for funding for 2017/18. They are also planning to begin design work in readiness for implementation in 2017/18.

d) McMillan Williams

The Warden confirmed that they have not yet started work to rebuild the bank, but have confirmed their intention to do so as soon as possible. It was noted that they have been trying to avoid parked cars encroaching on the footpath.

e) Risk Review

The Officers have completed their draft of the Risk Review for consideration by the Committee, who are meeting immediately after the full Conservators' meeting.

f) Licences for fitness classes

It was agreed that Targetfollow should hold a meeting with the Clerk to discuss the possibility further.

3. MEMBERSHIP

The under mentioned Conservators were appointed by the bodies specified to serve for the period indicated.

Tunbridge Wells Borough Council

Councillor Barbara Cobbold)	
Councillor Thelma Huggett)	one year term ending
Councillor James Scholes)	31 December 2017
Councillor Chris Woodward)	

Freehold Tenants

Mungo Chapman)	
Stephen Lacey)	2nd year of three year term until
Ian Marshall)	31 December 2018
Clare Sinha)	

Manor of Rusthall

Paul Burnett)	
Ewen Cameron)	1st year of three year term until
George Craig)	31 December 2019
Corin Thoday)	

4. WARDEN'S REPORT

The Warden reported that it had not been possible to complete all the scheduled work in the last quarter, but it would be done shortly.

The area between Belleville and St Helena, which had been cleared to reveal an old bench, has proved a trouble spot for late night drinkers. The Warden has therefore removed the bench. Some trees, given to the Common by OVO Energy as part of their Conservation Volunteers Scheme, are to be planted there.

The main autumn clearance work has been completed, with assistance from a local mountaineering group who cleared the top of Bulls Hollow.

The main work of the winter, to scallop the racecourse edges, is about to start, and other tree work, including surgery to two large horse chestnuts at the bottom of Major Yorks Road, has been completed. He also intends shortly to start pushing back the scrub and small trees at the edges of Rusthall Road.

He has recently met a Kent Highways engineer to discuss the serious erosion in Mount Edgcumbe Road. KCC have agreed to repair the sides of the road if funding is available, and the engineer believes the best way to protect them from further erosion would be to face them with chestnut boards, secured by posts. He estimates that this will cost £5,000. To assist him with raising the funding he has asked for a contribution from the Conservators.

RESOLVED. To offer a contribution of £500 towards the work.

Further protection against unauthorised encroachment, especially from travellers, is being considered, especially in the vulnerable area of Mount Edgcumbe Rocks, where a tree trunk is to be dug in.

As all flat areas are vulnerable, but contractors need access, the Warden is considering using lockable metal posts at a lot of potential access points instead of wooden posts, which do not last long and are easy to cut. He believes they will cost in the region of £300 each. Some concern was expressed at the visual impact, but they will be painted Forest Green and only used where necessary.

Cllr Woodward arrived at this point

The Warden added that he was meeting the developers of the site beside Stranges Avenue to discuss the clearance work that they will fund.

5. FINANCIAL STATEMENT NO 3

RESOLVED – that the statement be approved.

Cllr Cobbold arrived at this point

6. **BUDGET REPORT AND PRECEPT 2017/18**

Inflation is expected to rise to 2.5% - 3% in the forthcoming year. The litter clearing payment will rise by CPI and the grasscutting contract is fixed for 2017. However, all other costs are likely to rise during the year. Consequently, the Treasurer has eased up the budgets to allow for this. Salaries are the biggest expense and he has made a 1% provision for them. Salary increases will be determined in the March meeting, and any rise above 1% will need to be met from the contingency.

He no longer feels that the level of reserve that has been maintained for several years is sufficient to cope with major problems that might arise, and recommended that they should rise to £30-35,000.

The formula for agreeing the precept allows for a maximum of £150,975 next year, and the Treasurer recommended that the precept should be set at £150,000.

RESOLVED. To agree the budget report and precept for 2017/18

7. **ROADSIDE TREE SURVEY**

The Warden told the meeting that the cost of the annual tree inspection on a five year rolling programme would be £600+VAT per year. This price would be maintained for five years. The survey would be conducted by a qualified arborist and he believed it to be a very good price.

RESOLVED. To agree a contract for a five year rolling programme of roadside tree inspections.

8. **ROADSIDE DRAINAGE**

Kent Highways responded to the Clerk's letter, promising that the gullies would be cleared on 16 November. However, the Warden reported that they were still blocked.

RESOLVED. To write to KCC again to ask for the work to be carried out as soon as possible.

9. **TEMPORARY ENCROACHMENTS**

It was agreed that the Conservators were still to be consulted by email about each request after the Warden was satisfied about the arrangements. The Warden told the meeting that there had been two separate cases of companies digging up the Common without approaching the Conservators. In both cases, permission had been granted by KCC.

Clare Sinha arrived at this point

The view was expressed that the Conservators should be charging an administration fee, as in the past, in addition to any payment levied by the Manor.

It was agreed not to give formal power to the Clerk to take decisions in an emergency, but this will be held over to the next meeting.

RESOLVED. To write to KCC to tell them that the Conservators have a statutory duty to protect the Common, and it is their responsibility to tell anyone applying for a licence.

10. MANAGEMENT PLAN

A draft report on the Management Plan was circulated electronically prior to the meeting, and hard copies were distributed.

The Freehold Tenants are hoping to have the final report ready by the end of February with the intention of showing it to the Council before the Conservators discuss it at their March meeting. If it is approved by the Conservators, formal consultation will begin with ecology and wildlife officers at the council and other qualified bodies for discussion of the detail.

The plan follows the same principles as the previous ten year Management Plans, but the emphasis has shifted from creation of clearances towards management of clearances for the benefit of wildlife.

RESOLVED. To agree to the change of emphasis.

In order to complete the plan, the warden needs to give careful consideration to his priorities, and assist with costings. The Conservators will follow the same funding model as currently, with project funded by outside bodies but ongoing costs being met from the maintenance budget.

The Warden believes the plan to be an excellent one, working as a natural extension to the previous plans. In cost terms, he believes that it will require a shift in budget provision from trees to cleared areas but will remain cost neutral.

The Conservators expressed their gratitude to the Freehold Tenants for their excellent work in creating the new plan.

11. FREEHOLD TENANT PROJECTS

The Freehold Tenants have offered to fund the following projects in 2017:

- i) Thin holly near bat cave;
- ii) Plant field style hedge between the restricted by-way and the Pantiles Car Park to stop cars from creeping forwards;
- iii) Carry out drainage work to improve path from St Paul's Church to Happy Valley;
- iv) Remove scrub and improve the roadside edge in Castle Road above Romanoff Lodge;
- v) Install sleeper steps with non-slip surface to Fir Tree Pond;

- vi) Carry out selective clearances of scrub near Queen Anne Oak to increase biodiversity;
- vii) Scallop and scrape path from the Spa roundabout to the racecourse;
- viii) Widen new footpath on Rusthall Common near Tarry Path to the valley, remove scrub and put in new steps at desire line;
- ix) Remove rhododendron and other scrub and fallen trees at Cheesewring Rock;
- x) Extend surfaced path at Marlpit to join surfaced path at Common View.

The Friends of the Commons have also offered to fund the scraping of the rock ledges at the Cheesewring Rock and nearby.

RESOLVED. To accept the generous offer of funding to complete all the projects, with thanks.

12. RUSTHALL COMMUNITY ARTS

They want to hold a one day event on Rusthall Common at a chosen oak tree, planning to decorate the tree with hand-made lightweight charms. The day will involve writing, wind charms, and possible performance, and will involve as many local people as possible. No problems arose from their last event.

RESOLVED. To allow the event to take place, subject to them having obtained relevant insurance and agreeing to clean up afterwards.

13. MEETING START TIMES

The meetings have moved to a 1.00 p.m. start to facilitate Targetfollow's return to Norwich by road, but some members are having difficulty with this time. It was agreed that the days and dates should not be moved, and that continually changing the start time was leading to confusion. However, due to difficulties in March and June it was agreed to compromise on a 1.30 p.m. start, and review this at the June meeting.

14. ANY OTHER BUSINESS

a) Chairman of Friends of the Commons

John Barber told the meeting that he would be standing down as chairman of the Friends of the Commons so this would be his last meeting. He introduced his successor, Clive Evans.

The Conservators gave their thanks for his outstanding contribution over the years.

b) Beacon on Rusthall Common

Rusthall Parish Council will be asking for permission to light a beacon to mark the centenary of the end of the First World War, but details have yet to be decided.

c) Pantiles Car Park

Cllr Woodward asked Targetfollow to explain why they had nominated the Pantiles car park as part of the site allocation procedure, as they had not raised the matter earlier in the meeting. Corin Thoday, for Targetfollow, said it was to open a dialogue on the future of the site.

Cllr Scholes outlined the history of the site as a fairground and as a temporary car park during the construction of Union House. He did not believe that its current use as a more permanent car park had ever been approved by the Conservators.

The Clerk confirmed this and added that the site had no planning permission as a car park. He also reminded members that when Targetfollow first owned the Commons they had informally sought the Conservators' reaction to enlarging the car park and had received a negative response.

Cllr Scholes stressed that all Conservators have a duty to protect the Commons under the County of Kent Act. He added that there was a history of strong public reaction to any attempt to reduce the Commons or limit access to them.

The Clerk confirmed these comments and added that he did not believe the Conservators' acquiescence to the present car park inhibited their duty or power over new proposals.

Ian Marshall stated that he did not believe the Statute of Limitations applied to Town and Village Greens.

d) Fire Brigade

As part of their emergency planning, the Fire Brigade hope use Brighton Lake as a water source to save the Pantiles if necessary. To test whether this is feasible, they have asked permission to run a test exercise. They will only pump a small amount of water and will ensure that no wildlife is harmed.

RESOLVED. To allow the test to take place, subject to a written guarantee that no harm will be done to the lake or its wildlife, and to publicise the exercise so that people understand what is happening.

15. PLANNING APPLICATIONS

Merevale House – redevelopment of old County Court into hotel. Requested that brick pavement be retained where new entrance crosses. Office asked to add concern about effect on parking while development takes place.

Amendments to Union Square redevelopment. Not yet responded to.

The next meeting will be held at **1.30 p.m. on Thursday 23 March 2017**