

Minutes of the

MEETING OF THE BOARD OF CONSERVATORS OF ASHDOWN FOREST

14.30 Monday 18 June 2007
Ashdown Forest Centre

Present: Mr P Glyn (in the Chair), Cllr J Barnes (in the Chair for part of the meeting), Mr M Cooper, Mr L Gillham, Cllr MJ Hoy (new WDC Councillor), Cllr B Lacey (new Chairman, ESCC), Cllr S Martin (new WDC Councillor), Dr H Prendergast (Clerk), Cllr R St. Pierre, Mr J Spicer, Mr E Stenhouse, Cllr R Stogdon, Mr R Thornely-Taylor and Cllr F Whetstone. Minutes taken by Mrs T Buxton.

The Chairman opened the meeting, welcomed the members of the public present and invited questions for 10 minutes from the floor.

The following notes on the questions/answers are an aide memoire only and do not form part of the minutes of the Meeting of the Board of Conservators of Ashdown Forest.

Mr Brian Thompson commented

That there has been an increase in HGVs using roads across the Forest, particularly the A22 from Nutley to Wych Cross, and asked how this has impacted on the risk of accidents involving deer, increased damage to the roads, verges and drain covers and what the Board was doing to resolve this. There was a short discussion regarding weight restrictions that had been applied and the responsibility of the Highways Agency. Cllr St Pierre stated that these issues should be addressed to the lead member of the Transport and Environment Section of the County Council.

Mrs Haig McVitty

A document was tabled setting out questions regarding availability of documents prior to this meeting and the possibility of questions being asked by the public at the end of the meeting. The document also contained comments regarding the 3KQ meetings. The Chairman thanked Mrs Haig McVitty for her comments and helpful feedback.

Mr Glyn thanked the public for their points.

1. Apologies

There were no apologies. However, it was noted that Cllr O'Keefe had resigned from the Board and would be replaced by Cllr S Shing who was unable to attend.

2. Election of a new Chairman of the Board to replace Mr Glyn whose term of office has been completed

The Chairman thanked the Board for a fantastic three years and that he was grateful for the support he had received. The Chairman proposed Cllr Barnes to succeed him and this was seconded by Cllr Whetstone. Cllr J Barnes was duly elected, took up the Chairmanship with thanks and thanked the outgoing Chairman.

The Board went on to elect a new Vice Chairman. It was noted that this matter was not on the agenda for which the Chairman apologised. Mr Glyn proposed Mr Gillham and this was seconded by Mr Thornely-Taylor. Mr Gillham was duly elected and took up the Vice-Chairmanship with thanks.

3. Welcome to the Board of the new Conservators: Cllr MJ Hoy (WDC appointee), Cllr B Lacey (Chairman of ESCC, as Lord of the Manor representing the Ashdown Forest Trust) and Cllr S Martin (WDC appointee)

The Chairman welcomed the new Conservators.

4. Approval of the Board of the election by the three Committees of their new Chairmen

The Board approved the new Chairmen: RPA - Mr M Cooper; FGP - Mr R Thornely-Taylor and Conservation - Mr P Glyn.

5. Recommendations for, and approval of, further compositions of the three Committees

There was a short discussion regarding the composition of the three Committees. It was noted that Cllr F Brown and Cllr R Parsons had both come to the end of their period of office and that Cllr R O'Keefe had resigned from the Board and is to be replaced by Cllr S Shing.

The new appointees to Committees were agreed as follows:

Conservation will now include Cllr St Pierre and Cllr Hoy to replace Cllr Brown and Cllr O'Keefe. FGP will remain the same with Mr Thornely-Taylor as Chairman. RPA will now have a minimum number of members. The Clerk agreed to contact Cllr Shing.

6. To approve the Minutes of the Board Meeting of 12 March 2007 and Matters Arising

The Minutes of the last Meeting had been circulated. The Chairman moved the adoption of the Minutes. This was agreed.

There was a short discussion on Item 4.3. Cllr Whetstone queried why the Board were erecting sheep signs and not deer signs? Mr Spicer agreed. The Clerk responded that the Board could erect deer warning signs but that it was not its responsibility to do so. The Chairman asked the RPA Committee to re-visit this issue and invite a member of the Highways Department to attend so that there would be a full discussion. It was agreed this item would be added to the next RPA agenda.

There was a discussion regarding item 5(ii) on public involvement and it was agreed that any further discussion on this matter should be held over until 3KQ have completed their process. The Clerk commented that there was a further 3KQ meeting being held tomorrow (Tuesday). The Chairman stated that this was now a matter of high priority and hoped an interim report would be available from 3KQ at the next RPA Committee meeting followed by a full report and discussion.

Cllr Martin asked for a progress report on Item 5 (Cats Protection). The Clerk replied that the Expert did not make his decision by the 31st May deadline and had requested more information which was duly supplied. The Chairman commented that this issue needs to be resolved and asked that the Expert pull together his findings and make his report to the Board as soon as possible. It was agreed that an Urgency Committee Meeting be convened if needed.

Mr Spicer commented on Item 2.1 on communication with the Parish Councils and the Forest Plan. The Clerk responded by stating that how communication with the Parish Councils is managed in the future will come out of the 3KQ report and again the Chairman stated that he hoped the report would be ready before November 2007.

7. To receive the Minutes of the Meeting of the Conservation Committee of 2 April 2007

The Minutes of the last Meeting had been circulated. There was a short discussion regarding the role of the Board in the approval of these minutes. The Chairman clarified that the accuracy of the minutes was the responsibility of the Committee and that it was the role of the Board to receive them and discuss any recommendations. Mr Thornely-Taylor commented

that this process was now clearly laid out in the Standing Orders. The Chairman moved that the Minutes be received. This was agreed.

Mr Stenhouse stated that he had been looking at the Act and it was his opinion that the Conservation Committee was illegally formed. He went on to say that he had discussed his concerns with Andrew Ogden (Director of Law and Personnel, ESCC). There followed a short discussion on 'co-opting' members and voting rights and it was agreed that the new Standing Orders clarify the issue.

Cllr Whetstone commented that the restoration work (at the Vachery) was very good but stated that the Board should not have the responsibility of running it. Mr Cooper agreed but queried how it would be done. The Chairman responded that this item required a full discussion and it should be referred to the FGP to consider whether or not it was appropriate to create a separate trust. It was agreed that The Clerk should seek legal advice on this matter. The Clerk responded that horticultural consultant, externally funded, was devising a management plan that would be ready in September 2007. The Chairman went on to state that it was important to safeguard the Board's interests as a freehold landowner and to ensure the land remained as an SSSI. Mr Thornely-Taylor stated that the FGP would extend its brief to look at different methods of tenure for the site. Mr Cooper stated that the Conservation Committee Meeting had been a robust one, particularly during the discussion regarding what the Board should or should not involve itself in, and that he stood by his comments which were strongly held.

Mr Stenhouse asked how many complaints had been received and if telephone complaints were recorded? He also queried why the Forestry Commission had been 'called in', what rules need to be complied with and why the Board had not been advised? The Clerk responded that there had been 21 written complaints and that telephone complaints were not recorded; there were very few.

The Clerk added that an officer from the Forestry Commission had attended the Committee Meeting, that plans for the 1000 hectares of woodland were underway and a more formal update would be presented at the next meeting. Mr Stenhouse asked that the new Forestry Commission rules be passed to the Board for their information.

Mr Gillham commented he was concerned that there was a perception, amongst the public, that it was the Board felling timber at its own discretion rather than as part of the Countryside Stewardship Scheme of 2001. The Chairman commented that the public were not aware of the spate of legislation and contact from Government bodies that now impinge on the Board. Cllr Whetstone suggested that the Forestry Commission has now got its 'foot in the door' and that we were in a most unfortunate position. The Chairman stated that the Forestry Commission had not found fault but had provided a procedure, rather than a set of rules, to prevent problems arising again. Mr Glyn stated that there had been a difficulty over the legislation and described the background and issues surrounding the 1899 Commons Act. He went on to say that the discussions were fruitful and there had been a greater understanding of the protocols, that this was not a retrograde step and that he welcomed the discussion and transparency. The Clerk agreed and he too welcomed the discussions with the Forestry Commission since their involvement had already opened new areas of funding (e.g. for rhododendron control).

Mr Stenhouse commented on the lack of any long term policies and how this hinders the development of the Forest Plan. He suggested that over arching plans be devised for the next 10 to 30 years. The Chairman asked that each of the Committees develop policies, be involved and feed-back to the Board. He added that he liked the idea of 'zoning' the Forest. The Clerk stated that a draft Forest Plan was due to be released for consultation in November, it needs to be digestible, usable, readable and appropriate. He added that there was already a

yearly action, plan, a business plan for the Centre, a ten year plan for heathland, but further plans were required to deal with visitors. He said the software being used allows for a very high level of management detail.

Mr Spicer asked if there was a plan to deal with HLS funding coming to an end. After a discussion it was agreed that it would be worth while looking at this issue in some detail. The Chairman asked that FGP produce a draft document by November.

Cllr T Reid arrived at 15.30.

8. To receive the Minutes of the Roads, Planning & Amenities Committee Meeting of 23 April 2007

The Minutes of the last Meeting had been circulated. The Chairman moved the adoption of the Minutes. This was agreed.

There was a short discussion regarding the comments made by Mr Crane. The Clerk confirmed that he had not spoken to him other than at a Stakeholder meeting. The Chairman stated that signage is being revisited by the RPA Committee.

Mr Cooper stated that a working party, led by Mr Spicer to consider how to deal with encroachments and breaches of the bye-laws, had been set up and would make a report to the next meeting. Mr Spicer described what had taken place to date and it was confirmed by The Clerk that Ranger Richard Allum would be involved in this process. The Chairman asked that correspondence be maintained via e-mail and that it was important to gain control over the various situations by means of licensing and a Code of Conduct. It was noted that there had been no success in recruiting a Bye Law Officer.

Cllr B Lacey left the meeting at 15.40

There was a short discussion regarding the Freedom of Information Act. Mr Glyn commented that, although the Board is exempt from this legislation, a policy on compliance would be useful setting out the Board's willingness to follow the 'spirit' of the Act. It was agreed that a Policy on the Freedom of Information Act would be drafted.

9. To receive the Minutes of the Finance & General Purposes Committee of 4 June 2007

The Minutes of the last Meeting had been circulated. The Chairman moved the adoption of the Minutes. This was agreed.

There followed a further discussion on the 3KQ meetings and their appropriateness, competence and value. Mr Cooper stated that this would be discussed again at the next RPA Committee Meeting. The Chairman asked, in response to comments made by Cllr Martin, if early aerial photographs of the Forest could be made available to the public (i.e. those of Kidds Hill) at the meetings and on the website to assist public understanding. The Clerk stated that he would try to have some available. The Chairman thanked all the Conservators who had attended meetings.

10. Accounts 2006 / 2007

The Accounts had been circulated. The Chairman stated that it had not been possible to approve the accounts as Mrs Temple was unable to act in this capacity. The accounts have to be sent to an independent body for approval.

There was a short discussion on the terminology used to describe 'surplus'. Cllr Whetstone reported that Andrew Ogden was not concerned about this issue and could not envisage the County Council becoming concerned. Mr Thornely-Taylor stated that the main concern was

how to cope with compliance with the accounting standards and that the accounts were to be independently reviewed and signed off by DMC Accountants.

There were no questions regarding the accounts. Mr Stenhouse re-iterated his view about long term-planning and how long-term budgets should be developed. There followed a discussion on the financial background to HLS and the financial projections produced each month. The Chairman asked that these monthly projections be made available on request to the Committees; and that any signs of problems be reported immediately to the FGP Committee and some medium-term strategic planning undertaken.

Mr Thornely-Taylor briefly explained cost centre headings and that it was important to stress that this was functional and not the responsibility of Committees.

There was a discussion on the appropriateness of discussing an item when the papers were not available to the public. It was agreed that the draft accounts would be released to the public and available on the website once the Board were satisfied with them.

There was a discussion regarding the appointment of a Bye Law Officer. It was clarified, during this discussion, that the Bye Laws would not be changed, only enforced.

It was agreed that the accounts were approved in principle subject to the approval of the auditors.

11. Standing Orders

The draft Standing Orders had been circulated. There was a short discussion regarding health and safety, the Board as an employer, employment issues, insurance, delegation and the responsibilities of the Superintendent. Cllr St Pierre gave an explanation of the system operating for school governors. There followed a discussion regarding recruitment and it was clarified by the Chairman that there was a clear distinction between creating new posts and filling existing posts.

The Chairman asked that the Board approve the Standing Orders and that the FGP Committee codify current practice in regards to employment. The Committee had always taken an overview and perhaps might draft an oversight clause – this could be done outside of the Board. Mr Thornely-Taylor stated he would invite Mr Stenhouse to assist. Cllr St Pierre commented that an awful lot of work had been passed to the FGP Committee and that it was important they report back frequently.

It was agreed that *ex officio* voting members were entitled to vote on Committees.

For the Standing Orders it was agreed that in Section 5.1 the emphasis be removed; that in the financial regulations “avoid a deficit” would not cause a problem and the change of wording was accepted.

The Chairman stated that, subject to these amendments, the Standing Orders be agreed. This was done.

There being no other questions or comments, the meeting ended at 16.57.

Chairman _____
18 June 2007

Clerk _____