



**MINUTES OF THE COMMONS & HAMS COMMITTEE MEETING  
HELD ON MONDAY 27th JULY 2015 AT 7.30 PM AT KEMPSEY  
COMMUNITY CENTRE**

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

**IN ATTENDANCE:** - 2 Members of the Public were present.

1. Apologies: None
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) –  
Cllr Pugh subsequently declared an interest in the ex gratia payment to be made to Ray Allaway for cutting of grass on Kerswell Green Common discussed under AOB.

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

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| <ol style="list-style-type: none"><li>3. Minutes: The minutes of 11.06.15 having been previously circulated were signed as a true and correct record.</li><li>4. Vehicular access to caravan site – Kempsey Common. Cllr Waller reported that a meeting had taken place with Mr Cooper (site owner) and his advisor Mr Ian Murray and that it was proposed that Mr Cooper could lay a grasscrete access route across the common subject to approval being obtained from the Planning Inspectorate / Sec of State which would be required under the Commons Act 2006 (works on commons). Right of Way access is claimed to have been obtained through prescriptive rights over many years. Cllr Waller will write to the owner confirming that planning approval is required under The Commons Act 2006 and that a formal agreement be concluded between the site owner and the Parish Council regarding the right of access.</li><li>5. Post repairs on Kempsey Common. Cllr Bannister reported that the work on replacing the rotten posts should have been carried out in the previous week.</li><li>6. Chris Gove contract. Cllr Bannister stated that the original contract appeared to have been misplaced by the Parish Office but later amended contracts were to hand. It was suggested that the latest amended contract be amended to remove para 4.6 and returned to Mr Gove for signature. This suggestion was voted on and unanimously approved.</li><li>7. Emergency Access Notices for Commons. Cllr Bevan reported that he had obtained a quote for printing of the signs at a cost of £6 each and it was established that 12 signs would be required. Cllr Waller is to confirm the telephone contact number to be displayed on the signage and Cllr Bevan will devise a robust fixing for the signs. It was agreed to recommend the purchase of 12 signs at the next Parish Council meeting.</li><li>8. Horses on Kempsey Common. Miss Hunter had provided evidence of leases she holds that legitimise her turnout of horses on Kempsey Common in response to various letters sent to her requesting these details. The details Miss Hunter provided are currently being verified by the Parish Office to confirm acceptability. The series of questions raised by Miss Hunter in her letter will be dealt with by Cllr Waller (see item 21.2 below).</li></ol> | <p><b>Action</b></p> <p>CW</p> <p>MB</p> <p>DB</p> |
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	<b>Action</b>
9. Open Space Society: A welcome pack is on its way and will be circulated to councillors. The secretary of this organisation has advised that we may send in any queries on open spaces for advice and consequently Cllr Waller will contact them for advice on setting up of a Commons Council and their views on supplementary feeding.	CW
10. Byelaw sign fixings: update: Cllrs Bannister and Bevan to carry out repairs/fixings on sign not yet done.	MB & DB
11. Replacement lock for gate connecting Stonehall Common to Kempsey Common: Cllr Waller provided a lock for Cllr Bevan to fit.	DB
12. Allotment gates and rent: A letter had been received from Yan Gittins of Fisher German advising that a revised rent had been agreed with two of the tenants but that Mr Halford will not agree to a new rent until his gate is replaced. Cllr Waller reported that he had made enquiries into this matter and under The Agricultural Holdings Act 1948 – Statutory Instrument 1473 (The Agricultural (Maintenance, Repair and Insurance of Fixed Equipment) Regulations 1973) it is the responsibility of the leaseholder to effect the necessary repairs or replacement of the gate in question and a letter will be sent to Yan Gittins to advise the tenant of this and to conclude a new agreement with him.	Clerk
13. Kempsey Common: Establishing an Association and Code of Conduct: Cllr Waller confirmed that the future of all 5 Commons were to be considered and discussed. Suggested a working party be set up to discuss these matters including the formation of Commons Associations (where appropriate) and their structures - Ref Open Spaces Society website on how to carry out public consultations to form the basis of an Association. Provisional dates for a meeting of the working party were Monday 17 <sup>th</sup> or Monday 24 <sup>th</sup> August at 19.30 hrs at the Community Centre.	CW
14. Teal Turf Insurance Claim; it was reported that two letters had been sent to Teal Turf but there had been no response. Cllr Waller suggested he prepare a further letter stating if no response then the matter would be referred to the Small Claims Court. This was a recommendation to the Parish Council to undertake this action which was voted on and passed unanimously.	CW
15. Letter re gate accessing The Lower Ham from Pixham Ferry Lane: Cllr Michael reported that a letter had been sent to Mr Quibell advising him of the damage that had occurred to his gate when thieves used it as an access point to steal cabling from the E.A Flood Defence site and that repairs needed to be carried out in order to make the access secure.	
16. Ashmoor Common: Concerns were raised that the cattle purchased to help in the maintenance of the common were not effective in inhibiting the spread of rushes although Cllr Bannister remarked that they would be throughout the winter. Cllr Waller stated that former Cllr Bowley had been in touch with Mr Colin Cross, a consultant, with a view to developing a management plan for the area, but the matter had not progressed. Cllr Waller recommended that a baseline study of flora and fauna was required prior to consulting with Natural England and he stated that he would initially approach Bristol University, where he been an undergraduate, to see if students there would carry out the mapping of the flora and fauna, and report back to the committee. A discussion ensued on the state of the ditch that bounds the western edge of the common and there was some speculation on where the ditch flows to and it was agreed that Cllr Michael approach District Councillor David Harrison who could advise on the history of the ditch and its course from beginning to end.	CW  JM
17. Normoor Common: It was reported the Mr Cool had carried out topping of this common.	
18. Stonehall Common: It was reported that there were four active residents on the common keen to develop a management plan and it was now a requirement on how to consult with the rest of the Stonehall community.	CW
19. Update on FAQ document: Cllr Waller reported that this was work in progress and an initial document prepared by Mr Bob Bowley was a useful starting point. Suggestion and comments were requested to be notified to Cllr Waller who would update the document.	

20. Lower Ham – Hay Removal: while the other part owners of the Lower Ham had undertaken their hay cut, which is a necessary part of the management of the area, Mr Quibell, the dominant owner (70%) had not and the area was in a mess. It was agreed to write to Mr Quibell and remind him of his responsibilities and that this work should be done by the 12<sup>th</sup> August when the Ham becomes commonable. Cllr Waller to consult on what action can be taken in case of non-compliance with our request.

CW

21. Any Other Business:

21.1 Cllr Blackwell reminded the Committee that Ray Allaway had cut the grass on Kerswell Green and that a recompense of £50 was due to him. It was agreed to recommend to the Parish Council that this amount be paid. Passed unanimously.

CW

21.2 Questions generated by Miss Hunter on her visit to the Parish office on 17<sup>th</sup> July 2015.

- a) To check Commons Rights for all people: The Commons Register is currently being analysed to verify these rights attributed to various dwellings.
- b) Feeding, watering and removal of deadstock: The legal situation is currently being sought from the Open Spaces Society and Defra.
- c) Vehicular access to dead/ill stock. See b above. Vehicular access is allowed to treat sick animals or to remove deadstock from the common.
- d) Problems with Kempsey Common being used as a rat run by cars and quad bikes: Miss Hunter must provide evidence of this as there have been no reported incidence of this.
- e) Top gate - Swanbrook Farm is damaged and doesn't close properly: No evidence of any issue with this access gate.
- f) Miss Hunter's deeds and lease agreements to be located and kept in a secure place: This is not a council responsibility – this lies with Miss Hunter to take the necessary action.
- g) Sink hole – Common Farm gate. Mr William Halford advised that this was an old tipping site and an 8 inch slap would cover this and rectify the matter. Mr Halford agreed to carry out this work.
- h) Speeding issues down lane to Common Farm gate: Miss Hunter needs to provide evidence of this claim.
- i) A well is exposed adjacent to the Common Farm gate. See item g above - same issue that will be rectified by Mr Halford.

22. Provisional date of next meeting: See agenda item 13 for dates suggested for working party to meet.

CW

The meeting closed at 20.55 hours.

J Michael  
7/08/2015

Signed ..... Chairman..... Date

*Standing Orders were adjourned for Public Question Time*

**PUBLIC QUESTION TIME**

Mr William Halford raised the issue of supplementary feeding of animals on Kempsey Common an claiming that Case Law (Besley v John 2003) ruled that there was a right to graze land but once grazed out there was a requirement for the grazier to remove the stock onto his own land. Both the Cllr Waller and Cllr Bannister stated that the Commons Act 2006 superceded this ruling and that there were no restrictions under the Act to prevent supplementary feeding of animals on common land and this had been discussed with DEFRA. However Cllr Waller agreed to consult with The Open Spaces Society to check whether they were aware of any supplementary feeding restrictions currently in force.

Mrs Nancy Morris commented that despite whatever the law stated there was a problem with the general public's use of the common as people were being mobbed and intimidated by large groups of ponies / horses approaching them for food. Mr Jonathan Grantham also confirmed this to be the case which is why he had removed the two ponies he had on the common some 18 months ago and the problem was still extant.

A continuing discussion arose on the various issues regarding the commons and Cllr Waller concluded that all these topics were relevant to the proposed Commons Association and a related Code of Conduct agreed upon by the Association once formed and he agreed to report any evidence to assist in managing these matters.

J. Michael

*Standing Orders were re-imposed*