

**Minutes of the
MEETING OF THE BOARD OF CONSERVATORS OF ASHDOWN FOREST**

14.30 Monday 19 November 2007
Ashdown Forest Centre

Present: Cllr J Barnes (in the Chair), Mr M Cooper, Mr L Gillham, Mr P Glyn, Cllr MJ Hoy, Cllr B Lacey, Cllr S Martin, 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.

Also in attendance: Mr I Hurst.

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 Peter Crane tabled a paper and asked

Would the Board consider not making the proposed changes to the Standing Orders in relation to the public asking questions at these meetings?

The Chairman thanked Mr Crane and stated that the Board would give due weight to the question.

Mrs Anne Haigh-McVitty asked (as a supplement to the question raised at FGP on 5th November 2007)

Would the Board consider if the exercise and effectiveness of 3KQ was a good use of public money? The Board should be aware that the Audit Commission has a right and a duty to inspect the accounts and ensure public money has been correctly spent?

The Chairman thanked Mrs Haigh-McVitty and stated that the Board would be discussing this matter under the first minute of the FGP Committee meeting. The Board would be making a decision today and the question could not be answered in any detail until the meeting was over.

Mr Alan White asked

Would the winter work taking place on Kidd's Hill mean that there would be new access and a ride created and was there any public reaction to the work?

The Clerk stated that there had been three phone calls regarding winter work on the Forest, all relating to the West Chase. A public walk, advertised via the Parish Clerks, had been held and six members of the public had attended to view the winter work on the East Chase. The Clerk stated that the winter work on Kidd's Hill was rhododendron clearance and there was no intention to create a new access although those on foot can go where they please.

Cllr Barnes thanked the public for their points.

- 1. Apologies.**
No apologies were received.

2. **Declarations of any interest by Members of a Personal or Prejudicial Nature.**

No declarations were made.

3. **Future of the Forest Centre.**

3.1 The Chairman welcomed Mr Ian Hurst who, after summarising his career as an architect, latterly with English Heritage, gave a short presentation to the Board about his concept for the future of the Forest Centre. This was presented as an alternative way to achieve the proposed outcome of the Parkin Plan. He identified the need for modern toilet and boiler accommodation, the former required by legislation under the Disability Discrimination Act 1995 (DDA) and the provision of refreshments. This latter facility could be franchised out with the retention of a percentage of takings and an annual income from rent. Mr Hurst told the Board about the three ingredients for the many visitor centres he has worked on: P (toilets), T (refreshments) and C (see, view).

3.2 The Board then considered the papers submitted by Mr Stenhouse. The Chairman asked Mr Stenhouse to speak to his papers.

Mr Stenhouse stated, by way of an introduction, that the Forest Centre had not made a profit and that it was wrong for tax-payers money to be spent in this way. He went on to ask if the Board had a duty, under the Act, to run a visitor centre or to deal with education. Mr Stenhouse stated that there was nothing in the Act that required the Board to be involved in these activities and that the High Weald Unit (HWU) and Higher Level Stewardship (HLS) only require that the Board 'inform' the public. Mr Stenhouse stated that if the Board had no power to do these things then in doing so they were contrary to the Act. Mr Stenhouse conceded that this was a legal point.

3.3 The Clerk responded by agreeing that the Board did not have a *duty* to educate but that there was nothing in the Act to say that it could not. If the Board wished to manage the Forest well, it needed to inform the public. The Clerk went on to agree that the Forest Centre had not made a profit but that there was no reason why it should not do so in the future. He agreed there was a risk attached to developing the Centre, however, there was a greater risk in doing nothing and that it was important to meet the needs of both the Board and visitors to the Forest.

The Chairman asked that, in order to focus the debate, Mr Stenhouse's questions be addressed in turn. (See Appendix 1.)

3.4 In response to question one Mr Thornely-Taylor stated that it was important to set out the difference between the legal definitions of 'duty' and 'power' as used in the context of the above discussion. Mr Thornely-Taylor asked that the Board check that the powers to run a visitor centre exist and, if not, the Board should stop doing so.

3.5 Cllr Whetstone commented that education was mentioned as a Forest activity within East Sussex County Council (ESCC) and within the Ashdown Forest Trust (AFT). He recognised there was a genuine cost related to educational activities. The Chairman responded by saying that education was part of the HLS undertaking. Mr Glyn agreed that this was the case and the Clerk also confirmed that one of the HLS objectives was increasing public understanding.

3.6 Cllr Martin commented that it would be terrible if the Forest Centre did not exist and that planning issues surrounding the development would not, in her opinion, be a problem.

3.7 Mr Cooper commented that the Board was responsible for amenity as well as conservation and restoration and schools did pay a small fee. He stated that, were the

Board to respond negatively to requests from schools, this was a dereliction of the Board's duty.

- 3.8 Cllr Reid commented that legal issues regarding what can and can't be done required professional advice to clarify the at what point the Board was acting outside its duty before any further action was taken.
- 3.9 The Chairman stated that it was the ESCC's view that the Board could proceed *intra vires* if that was its wish, however, he agreed that a professional view would be most welcome.
- 3.10 Mr Stenhouse commented on question two by saying that the public had no desire to come to the Forest Centre; they obviously did not use the toilet facilities or require tea, which was available from other outlets. He went on to say a properly conducted survey and report was required to ascertain if the Forest Centre was used or not and that the Parkin Report was not based on up to date information. Mr Spicer stated that it would be remiss of the Board to spend such a large amount on money on a Forest Centre without the evidence to support it.
- 3.11 The Clerk responded by saying the Parkin Report was in fact based on the most up to date information available (an update in 2004/2005 of a 1991 survey).
- 3.12 Mr Glyn stated that if the Board wants to get the 'message' across to the public, more was required than the basic information and facilities currently provided. He went on to say that a lack of information had lead to many of the recent misunderstandings about what has been happening on the Forest and that if the Board fails to move forward with providing better facilities the Board would be remiss in its duties.
- 3.13 There followed a lively discussion on visitor numbers, visitor management and the promotion of the Forest by ESCC. This was followed by further comments regarding the Board's role in educating visitors and improving their understanding of the Forest. The discussion also covered whether the Forest Centre should run at a profit or a loss. The Chairman responded by stating that the number of visitors highlighted in the recent survey prompted the Board to agree to proceed and commission the Parkin Plan in the first instance.
- 3.14 Mr Thornely-Taylor stated that if there was no Forest Centre, which in his opinion was pitched about right, the Forest staff would still require accommodation. He went on to say that the Hurst concept addressed the problems that had been discussed and made sensible recommendations but it could not be done piecemeal. Funds and projected running costs were required. If these were positive the Board should move forward with the project. However, if the funds and projected running costs were unfavourable, the site should be moth-balled, the shop closed and only the offices retained. Mr Spicer agreed with this and commented that the project hinged on a realistic projected income. Mr Cooper stated that the shop should be retained and improved and the toilets and boiler problems be easily addressed for a modest sum.
- 3.15 Mr Stenhouse commented that the Education Barn could be let to commercial operations and the offices should move into the shop as he considered, in his experience, the public did not want to spend money or be educated. They wanted some information, however, but not necessarily from the Forest Centre. Mr Glyn stated that he opposed this view.
- 3.16 The Chairman stated that the issues of DDA needed to be addressed as a matter of some urgency but anything beyond that required the Board to find a source of funding before any further steps were taken.

- 3.17 Questions four and five were discussed together and there was general agreement that the existing site should be used.
- 3.18 Questions six, seven and eight were discussed together and there was general agreement that a break-even scenario was envisaged and that an acceptable level of loss be set, beyond which the Board could no longer tolerate operation. Cllr Lacey stated that it would be sensible for the Board to have an exit strategy ready and this was generally thought to be a good idea. Mr Cooper stated that it needs to be made clear that there are costs attributable to the Forest Centre but that some are hidden. He went on to say cost centres and overheads needed to be clearly identified as attributed.
- 3.19 Question nine was thought more appropriate for discussion at the next FGP meeting.
- 3.20 The Chairman agreed that there were many questions yet to be answered and costs to be accurately and clearly attributed. The Board offered a warm vote of thanks for Mr Hurst.

It was agreed that the Parkin Plan was not viable and the Hurst Concept was, in principle, approved.

It was agreed that further clarification was required on the legal situation regarding the operation of a visitor centre by the Board.

4. To approve the Minutes of the Board Meeting of 17 September 2007 and Matters Arising.

- 4.1 The Minutes of the last meeting had been circulated and were assessed for accuracy. It was noted in minute 8 that the final line should be *'It was agreed that the Board would be happy to volunteer its assistance on deer habits to ESCC and Sussex Police in managing the deer problem'*. The Board agreed, with the amendments made, the accuracy of the minutes and they were duly received.
- 4.2 Mr Spicer queried if the question raised by Mr Alan White, a member of the public, on estovers and felling licences, during the public session had been addressed and the Chairman drew the Board's attention to the Conservation Minutes, item 6.
- 4.3 Mr Cooper asked if the parish magazines were now being used for communication. Mr Spicer stated that he had agreed to get information into the parish magazines but, due to other commitments, he had not been able to do this. Mr Gillham commented that there was a significant difference between the content of different parish magazines. Cllr Martin kindly offered her assistance with this issue. There was a discussion regarding the usefulness of the Forest website and it was agreed that this was only one method of communication and that more detailed information could be given in person or on site.
- 4.4 There was a discussion regarding communication about the winter work and Mr Stenhouse commented that he was often asked about this and that the information available was not satisfactory. Cllr Whetstone stated that it was possible for the public to get information by asking to be shown the work.

15.45 Cllr Lacey left the meeting and Cllr St Pierre arrived.

5. To receive the Minutes of the Meeting of the Conservation Committee of 24 September 2007.

- 5.1 The Minutes of the last meeting had been circulated and were assessed for accuracy. It was noted in minute 4, that paragraph 3 should be *flock would make limited impact on improvement of the heathland*. Members of the Committee agreed, with the amendments made, the accuracy of the minutes. The Board received the minutes.
- 5.2 Winter work and the information walks were discussed again and the impact that weather had on the timescales was noted.
- 5.3 Felling licences were discussed (minute 5) and Mr Spicer asked how it was being administered. The Clerk replied that there would be no public wood permits issued until Commoners, who had precedence, were dealt with. There followed a lengthy discussion on the current management of estovers and the amount of Ranger time this took up. The Clerk reiterated that Commoners rights to collect wood had not been changed, however, Commoners were still required to contact the office in order for the Rangers to inform them where and when they could collect so that arrangements could be made. The Chairman commented that the Board needed to find ways to inform Commoners but this would be best done outside of this meeting. Mr Glyn offered to take this forward.
- 5.4 Mr Stenhouse asked for written evidence that the 3rd party insurance for the sheep was in place. The Chairman stated that the relevant part of the policy would be attached to the minutes. (Appendix 2.)

6. To receive the Minutes of the Roads, Planning & Amenities Committee Meeting of 15 October 2007.

- 6.1 The Minutes of the last Meeting had been circulated. The RPA Committee agreed the accuracy of the minutes. The Board received the minutes.
- 6.2 There was a very short discussion on ensuring that the plan for the maintenance of Chelwood Vachery was not a financial burden on the Forest. The Chairman stated that this would be covered in a future committee meeting.
- 6.3 There was a lengthy discussion regarding minute 5 (closed session) on access issues, whether a precedent had been set or if there had been any change of policy. There was general agreement that there was no major change in policy, that this exception was very specific and related to a particular set of circumstances.
- 6.4 The Clerk reported that he was currently drafting a document about the shortcomings of the current access and licensing policy and that he hoped eventually there would be less necessity to assess each case individually.

It was agreed that a clear justification of why this exception should be made and recorded by the Committee before ratification at the next Board meeting.

7. To receive the Minutes of the Finance & General Purposes Committee of 5 November 2007.

- 7.1 The Minutes of the last meeting had been circulated and were assessed for accuracy. It was noted in the 'present' list that Mr Gillham attended in an *ex-officio* capacity. The Committee agreed, with the amendment made, the accuracy of the minutes. The Board received the minutes.
- 7.2 Minute 9.1, Cats Protection. The matter could now be settled along the lines determined by the Expert, the Clerk reported. The Expert had reached his determination on the value of the licence basing it on a percentage of the current

rateable value of the Isle of Thorns, providing a figure of £2500.00 per year. The Chairman hoped that the new access would be opened very soon and was sorry that the whole process had taken so long and that the residents had suffered. Cllr Martin reminded the Board that, once the new access road was built, the current access down Laundry Lane would be closed to all vehicles except the emergency services.

- 7.3 Minute 5.1 on new policies was briefly discussed. It was agreed that the new policies should be approved and reviewed in November 2008. It was noted that the policy on Freedom of Information was still a work in progress. The period of reply was discussed, which in the Act is very tight, however a 'target' might be set. The Chairman commented that there was work in progress to find a suitable wording. Standing Orders were discussed in the light of the earlier question from a member of the public, however, it would appear that there had been a misunderstanding and written questions were as well as, rather than instead of, verbal questions.
- 7.4 Minute 7.2 on Standing Orders was discussed and, in the light of the earlier question from a member of the public, it was agreed that the proposed wording would stand.

It was agreed that in minute 7.2 the amendment to Standing Order 8.i. should be adopted.

- 7.5 Minute 3.1 on budget estimates was discussed at great length. Mr Thornely-Taylor drew the Board's attention to the figures in 2007/2008 which showed a deficit. He went on to explain some of the background. Expenditure was required up front for the grazing project, for fencing due to animal movement restrictions. The other major expenditure was stakeholder engagement and Mr Thornely-Taylor drew the Board's attention to the overspend. The FGP Committee recommend that the Board cannot go into deficit in such an avoidable manner and steps be taken to minimise the deficit.
- 7.6 Because of the potential overspend, the FGP Committee recommended that as much as possible of the stakeholder engagement is brought in house and that authorisation for the remainder of the 3KQ project is denied. The Clerk reported that the Board was not committed to anything more than meetings at the Parishes next year. The Chairman commented that the independent facilitators were very valuable at the outset of the process but not so useful at the Governance meetings and this was discussed at length. There was general agreement that the process could be run in-house and that it would be useful to have Conservators on hand at meetings to take questions directly from the public. The Chairman stated that an independent Chairperson prepared to attend meetings *pro-bono* would be advantageous if one could be identified but that Conservators attending meetings and answering questions would be generally welcomed.
- 7.7 There followed a discussion on the pros and cons of purchasing versus hiring a chipper and high-sided trailer and the effects this would have on the budget.

It was agreed that the Board ask the Conservation Committee whether burning could take place up to end of March 2008 and if the purchase of a chipper be held off until 2009.

- 7.8 There was a very lengthy discussion on fiscal prudence and discipline, how the budget was to be presented to ESSC and their likely reaction. It was generally agreed that the figures and background data needed to be clearer before any presentation to the Board and that realistic estimates should be provided to ESSC. Once set, budgets should not be altered without the sanction of the Board.

- 7.9 Mr Thornely-Taylor drew the Board's attention to the figures for 2008/2009 which also showed a deficit that would need to be met by a contribution from ESCC. It was generally agreed that the job of the Board was to present estimates to the County and to seek its approval for the figures and any contribution necessary to achieve budget equilibrium with County and that FGP Committee was not in the position to further prune expenditure. The Chairman commented that the maintenance of an SSSI was beginning to exceed what the Board could afford to do.
- 7.10 There was a discussion on how next to proceed and it was decided that an Executive Committee comprising of the Committee Chairmen as suggested earlier could be used to find a way forward. There was a short discussion on how the management team could be best adjusted to deal with financial issues. There was a suggestion that a person with financial experience should look at the accounts and allocations to cost centres.

It was agreed that an Executive Committee Meeting would be convened as soon as possible for an in-depth analysis and discussion of the 2008/2009 estimates.

It was agreed that the 2008/2009 estimates would be put to ESCC and that a meeting to discuss them with ESCC would then be sought.

8. Strategic Forest Plan.

This document was pre-circulated. Due to a lack of time discussion on this was deferred until the next Board. Any further comments on the draft Plan should be forwarded to members of the Executive Committee for a further review. The Clerk asked that comments be forwarded as swiftly as possible so that the document could enter the public domain before Christmas.

9. Letter to be read to the Board.

The main points of a complimentary letter from Mr Hammersley, thanking the Conservators for their prompt response in relation to riparian rights and flooding at Newbridge, was relayed to the Board. A copy would be attached and circulated with the minutes.

17.40 Mr Cooper left the meeting

10. Paper on Management from Mr Stenhouse.

This paper was not discussed, although it was noted that the new executive committee would address one of the suggestions made; however, Mr Stenhouse suggested that if his suggestions were followed the management of the Forest could be greatly improved.

11. Paper on Road Signs from Mr Stenhouse and the Clerk.

Mr Stenhouse stated that he had talked to lots of people about the road signs and conceded that aesthetics were subjective. However, it was agreed, there was no alternative design available and removal and replacement would not be viable in the current financial climate; the signs should therefore remain. Cllr Martin stated that the Board had agreed to the signs and should abide by that decision. There was general agreement that the signs should remain and any future replacement go through a full and proper process via the Board.

12. Any Urgent Items of which the Clerk has notice in order to pass to the elected Chairman

The Chairman asked that a note be added to support the Board's representation by Mr Gillham at the recent funeral of Mr David Cummings, past Conservator and Chairman of this Board.

There being no other questions or comments, the meeting ended at 18.15.

Chairman _____

19 November 2007

Clerk _____