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## ROYAL TUNBRIDGE WELLS TOWN FORUM

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### Minutes of Meeting dated Thursday 29 October 2009

#### 1. Present:

Daniel Bech (Telephone House Neighbours Association), John Cunningham (Royal Tunbridge Wells Civic Society), Betsey Dix (Calverley Park Crescent Freeholders Association), Michael Doyle (Hawkenbury Village Association), Jane Fenwick (Calverley Park Residents Association), John Goodfellow (Banner Farm Residents Association), George Lawson (Inner London Road Residents Association), Katharina Mahler (Telephone House Neighbours Association), Peter Perry (Calverley Park Crescent Freeholders Association), Alastair Tod (Royal Tunbridge Wells Civic Society), Christopher Thomas (RTW Town Forum Chairman, Woodbury Park Close Residents Association), Mary Wardrop (Hawkenbury Village Association).  
RTW Ward Councillors: John Miller (Culverden), Chris Woodward (St Johns), Frank Williams (Sherwood).

Others in attendance: Cllr Roy Bullock (Leader of the Council), Cllr Mike Tompsett (Pembury), Rodney Stone (Clerk, Commons Conservators), Ian Marshall (Freehold Tenant, Commons Conservators) and Steve Budden (Warden of the Common).

#### Apologies:

Michael Holman (Tunbridge Wells Twinning and Friendship Association), Michael Larsen (Friends of the Grove), Kate Sergeant (Clarence Road Users Association), Simon Smith (Inner London Road Residents Association), David Webster (Clarence Road Users Association).  
 RTW Ward Councillors: Ronen Basu (Culverden), Peter Crawford (RTW TF Vice Chairman, Broadwater), Tracy Moore (St. John's), Lesley Herriot (St John's), Catherine Mayhew (Parks);  
 Samantha Timms (Senior Committee Administrator, TWBC / Secretary RTWTF).

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**(Christopher Thomas in the Chair for the duration of the meeting)**

#### 2. Membership Changes:

No membership changes were reported.

#### 3. Minutes of last Meeting dated 24 September 2009:

The minutes were agreed.

#### Matters Arising:

##### ON-GOING ACTION

That all representatives from **any association/member to provide details of activities** that they had undertaken and/or want to promote to Daniel Bech in order for them to be included on the Town Forum's website so that all members could know what was happening. This is particularly important so as to avoid duplication of activity and to show a single voice for Councillors to deal with.

##### OUTSTANDING – Action point 6.1 (Meeting 30 July 2009):

Leonard Price (Culverden Ward) to inform Daniel Bech regarding answers to questions relating to the Cinema site and RTW Conservation Area at Risk (English Heritage Register 2009).

Questions: [www.townforum.org.uk/planning/questions-cinema-eh-rtwca160709.pdf](http://www.townforum.org.uk/planning/questions-cinema-eh-rtwca160709.pdf)

FOLLOW-UP – Action Point 8.1 (Meeting 30 July 2009): The Chairman reported that a letter had been sent putting the request for a pedestrian crossing at Carrs Corner, Crescent Road, to the KCC. This subject to be looked at again in 3 months.

OUTSTANDING – Action point 6.1 (Meeting 24 September 2009): TWBC Officers have not yet replied to Town Forum's request that they investigate the street scene problems arising from an excess of recycling bins and respond to Daniel Bech's presentation (23 September 2009) and other related street scene problems.

PPT: [www.townforum.org.uk/community/twbc-rtwtfmeeting230909-slides.pdf](http://www.townforum.org.uk/community/twbc-rtwtfmeeting230909-slides.pdf)

Next presentation is 4 November 2009 (Kent County Council, Kent Highways Services officers present)

Summary: [www.townforum.org.uk/community/twbcmeetingsummary041109db.pdf](http://www.townforum.org.uk/community/twbcmeetingsummary041109db.pdf)

OUTSTANDING – Action Point 6.2 (Meeting 24 September 2009): The (Interim) Director of Planning, Trevor Gasson, has not yet responded to the request that he clarify why there was insufficient evidence for the Council to issue an s215 notice in respect of a particular property (73 London Road). Councillor Bullock informed the meeting that officers were in touch with the owners of the property and action was ongoing.

COMPLETED – Action Point 10.1 (Meeting 24 September 2009): **“Royal Tunbridge Wells in Bloom 2010”** letters have been sent out announcing the competition. A meeting of the organising committee is to be held on 2 November to consider the next steps. The Precinct/Calverley Road is included in the scheme. Hanging Baskets will be fixed on the lampposts in the town.

Letter: [www.townforum.org.uk/vision/rtwbloom2010-rtwtfmemberinvite261009.pdf](http://www.townforum.org.uk/vision/rtwbloom2010-rtwtfmemberinvite261009.pdf)

FOLLOW-UP – Action Point 10.2 (Meeting 24 September 2009)

The Chairman requested that Town Forum members encourage members of their Associations to support the event.

#### **4. Commons Conservators:**

The Chairman introduced and welcomed the three representatives from the Conservators of the Tunbridge Wells and Rusthall Commons, Rodney Stone (Clerk to the Conservators), Ian Marshall (Freehold Tenant/Conservator) and Steve Budden (Warden of the Commons). They had been invited to address the Town Forum on the work of the Conservators with particular reference to a list of questions posed by Town Forum members.

Questions: [www.townforum.org.uk/community/commons-questions-rtwtf291009.pdf](http://www.townforum.org.uk/community/commons-questions-rtwtf291009.pdf)

**Rodney Stone, Clerk, Commons Conservators, addressed the meeting explaining how the Conservators are set up and how and why they act as they do.**

The Commons are governed by a specific Act of Parliament. The history behind this started in the 17th Century when the Manor of Rusthall already had certain rights but as Tunbridge Wells grew, houses were built on the Commons and thus came into being the Freehold Tenants. During the 18th and 19th Centuries there followed a long history of disputes between the Manor and the Freehold Tenants. In the late 19th Century, the beginnings of local government brought about the Tunbridge Wells Improvement Act of 1890, later superseded by the County of Kent Act, 1981 (RS was involved).

The Conservators were set up with 12 members drawn from three bodies, 4 appointed by the Manor, 4 appointed by the Freehold Tenants and 4 appointed by the Council (Councillors of the wards of the town, Royal Tunbridge Wells). The office of Chairman rotates annually between the three constituent bodies and in the event of a tie, the Chairman has the casting vote.

As a body the Conservators have the power to make By-Laws, appoint officers and to tax (charge a precept) on the Borough Council to finance the upkeep and maintenance of the Commons. This precept is ultimately a charge against the Council Tax raised from the old Royal Borough.

The Duties of the Conservators are to:

- maintain and preserve the Commons
- maintain the right for the inhabitants of the Borough to have free access to the Commons.
- maintain the Commons free from encroachments.

The Commons Registration Act of 1965 (finally registered 1972) also impinges on the legal position of the Commons. ( [http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1965/cukpga\\_19650064\\_en\\_1](http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1965/cukpga_19650064_en_1) )

The Government set up this act with object of regularising legal rights to Commons. Tunbridge Wells and Rusthall Commons are registered under that Act not as Commons but as Town and Village Greens. The Conservators applied for registration as a common. The Lord of the Manor objected and the matter was resolved under the mediation of the KCC. It was finally decided that registration as a Town and Village Green better protected the rights of the people of Tunbridge Wells.

Further protection of the Commons comes in the form of Town and Country Planning Laws.

RS also referred to the Commons Act 2006. ( [http://www.opsi.gov.uk/ACTS/acts2006/ukpga\\_20060026\\_en\\_1](http://www.opsi.gov.uk/ACTS/acts2006/ukpga_20060026_en_1) )

Fears have been expressed that Councillors that are appointed as Conservators may encounter problems in expressing a view on planning matters that come before the Conservators because they also sit on a planning committee that will subsequently have to consider the matter. To meet this problem the Leader of the Council has been asked that as far as possible Councillors who are appointed as Conservators should not also be appointed to Planning Committees.

**Ian Marshall, Freehold Tenant**, addressed the meeting on the subject of the Freehold Tenants.

The Freehold Tenants were those with Rusthall Manor rights to graze animals, etc on the Commons. There are currently 32 registered Freehold Tenants (8 on the committee), Ian Marshall and Gordon Butt are stewards.

The first Rusthall Manor Act of 1739 recognised the rights of the Freehold Tenants in law. Under this Act arrangements were made to prevent unauthorised encroachments on the Commons. The Lord of the Manor delegated powers to the Freehold Tenants to control works, road building, and paths on the Commons. In 1863 under the second Act to control the use of the Commons the Freehold Tenants drew up By-Laws which were approved by the Lord of the Manor.

This also settled the division of income from the Commons: two thirds to the Lord of the Manor and one third to the Freehold Tenants. These arrangements were confirmed in the Tunbridge Wells Improvement Act of 1890.

The Freehold Tenants continue to exercise a degree of control over the maintenance and improvement of the Common and now devote their third of the income from the Common entirely to the maintenance of the Common.

A brief history of the Freehold Tenants of the Manor of Rusthall

[www.townforum.org.uk/community/commonsfreeholdtenants-history-rtwftf291009.pdf](http://www.townforum.org.uk/community/commonsfreeholdtenants-history-rtwftf291009.pdf)

**Steve Budden, the Warden of the Commons**,

explained his role in the management and running of the Common.

The responsibilities of the Warden are:

- the day to day management of the Commons.
- plan and organise all works and maintenance
- patrol the Common and to discourage any abuse or misuse (although he has no direct powers of enforcement)
- the Conservators website.

The post of Warden was one of the measures set up in the wake of the Hurricane of 1987. The Conservators commissioned the Kent Wild Life Trust to produce a management plan. This was adopted in 1992. Amongst its recommendations was a proposal to set up a full time post of Warden to monitor areas of heath land and acid grassland, maintain open water, safeguard all species and promote educational use of the Commons. The Commons are now part of the South East Area Plan. Over the years since a lot of clearance has been done and most paths have been widened. SB said he worked with the Kent High Weald Group creating a mosaic of woodlands and grasslands. It has been suggested that the Commons open spaces could be better controlled by the use of grazing animals as has been done on Ashdown Forest. SB said the Common's location makes this impractical in the short term. The control and preservation of the Common by the Conservators has worked well for over 100 years and probably will continue to do so in the future as the Common is important for the town.

### **The following questions were taken:**

#### Q1

Income – What would have been the reason to pay £850,000 for the Commons if there is no income?

A1 (Rodney Stone)

There is an income stream from the land for Targetfollow, the Lord of the Manor, e.g. charges for access; the previous Lord wanted to sell both together, the Commons and the Pantiles properties.

#### Q2

Income – What can we do that Targetfollow dedicates its two thirds of income (like the Freehold Tenants use nowadays their third of the income from the Common entirely to the maintenance of the Common)?

A2 (Ian Marshall)

This is not the case at the moment. It is assumed Targetfollow invest into the Common as it was part of the package they bought for £10 million.

#### Q3

Dogs – What can be done against intimidating dogs?

A3 (Steve Budden)

There are no by-laws for dogs; there is only national legislation (Dangerous Dog Act)

A dog control area can be introduced by the police; it would lead to have dogs on the lead.

#### Q4

Car park (former Fairground) – As it had been suggested by Targetfollow to the Town Forum in their meeting (Public Consultation of the Rejuvenation Strategy, 3 December 2008) that potential development opportunity of this site is a possibility, would such an important income for the freehold tenants not be of financial interest if such a development on this site would be materialised?

A4 (Ian Marshall / Rodney Stone)

Conservators are legally bound to prevent encroachment on the Commons.

“*Brownfield site*” is a planning term, but development is not conceivably going to happen; to make the Pantiles viable you need a car park. The car park happened c. 1967 (Conservators Minutes), when the land was used temporarily as car park (Union House development). There is no intention to exploit the site beyond its use as a car park.

#### Q5

Grants – Does the Common qualify for grants from English Heritage?

A5 (Steve Budden)

No. As a statutory body and being supported by public funds it is not eligible for these grants.

It was suggested that the Conservators should investigate funding and the possibility of getting ‘stewardship’ status from Natural England (formerly English Nature).

Q6

Public Consultation – Do the Conservators have a duty to consult the public?

How do you know how the people would like to have the Commons?

A6 (Steve Budden / Rodney Stone)

Commons Conservators Meetings are open to the public. The Friends of the Commons are in touch with the Conservators. The Conservators endeavour to consult; an Open Space Policy / Events Policy was done, after the planned Spafest event in 2006.

Q7

Cycle ways – Is cycling on the Commons prohibited?

A7 (Steve Budden)

Yes, it is prohibited (By-Laws). There is a Highways plan to introduce a cycling route along the Common from Rusthall into Royal Tunbridge Wells (Major York Road). All present agreed that it is undesirable to have more tarmac tracks (non-permeable surfaces) in green spaces like the Commons.

Q8

Underground car park – What is the Conservators attitude towards the suggestion of having an underground car park beneath the Common? - What is the legal position?

A8 (Rodney Stone)

This is an old idea that has been much discussed. The underground car park would be considered as an encroachment. The problems involved in such a project are many. No proposal has ever come forward. It is not a cost effective solution. - As the Conservators ask for the precept (out of Special Expenses paid by TWBC) the Council has rights on how these monies are spent.

Q9

Bye-Laws – Is there a copy of the By-Laws in the Library?

A9

No. By-Laws: [www.townforum.org.uk/community/commons-bylaws.pdf](http://www.townforum.org.uk/community/commons-bylaws.pdf)

Q10

Ball Games – Can the Common be used for "organised" games?

A10 (Steve Budden)

Yes, provided the activities are for the enjoyment of the Common and do not infringe the by-laws.

Q11

Commercially organised Leisure – What is the position about the Common being used by commercially organised "Keep Fit" groups?

A11 (Steve Budden / Ian Marshall)

As long as they use the Common for enjoyment and do not break the by-laws. Practically, running a business (charging a fee) is not allowed.

Q12

101 Steps/Happy Valley/Lakes/High Rocks – Is it possible to restore the 101 Steps?

A12 (Steve Budden / Ian Marshall / Rodney Stone)

This is not practical without a major financial grant. An alternative route has been provided in 2008 and an unofficial path has been worn down the side of the 101 steps. It was explained that the lakes are in private ownership and High Rocks does not belong to the Common.

(Note: High Rocks is located in East Sussex and does not in the Borough of Tunbridge Wells)

Q13

Fencing / Entrance fees – Is it possible that areas of the common could be fenced off and an entrance fee asked for possible events?

A13 (Ian Marshall)

No. This is not legally possible. However, the possibility of erecting fences to enclose grazing animals has been discussed but should this ever happen public access would be provided.

**Q14**

**Parking** – Is it possible to ban vehicles from parking on Common roads (e.g. Major Yorke Road)?

**A14** (Rodney Stone)

This is not a matter for the Conservators. It is a Highways Authority responsibility.

**Q15**

**Parking** – The problem is where would the displaced parked vehicles go?

**A15** (Rodney Stone)

A ban is not realistic.

**Q16**

**Streetscene** – Were the Conservators consulted before fixing new bus stop posts and signs, on the Common? (This information was requested for the upcoming meeting on 4.11. with KCC Kent Highways Services / TWBC / RTW TF)

**A16** (Steve Budden)

No consultation happened.

The session was completed by the Chairman thanking the representatives of the Conservators of the Commons for giving their time to brief the members of the Town Forum and invited them to return whenever they wished. The Town Forum has a representative (Community Champion, Daniel Bech) sitting at the quarterly Commons Conservators meetings.

## **5. Reports by Councillors:**

**Councillor Williams** reported that the cost of the new stone steps in Calverley Ground was £39,500 and that landscaping was already in hand. The Chairman commented that the Chief Executive Sheila Wheeler had informed him that she would impress the new Parks Manager (Mel Henley, since mid-Oct)) that he must consult with the Town Forum on matters such as this.

**Councillor Bullock** reported that the short-listed candidates for the post of Director of Planning and Development (including the position for Director of the Tunbridge Wells Regeneration Company), were to be interviewed on Monday and Tuesday (2nd and 3rd November); a decision will be made on 9 November. The Interim Director Trevor Gasson will stay until February 2010.

## **6. Reports from Champions and Vision Committee:**

There were no reports.

## **7. Any Other Business:**

**Cinema Site Hoarding** – Daniel Bech circulated historic pictures of Tunbridge Wells that he supplied to the architects Panter Hudspith to use as a basis for display on the hoardings. It was felt that the resulting display was very poor. Disappointment was expressed in correspondence to Panter Hudspith e-mails: [www.townforum.org.uk/community/cinemahoarding-panterhudspith211009.pdf](http://www.townforum.org.uk/community/cinemahoarding-panterhudspith211009.pdf) Councillor Bullock undertook to find out what planning permission had been given for this display.

**Gateway** – As many partner organisations hold surgeries and advice sessions Mary Wardrop and Alastair Tod had a tour around the Tunbridge Wells Gateway, 8 Grosvenor Road, Royal Tunbridge Wells. (<http://www2.tunbridgewells.gov.uk/default.aspx?page=1175>) . It was agreed to ask William Benson, Director of Change and Business Support (responsible for Financial Services, Overview and Scrutiny, Performance Management, Committee and Democratic Services, Legal Services, Human Resources, Transformation and Delivery, Customer Access and Customer Care and Communications) to give a presentation to the Town Forum at the beginning of 2010.

The Chairman thanked all those present for attending and the meeting came to a close at 8.30pm.

#### 8. Dates of next meetings of the Town Forum

- 26 November 2009 at 6.30pm
  - Graham Goddard, New Hospital Development Director, Maidstone & TW NHS Trust
  - Lee Colyer, Head of Finance and Governance, Tunbridge Wells Borough Council
  
- 17 December 2009 at 6.30pm – provisional
- 28 January 2010 at 6.30pm
- 25 February 2010 at 6.30pm
- 25 March 2010 at 6.30pm
- 22 April 2010 at 6.30pm
- 27 May 2010 at 6.30pm
- 24 June 2010 at 6.30pm
- 29 July 2010 at 6.30pm
- 30 September 2010 at 6.30pm
- 28 October 2010 at 6.30pm
- 25 November 2010 at 6.30pm
- 16 December 2010 meeting – provisional,  
there is a possibility of holding this meeting in a different venue and at a different time.

26 November 2009 is the next full Town Forum

— Any reports/short papers to be e-mailed/posted to Samantha Timms

#### NOTE:

Election of Chairman and Vice-chairman was postponed to next meeting 26 November 2009

9 November 2009

**Minutes of Royal Tunbridge Wells Town Forum Meeting, Thursday 29 October 2009, were taken by George Lawson and Katharina Mahler.**