

Decision Maker: Environment Portfolio Holder

For Pre-Decision Scrutiny by the Environment PDS Committee on

Date: 16 April 2013

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, Executive Director of Environment and Community 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 two nominees and make two new nominations to serve for the three-year period to 31st March 2016, and to receive the Annual Report for 2012.

2. **RECOMMENDATIONS**

The Environmental Portfolio Holder is recommended to:

- 2.1 **Note and approve the retirement and requests for re-standings set out more specifically in paragraph 3.3 below;**
- 2.2 **Approve the new nominees within paragraph 3.3; and**
- 2.3 **Receive and note the Conservators Annual Report for 2012 (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: Not Applicable
 3. Budget head/performance centre: Parks and Greenspace
 4. Total current budget for this head: £36,300
 5. Source of funding: Existing revenue budget for 2013/14
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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: 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 April 2013 and are seeking re-election:

Alexandra Burman – Seeking re-election and nominated by the Board
Roy Hopper – Seeking re-election and nominated by the Board

Vacancies which exist:

The Conservators carried one vacancy from 2011 and there has been one vacancy created following the retirement/resignation Ray Philo. Accordingly, the following Trustees were appointed by the Board since the last report to this Committee (which authorised such action):

Alan Porter
Mary Wheeler

- 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 2012, 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 2014.

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 £36,300 pa 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)	Agenda Supplement of the Board Meeting 26.02.2013

Annual Report Year ending 31st August 2012

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. A successor Management Plan is now in preparation.

Location

The Trustees operate from leasehold premises situated at:

The Old Fire Station
Hawkwood Lane
Chislehurst
BR7 5PW

Organisation

The charity is administered by a board comprising 16 trustees.

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

Mr Patrick Phillips (Head of Parks and Green Space) serves ex officio representing the London Borough of Bromley

Staff

The Board employs two members of staff:

Mr Jonathan Harvie (Head Keeper)

Mr Peter Edwards (Assistant Keeper)

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. Regular reports are also received from the Head Keeper. Responsibility for day-to-day management resides with the chairman and vice-chairman of the board, the treasurer, and the Head Keeper.

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 £127,347, an increase of 8% compared to last year. However this figure included a special donation from the Chislehurst Society of £8,850. This was to cover the cost of sinking a new borehole at Rush Pond where the earlier borehole the society had funded had failed. The work will be carried out in early 2013. Without this special contribution, income this year would have been the same as last year. The grant from the London Borough of Bromley was £36,310, a reduction of 15% representing the first full year of the lower grant. The Borough was funding the charity at the rate of £47,310 p.a. but under a new 5 year agreement the funding has been reduced. The trustees are grateful to the Borough that funding continues in the current difficult economic climate.

Donations to the charity fell by 14%. This was perhaps to be expected following record donations in 2010-11 immediately following our appeal to local people. We are extremely grateful to all those who have responded to our fund-raising campaign whether by giving a single contribution or by pledging a regular sum. Without this help, the charity would not survive.

During the year a sum of £13,483 was received from the Forestry Commission representing two year's grant to enable woodland management work on the commons.

Expenditure fell by 19% as a result of not employing a clerk to the board following the retirement of the previous incumbent as well as reduced maintenance costs.

An operating surplus of £36,367 was generated with the result that the balance sheet increased by the same amount to a total of £116,955. This was an exceptional year as a result of the Chislehurst Society's special donation and the Forestry Commission grant. 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

Tree Safety Inspections

The Trustees continue to recognise their responsibility to provide as safe an environment as possible for the public who walk on the commons. The tree inspection policy is being updated to reflect advice from the National Tree Study Group. The commons have been divided into three zones to reflect the differing levels of risk to the public from a falling branch or tree. The inspection regime ensures that trees in higher risk areas are inspected more frequently.

A further three trustees have been trained on a LANTRA tree inspection course in order to ensure we can maintain the necessary regularity of inspections. Whilst the board continues to take reasonable steps to avoid accidents from trees, it should be noted that the Health and Safety Executive state that the individual risk of death attributable to trees is 10 times less than the threshold of one death in one million per year that people regard as insignificant or trivial in their daily lives

Chislehurst Chase

Once again, the Chislehurst Chase was held on a Sunday in September. For the first time, the weather was poor this year and the numbers participating in the children's event was below previous occasions. However, the turnout for the main 10Km race held up well and all the costs were covered by entrance fees leaving a modest surplus.

The Queen's Jubilee

The Queen's Diamond Jubilee was celebrated on the commons in July with a grand lunch. Tables and chairs were laid out near the cockpit and 1200 people brought a picnic lunch to share with family, friends and other Chislehurst residents. A number of entertainments were organised a great sense of community was enjoyed by all. This occasion recalled a similar event that took place on the Common for Queen Victoria's Diamond Jubilee.

The trustees wish to record their thanks to the group of dedicated residents who organised such a successful commemoration.

As a further celebration during the Jubilee weekend, the trustees arranged the planting of an oak tree on the pound alongside Royal Parade with the Mayor and Mayoress of Bromley officiating. A stone commemorating the event now marks the tree.

Prickend Pond

Prickend Pond has suffered from the reduced rainfall over recent years that has affected much of the south east. It is clear from a survey carried out by the Chislehurst Society that the pond is seen as the most attractive aspect of the High Street by many residents.

During the year a project was carried out by Greenwich University to examine various options for the long term protection of the pond. Consultants from the Wildfowl and Wetlands Trust were also employed and a detailed plan for the pond was produced. The plans were exhibited in Chislehurst Library and in the foyer of the Methodist Church in order to allow residents to comment and the first phase of the project started in the autumn of 2012. This consists of reducing the area of the pond, re-profiling the banks and carrying out marginal planting.

The Chislehurst Society initiated the Chislehurst Town Team, a collective of representatives of local organisations and traders which is endeavouring to make improvements to the High Street. The Commons trustees are represented on the Town Team and see their major contribution to its work as being the improvement of the pond.

The Big Draw

The ninth Big Draw event was held on the Common in September with the theme of “Forever England”. Hundreds attended this local part of the nation-wide programme of Art For All and it was exciting to see so many people enjoying the day.

A financial surplus was achieved and the organisers kindly donated this to the charity’s funds for work on the Commons. 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.

This year there has been additional support from a group of concerned residents, the Litter Action Group, who have helped considerably by bringing the problem to the attention schools, other local organisations and the Council.

Friends of the Commons

The trustees are fortunate to be supported by a growing group of people, currently numbering about 600, who contribute financially to the costs of maintaining the Commons or who are active in working in one of our regular volunteer conservation groups. We believe that our Friends’ group is one of the largest organisations supporting open spaces in the country. Without the support of these members of the local community the charity could not operate.

Friends’ Reception

As in previous years, 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 bring people up to date with the charity’s financial position and the various projects in progress on the commons. 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 and website

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. Our website is a rich source of information on the history of the Commons and their management. A linked blog for Friends of the Commons is about to be launched.

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.

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.

Public benefit

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.

The trustees run a lean organisation in order to maximise the benefit derived from our grant income and the donations of the Friends of the Commons. The work previously carried out by our clerk is now undertaken by trustees. We employ just two keepers and their work is augmented by around 20 volunteers whose hours, over the course of the year, equate to another full-time keeper.

In its Vision Statement the Board says that "it will strive to manage the Chislehurst and St Paul's Cray Commons as an amenity for the enjoyment of local people and visitors, seeking the resources to conserve the woods, heathland, ponds and open spaces and increasing their biodiversity in a manner which meets the expectations of the community for the provision of areas for quiet recreation in a natural environment." Maintaining a "natural environment" in an urban setting presents particular problems, particularly as the Commons are dissected by so many busy roads. The greater part of our ground is covered by secondary woodland. In managing it we aim to keep it free of dense holly scrub whilst maintaining a screen of vegetation between the main footpaths and the adjacent roads. Over recent years extra work and resources have been devoted to the maintenance of the main

footpaths with the needs of wheelchair users and parents with buggies borne in mind. While preserving the species richness of our acid grasslands we ensure that our open spaces are available for community events like the Crowning of the May Queen, the Summer Fair and the Big Draw. Our tree safety inspection programme has now recorded all trees alongside roads, major footpaths and adjoining private properties. The most cosseted part of the Commons is the heathland area of St Paul's Cray Common, where we have a comparatively rare example of lowland heath. Our two ponds are popular features on Chislehurst Common to which we devote a great deal of attention, especially in order to maintain their water levels despite the impact of climate change. We provide several kilometres of safe dedicated paths for horse-riders.

Over the past few years, since we have been able to employ two keepers, rather than one, and have increased our volunteer force, local residents' comments on the condition of the Commons have been overwhelmingly positive and most encouraging.

The Future

Despite the reduction in grant from the London Borough of Bromley and a slightly reduced level of donations, this year has been very satisfactory financially. A very tight control of costs has contributed to this. The charity has now built up a reserve in excess of one year's expenditure. This is an excellent state of affairs that allows planning for future projects and also for the replacement of capital plant and equipment.

Most of the tasks we set ourselves in the 2004-2014 10-year Management Plan have been completed and the next couple of years will see us setting new objectives for the next ten years. Among the challenges we will have to bear in mind are the possible impact of increased housing density and increased traffic; the effect of climate change on biodiversity; new tree diseases; further improving the condition of our major footpaths and popularising the Commons as safe and attractive places for children's play and recreation for all.

The trustees face the future with confidence that they can continue to look after and protect this wonderful amenity at the centre of the life of Chislehurst. They are very grateful for the support, both financial and moral; they receive from the Borough, local organisations and the residents.