



**MINUTES OF THE COMMONS & HAMS COMMITTEE MEETING
HELD ON FRIDAY 16th OCTOBER 2015 AT 7.30 PM AT KEMPSEY
COMMUNITY CENTRE**

PRESENT: - Cllr Bannister, Cllr Bevan, Cllr Michael, Cllr Pugh and Cllr Waller

IN ATTENDANCE: - Five members of the Public were present .

1. Apologies: Cllr Geens, personal - accepted.
2. Declaration of Interests:
 1. Register of Interests: Councillors' were reminded of the need to update their register of interests.
 2. Disclosable Pecuniary Interests (DPI) – None
 3. Other Disclosable Interests (ODI) –None

The meeting was adjourned for Public Question Time, notes of which are appended to these minutes
--

- | | Action |
|---|---|
| 3. The minutes of the meeting of 27 th July 2015 were formally adopted unanimously. | |
| 4. <i>Vehicular access across Kempsey Common to the caravan park - actions.</i>
Motion approved to identify and contact an authoritative solicitor regarding the matter of prescriptive rights.

Motion approved to contact Malvern Hills Planning re clarification of their role in the Planning Consent process for the proposed concrete track following correspondence from Mr. Murray. | Cllr Waller
& Clerk |
| 5. <i>Horses on Kempsey Common</i>
Motion approved to find out what powers the Council has to exclude horses from Kempsey Common during winter.

Motion approved to investigate the practicalities of holding copies of horse passports at the Parish Office to facilitate the identification of horses grazing Kempsey Common. This followed the recent death of a horse on the Common and the difficulties in tracing its owner.

Motion approved to move forward with developing a voluntary Code of Conduct for the grazing of horses on the Parish Commons. | Cllr Waller

Cllr Waller

Cllr Waller |
| 6. <i>Gates to the Lower Ham</i>
There has been no response from Mr Quibell re the damage to the gate on the Lower Ham. Agreed that the Committee visit the site to look at the gate, and the adjacent kissing gate, to assess the whole access issue. [Mrs Halford stated that the current gate had originally been supplied by the Parish Council]. | All |

- | | | |
|-----|--|--|
| 7. | <i>Byelaw sign fixings</i>
Cllr Bannister is fixing the byelaw signs needing repair. | Cllr
Bannister |
| 8. | <i>Replacement lock for the Stonehall gate to Kempsey Common</i>
Cllr Bevan will deal with this. | Cllr Bevan |
| 9. | <i>Allotment rents</i>
The new rents have been accepted, except for Mr. Halford's. The Clerk to be asked to write to Mr. Halford. | Clerk |
| 10. | <i>Ashmoor Common cattle</i>
The cattle will be corralled early on 3rd November for TB testing and on 6th November to look for reactors. The cattle will be loaded and sent to market on 7th November. Councillors offered to assist Cllr Bannister.

A copy of the missing stock management contract with Mr. Grove is being sought. | Cllr
Bannister

Cllr
Bannister |
| 11. | <i>Ashmoor Common rare plant survey</i>
Motion approved for Cllr Waller to write to Bristol University to seek their collaboration in undertaking a survey of the rare plants forming part of the SSSI designation. | Cllr Waller |
| 12. | <i>Ashmoor Common boundary fence</i>
Cllr Waller sought details of the cow's escape onto Teal Turf land for consideration of the claim against Teal Turf. | Cllr Waller |
| 13. | <i>Ashmoor Common ditches</i>
Cllr Michael has now established the direction of flow of water from Kempsey into the ditches on Ashmoor Common. The Committee will make a site visit to see if ditch clearing is required prior to the winter rains. | All |
| 14. | <i>Normoor Common - ragwort control</i>
Cllr Pugh has removed the flower heads from nearly all the ragwort on the western edge of Normoor Common. The ragwort is growing among the brambles, nettles etc that have grown on the rough spoil left from the ditch clearance. The Committee will make a site visit when the vegetation has died back, to see what heavy debris (stumps and branches) has to be cleared before the rough area can be mowed. A specialist contractor is likely to be needed to treat the ragwort.

There is also ragwort growing on Ashmoor Common, Cllr Waller will consult with Mr. Gove on eradication. | All

Cllr Waller |
| 15. | <i>Stonehall Common management plan</i>
Local residents are being consulted regarding the future management of the common. The anti-trespass ditches are becoming overgrown and ill-defined, and that trees on the roadside of the common are growing into a possible hazard for traffic. Funds to address these issues will be sought in next year's budget. | Cllr Waller |
| 16. | <i>Lower Ham – hay removal</i>
There has been no response from Mr. Quibell re mowing his area. Agreed to consult Open Spaces Society about the best course of action | Cllr Waller |
| 17. | <i>Any Other Business</i>
Provisional date for a site visit - Friday 23rd October at 10:30 | All |

The meeting closed at 21h15.

Standing Orders were adjourned for Public Question Time

PUBLIC QUESTION TIME

Mrs Halford addressed the Committee regarding horses on Kempsey Common and drew attention to the case in the Court of Appeal 2003 of Besley v. John in relation to grazing rights and supplementary feeding. Cllr Michael was of the view that the law on this point had been changed in the subsequent Common Act 2006.

Mr. Morris asked if the Committee would accept documents and photographs for perusal and consideration before deciding on a course of action to deal with the problems caused by horses on Kempsey Common. The problems include overgrazing, supplementary winter feeding causing the horse to mob anyone they see on the common, bad-tempered and hungry horses being a nuisance to other users of the common, and damaging the fences of adjoining properties. The Committee agreed to give the submission due consideration.

Mrs Morris requested a correction from John Graham to Jonathan Grantham in the 27th July minutes. This change was made.

Standing Orders were re-imposed