

Decision Maker: Environment Portfolio Holder

**For pre-decision scrutiny by the Environment PDS
Committee on**

Date: 17 April 2011

Decision Type: Non-Urgent Executive Non-Key

Title: **CHISLEHURST AND ST. PAULS CRAY COMMONS
CONSERVATORS - NOMINATIONS FOR ELECTION AND
ANNUAL REPORT**

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Chief Officer: Nigel Davies, Director of Environmental Services

Ward: Chislehurst, Cray Valley West

1. Reason for report

This report details nominations to the Board of Conservators. The Portfolio Holder is requested to approve the re-appointment of four nominees to serve for the three-year period to 31st March 2015 and receive the Annual Report for 2011.

2. **RECOMMENDATIONS**

The Portfolio Holder is recommended to:

- 2.1 **Note and approve the retirements and requests for re-standings set out more specifically in paragraph 3.3 below;**
- 2.2 **Record the vacancy that exists and authorise the Chislehurst and St Pauls Cray Commons Conservators to appoint as and when a suitable candidate volunteers - reporting such details at the next nomination report in 2013 to this committee, and;**
- 2.3 **Receive and note the Conservators Annual Report for 2011 (See Appendix A)**

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Quality Environment.
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Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Parks and Greenspace - Parks Management
 4. Total current budget for this head: £36,300 fixed for 5 years
 5. Source of funding: Existing revenue budget 2012/13
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Staff

1. Number of staff (current and additional): Less than 0.1 FTE
 2. If from existing staff resources, number of staff hours: 30 hours pa
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Legal

1. Legal Requirement: Non-statutory - Government guidance.
 2. Call-in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 50,000 visits per annum to the Commons as visitors or passing through
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes.
2. Summary of Ward Councillors comments: These will be reported on the evening if any are received

3. COMMENTARY

- 3.1 There are currently 15 members on the Board of the Chislehurst and St Paul's Cray Commons Conservators. Up to five appointments can be made to the Board annually with each member serving for a period of three years. The 1888 Act, establishing the Conservators, requires that up to eight Conservators be elected from the Chislehurst vestry and seven by the St Paul's Cray vestry. There is currently one vacancy caused by a mid-term resignation of a member.
- 3.2 In addition the Lord of the Manor can appoint one person to the Board, making a total of 16 members. The London Government Order (1966) makes reference to the requirement that four members of the Board shall be landowners with property fronting the St Paul's Cray Common (Frontagers). There are four existing frontagers on the Board so there is no requirement for the two nominees to be frontagers.
- 3.3 The format of Conservators, which needs affirming are those:

Whose term of office has expired during 2011 and are seeking re-election:

David Calver – *till March 2015*
John Hayhow – *till March 2015*
Tom Murray – *till March 2015*
Margaret Yardley – *till March 2015*

Vacancies which exist:

One vacancy following the approved appointment of Ian Leonard and Peter Woodward in June 2011, following the retirement/resignations of David Howard, Ray Gittins and Elizabeth Greenwood.

- 3.4 Members requested in May 1990 that efforts were made to ensure that suitable local organisations were invited to submit nominations in the future. However, in this instance no other organisations than the Chislehurst Board of Conservators has put forward nominations.
- 3.5 Given the unexpected early retirement of one member during 2011, and the current lack of additional nominations; it is suggested that the Board of Conservators are simply given authority to appoint a suitable new member in due course, should a volunteer with the necessary skills and attributes present themselves. This will need to be ratified by this committee at the next annual nominations report during 2013.

4. POLICY IMPLICATIONS

- 4.1 The Authority has for a number of years made a financial contribution to the management and maintenance of the Chislehurst and St Pauls Cray Commons Conservators, rather than undertake direct responsibility itself.

5. FINANCIAL

- 5.1 The Chislehurst and St Paul's Cray Commons Conservators receive a five year fixed grant of £36,300pa from this Authority, which commenced on April 1st 2011.

6. LEGAL IMPLICATIONS

- 6.1 The Chislehurst and St Pauls Cray Commons Conservators under the Metropolitan Commons (Chislehurst and St Paul's Cray) Supplemental Act 1888 '*may from time to time appoint a fit and proper person, or fit and proper persons, to be their clerk and treasurer, and shall appoint or*

employ such common-keepers, collectors, and other officers and servants as may be necessary and proper for the preservation of order on, and the enforcement of bye-laws with respect to, the Commons, and otherwise for the purposes of this scheme, and may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed (altering such rules as occasion may require); and the Conservators may pay, out of the moneys to be received under this scheme, to such officers and servants such reasonable wages, salaries, or allowances as they may think proper, and every such officer and servant shall be removable by the Conservators at their pleasure’.

Non-Applicable Sections:	Personnel
Background Documents: (Access via Contact Officer)	Minutes of the Board Meeting 6.03.2012

Appendix A

Annual Report Year ending 31st August 2011

The Commons Conservators

The Chislehurst and St Paul's Cray Commons Conservators (known locally by their working title: the Trustees of Chislehurst Commons) were set up by the Metropolitan Commons (Chislehurst and St Paul's Cray) Supplemental Act, 1888 to protect and maintain the commons. The conservators are now a registered charity and carry out their work with funds granted by the London Borough of Bromley, generous donations from local residents, small annual grants from government-sponsored bodies and occasional grants from other organisations.

Governing document and objectives

The 1888 Act sets down the responsibilities of the Board of Conservators. These responsibilities are translated into a working strategy by the 10-year Management Plan, which currently runs from 2004 to 2014.

Location

The Trustees operate from leasehold premises situated at:
The Old Fire Station, Hawkwood Lane, Chislehurst BR7 5PW

Organisation

The Trustees of the charity consist of a board that has 16 members.

Mr Andrew Osmond (Chairman)
Mr Colin Yardley (Vice Chairman)
Mr Ray Philo (Treasurer)
Mr Anthony Bompas Q.C.
Mrs Alexandra Burman
Mr David Calver
Mr Ray Gittins (retired May 2011)
Miss Avril Greatrex
Mrs Elizabeth Greenwood (retired May 2011)
Mr John Hayhow
Mr Peter Hedges
Mr Roy Hopper
Mr David Howard (retired May 2011)
Dr Brian Knights
Mr Ian Leonard (appointed May 2011)
Mr Tom Murray
Mr Peter Woodward (appointed May 2011)
Mrs Margaret Yardley

Mr Patrick Phillips serves *ex officio* representing the London Borough of Bromley

Staff

The Board employs three members of staff:

Mr John Goff (Clerk to the Board)
Mr Jonathan Harvie (Head Keeper)
Mr Peter Edwards (Assistant Keeper)

Mr Goff retired in August 2011. The trustees would like to record their thanks to him for many years of loyal and active service.

Board Structure and decision-making

The Board, which meets seven times a year, has a number of committees:

Natural Environment: Directly responsible for the implementation of the Commons 10-year Management Plan and also recommends major projects to the Board.

Verge: Responsible for liaising with public utilities and those whose land adjoins the Commons, including the London Borough of Bromley, in relation to roads and verges, in order to ensure no encroachment occurs.

Fund Raising: Responsible for raising funds in order to augment the income from other sources. Professional fund raisers are not employed.

Staff: Responsible for advising the board on all personnel matters.

These committees are appointed by the board and report to it. Reports are also received from the clerk and the head keeper. Responsibility for day-to-day management resides with the chairman and vice-chairman of the board, the treasurer, the clerk and head keeper.

Public Benefit Statement

The main aim of the charity is to protect and maintain the commons for public use. All the resources of the charity are used to satisfy these aims. The Commons are open to all members of the public without charge and provide much needed open space for recreation and leisure. The Commons are situated in a predominately suburban setting and are therefore an important amenity for local residents.

If the charity did not exist, the Commons would quickly become unusable in that they would be subject to fly tipping and litter and would overgrow rapidly. There is also strong evidence that encroachment from some adjoining properties would take place with the permanent loss of land.

The Trustees are satisfied that the work of the charity meets the requirements of current legislation relating to public benefit.

Trustees

Trustees are appointed to the board for a period of three years and may be appointed for subsequent three-year periods. Trustees are appointed by the London Borough of Bromley after consultation with local organisations and the Board about skill requirements. The Lord of the Manor of Scadbury, who holds the freehold of the Commons, appoints one trustee. Trustee induction is provided. All trustees are volunteers and receive no emoluments.

Financial Report

Total incoming resources for the year were £118,252, an increase of 18% compared to last year. The grant from the London Borough of Bromley was £42,727, a reduction of 10%. This reduction represents the first few months of a new 5 year agreement whereby the Borough will support the Trustees at the rate of £36,310 p.a.

In an effort to make up this shortfall a major appeal was launched in the spring of 2011. This consisted of leafleting every household in Chislehurst explaining the situation the Trustees found themselves in as a result the cut in grant that the Borough have had to impose as part of the general cutback in government expenditure. We are pleased to report that the residents of the Chislehurst have responded very positively. Total donations for the year totalled £68,917, an increase of 52% on the previous year. This figure includes a generous donation to cover the cost of the appeal and also the contributions received as a result of the film evening. (See item below).

Much of the increase in donations has come from standing orders set up to give the trustees a regular and predictable income. We are extremely grateful to all those who have responded to our campaign whether by giving a single contribution or by a regular sum. Without this help, the charity would not survive.

Expenditure fell slightly this year. Employee salaries were frozen and there was a 47% drop in the depreciation charge since much of the mechanical equipment has been written down. General maintenance costs rose by £3,035 and total expenditure reduced by 3% to £111,419.

An operating surplus of £5,779 was generated with the result that balance sheet increased by the same amount to a total of £80,588. With the generous gifts of so many local residents and the continuing support of the Borough of Bromley, the trustees are confident they can continue to operate satisfactorily.

Bankers

Barclays Bank PLC

7 High Street

Chislehurst

BR7 5AB

Film Night

As part of this year's fundraising activities a film night was held in the "school pit" on Chislehurst Common. Fortunately the event took place on a warm July evening and almost 500 people attended. Refreshments were available and in the gathering darkness a popular family film was shown. The professional equipment for projecting the film was generously lent at no cost for the occasion and about £4,000 was raised over the evening. The trustees are most grateful to all those who made the event such a success.

Tree Inspections

The Trustees are conscious of their responsibilities to provide as safe an environment as possible for the public who walk on the commons. To this end a programme of tree inspection continues. The Head Keeper and some of the trustees have received training and undertake an inspection regime to try and identify trees that might be dangerous. This is an inexact science and therefore care is taken to ensure that as far as reasonably possible, those trees that are adjacent to roads, well frequented paths and adjacent private properties receive the greatest attention.

Chislehurst Chase

For the third year running the Chislehurst Chase took place in September. A 10km race for adults was organised to run through St Paul's Cray Common and round Scadbury Park whilst a Fun Run was held for children. As in previous years the event was well supported and it was interesting this year that many of the competitors came from outside the immediate area. News of the event is clearly spreading.

The Big Draw

The Big Draw was held once again on the common on a lovely sunny Saturday in September. This was the eighth year that this most successful event has been held. The theme this year was "Our World in Common" and was to celebrate the upcoming Olympic Games in London. Attendance was again at record levels resulting in a financial surplus. The organisers kindly donated this to the

trustees. We are most grateful to those who supported the day through sponsorship and their time and effort.

Litter and Fly-Tipping

As reported in previous years, litter and fly-tipping continues to be a major issue. We are fortunate that there are a number of local residents who regularly go round the key areas of the common where litter is left and clear it up. Our keepers are also active in helping to eradicate this eyesore.

Unfortunately there seems to be little that can be done to stop this problem on a permanent basis. The trustees will continue to stress the importance of people taking their litter home or, at least, using the bins provided.

Friends of the Commons

The trustees are fortunate to be supported by a growing group of people, currently numbering nearly 500, who contribute financially to the costs of maintaining the Commons or who are active in working in one of our regular volunteer groups. Without the support of these members of the local community the charity could not operate. We have about 20 volunteers who regularly carry out maintenance tasks on the Commons under the supervision of the Head Keeper. Their work roughly equates to us employing a third full time keeper.

Friends' Reception

Once again, the trustees held a reception in April for the Friends of the Commons in St Nicholas Church Hall to thank them for their support and contributions. This year, the opportunity was taken to explain the financial situation resulting from the reduced Bromley grant and to announce the new appeal. As always, the refreshments were provided by the trustees personally, at no cost to the charity. About 120 people present enjoyed an excellent evening.

Newsletter

The trustees aim to publish a newsletter at least once a year to keep our friends updated on current issues. This provides an excellent form of communication and encourages much needed donations as well as general support for our activities.

Risk Management

The Board reviews the risks to which the charity is exposed and has systems in place to mitigate them. Regarding financial risks, the board has a policy of having at least three months' expenditure in reserve to meet its obligations in the event of a substantial loss of income. Our staff and volunteers are informed of the risk assessments which have been conducted for the various tasks they undertake. They are not allowed to use any machinery for which they have not been properly trained.

Further efforts have taken place this year to ensure the safety of our volunteer workers. A full first aid kit is on site wherever work is undertaken and all volunteers are issued with protective helmets when they are working on the common.

The Board has employer's liability and public liability insurance and trustees' indemnity insurance. The principal risk factors outside the Board's control are accidents to members of the public arising from falling trees or branches and trips due to exposed tree roots. We endeavour to minimise these risks by means of our tree inspection and path improvement programmes.

The Future

A year ago the trustees were very concerned to learn of the Borough of Bromley's proposal to cut their grant substantially as a result of the deficit reduction plan. Subsequent discussions resulted in a new 5 year agreement for funding albeit at the reduced rate of £36,310. With annual expenditure in excess of £100,000, this clearly left a wide gap. Donations over recent years have been very generous, but it was clear that increased funding would be required if we were not going to cut back the work done on the commons substantially. This was further underlined by the fact that the new grant has no inflation provision at a time of steeply rising prices.

The major appeal held in 2011 has been very successful, particularly since many of the donations are in the form of regular payments along with Gift Aid income tax refunds. About two thirds of the trustees' funds now come from local residents. This is a great achievement and demonstrates the value that the local community place on the commons. We are most grateful to all these people for ensuring we have a viable future.