

Minutes of the COURT OF VERDERERS held on Wednesday, 18th June 2003 at 9.30 a.m. in the Library, The Queen's House, Lyndhurst.

PRESENT:	Mr O Crosthwaite Eyre	Official Verderer
	Mr J Adams	Elected Verderer & Chairman of the Staff Committee
	Mr N D Anderson TD	Appointed Forestry Commission Verderer
	Mr J F Kitcher MBE	Verderer
	Miss D Macnair	Elected Verderer
	Mr A H Pasmore	Elected Verderer
IN ATTENDANCE:	Miss S Westwood	Clerk
	Mr B Ingram	Head Agister (for first three items only)
	Mr Ralph Ellis MRCVS	Verderers' Veterinary Surgeon (to Minute 2003/268)
APOLOGIES:	Mr P Frost	Appointed Countryside Agency Verderer
	Mr A Gerrelli	Elected Verderer
	Mrs K Heron	Appointed Hampshire County Council Planning
	Mr J Perry	Appointed DEFRA Verderer

IN COMMITTEE

2003/262 ANNOUNCEMENTS & DECISIONS DISCHARGE

The Announcements and Decisions were approved.

2003/263 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Wednesday, 21st May 2003 were approved and signed.

CONDITION & WELFARE OF STOCK

2003/264 REPORT ON THE CONDITION OF STOCK RESUME

The Head Agister commented that since the last Court conditions on the Forest have greatly improved. Most animals look very well with only the usual one or two still needing to gain condition.

Mr Adams agreed and added that the one or two which left something to be desired were most likely animals which had been returned to the Forest too soon. This problem having been discussed in the May committee.

Mr Pasmore remarked that he had found a mare which had been removed by the Agister and then turned back to the Forest in the same condition. Mr Adams said that anything that is too bad must be taken in. He hoped that would send the message to the commoner responsible that turning animals out too soon is unacceptable.

Mr Ellis agreed with the comments concerning the condition of stock.

Mr Ellis asked if he could be kept informed of the discussions in the monthly committee meetings as it is not always necessary for him to attend. It was agreed that in future he will receive a copy of the Minutes.

The Head Agister left the meeting.

2003/265 COMMONING MALPRACTICE

The Official Verderer raised the issue of commoning malpractice and referred to the announcement that he would be making in Open Court. This was supported by all members of the Court and it was agreed that systems need to be put in place to make sure that any new schemes are scrupulously fair. Details of animals removed will be very carefully recorded.

2003/266 MARE CONTRACEPTIVE SCHEME

DISCHARGE

Mr Ellis commented on the earlier proposal for the introduction of a contraceptive scheme for Forest mares. He explained to the Court that there is currently no funding available from the RSPCA. This was born out during a conversation with Mr David McDowell, the RSPCA's Equine Veterinary Officer. Additionally there are problems obtaining the vaccine from the United States although it may be possible to overcome the difficulties.

Mr Ellis felt it is important to consider the likely impact of such a scheme and also what it is likely to achieve. Consideration was to be given to a small trial but he felt it is unlikely that it would be the answer to the Forest's problems of overproduction of poor quality stock. Many commoners would not want to use it and although it could be useful in some situations, it is unlikely to be widely beneficial.

Under the circumstances it was agreed that the matter should not be taken further unless funding becomes available.

2003/267 WORMING

RESUME

The Clerk reported that the worming study is shortly to get properly underway, commencing with a full application to the LEADER + Group for the necessary funding. A meeting has been arranged on Thursday 10th July which will be attended by Mr Russell Wright of English Nature, Miss Emma Rigglesworth of the New Forest Committee and Miss Christine Stewart who will be undertaking much of the research and the Clerk. Mr Ellis also hoped to be able to attend.

2003/268 STRANGLES

DISCHARGE

A few ponies are exhibiting definite symptoms of strangles in the Newbridge area but to date it does not appear to have developed. Mr Ellis confirmed that to the best of his knowledge it has not been seen on private holdings. He added that there is a low key virus that is around all the time and causes nasal discharge and coughing but is not considered particularly serious. It would account for the few ponies which have been seen in other parts of the Forest with such symptoms.

The Official Verderer thanked Mr Ellis for attending the meeting. Mr Ellis said he will remain for the Open Court but will not return to the committee unless the need arises. He then left the meeting.

2003/269 DECLARATIONS OF INTEREST

DISCHARGE

Mr Crosthwaite Eyre and Mr Donald Anderson again each declared an interest in matters relating to golf clubs as the matter will be raised later.

2003/270 FINANCIAL STATEMENT DISCHARGE

The Financial Statement was accepted.

2003/271 BYELAW ENFORCEMENT DISCHARGE

The Official Verderer asked the Court to formally approve the Policy which was agreed in January. A copy will be attached to the Minutes.

OPEN COURT - 10.00 a.m. in the Verderers' Hall

IN ATTENDANCE: Mr Mike Seddon Deputy Surveyor of the New Forest
Mr Will Parke Area Land Agent (New Forest)

ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER

2003/272 COMMONING MALPRACTICE

It is a matter of regret that, despite the good practice of the vast majority of active Commoners in the New Forest, a small element of Commoning malpractice remains. An example of such malpractice is where a Commoner persistently and flagrantly ignores both the reasonable requests of the Agisters and the bylaws themselves. In future therefore any Commoner who builds up such a history of malpractice will be barred from participating in the financial or other advantages of any present or future scheme that is set up or administered by the Verderers, such as the existing stallion scheme, and any future Countryside Stewardship Scheme.

2003/273 COUNTRYSIDE STEWARDSHIP SCHEME

We have applied to the Department for the Environment of Food and Rural Affairs, Defra, for the creation of a Verderers' Countryside Stewardship Scheme on behalf of all practising Commoners in the New Forest. If our application is successful the Scheme will create a system whereby all practising Commoners may apply to be paid for the vital conservation service that is supplied by the grazing of their animals. The payments are not subsidies, so much as a clearly defined payment for the enhancement and value added to the Crown lands by the grazing of the ponies, cattle and donkeys. There is no guarantee that our application will be successful, however we have been much encouraged by the help and support that has been given by officials from Defra in the run up to the application.

It will be a condition of the Scheme that all applicants should have a history of good Commoning practice and of abiding by the Verderers' bylaws at all times. The decision as to eligibility is entirely at the Verderers discretion.

2003/274 ANIMAL WELFARE

As mentioned at the last Court in May, a disturbing practice has emerged in some parts of the Forest whereby ponies that have been taken off the Forest by the Agisters because of their poor condition have reappeared before they are fit to be back on the Forest. Such behaviour puts the welfare of the pony in question at risk.

If such practices are repeated in the autumn the Verderers will, with regret, institute a strict policy. Policy will be applied whereby any animal that is taken off the Forest at the request of an Agister may only be returned to the Forest once it has been inspected and approved as being fit by an Agister. On being removed from the Forest each pony will be given a distinctive mark, to be referred to as a "welfare mark". If an animal is returned to the Forest prior to approval being obtained then an animal welfare offence

will have been committed under the bylaws.

2003/275 CONCRETE POSTS AT EXBURY

Following Mr Cooper's original Presentment, both the Forestry Commission and our own office made every effort to persuade the Exbury Estate to remove the posts which were evidently installed as boundary markers many years ago. We have written again to the Estate explaining that we remain deeply concerned that the posts continue to present a serious hazard.

2003/276 MARE CONTRACEPTIVE INITIATIVE

At the last Court, Peter Sweet asked for an update on his suggestion that contraception for the Forest mares could be an alternative to the present restrictions on the stallions. Together with our veterinary surgeon and the RSPCA's Equine Veterinary Officer, careful consideration was given to this idea which is currently being trialled in herds of wild horses in New Zealand. However, the management of commoners' stock is clearly totally different to that of wild horses and certain difficulties have been identified which probably preclude the widespread use of contraceptives on Forest mares at the present time. As is often the case, one of the biggest stumbling blocks is a lack of funds as well as the fact that the drugs are not yet licenced for use in the UK. The RSPCA was hoping to be able to assist with funding but it now appears that it is unable to do so. If in the future funding can be secured, the proposal will be revisited.

2003/277 CYCLING ON THE FOREST – SUSTRANS PROPOSALS

We are grateful to Peter Sweet for bringing Sustrans' planning application for the replacement of the old railway bridges in the vicinity of Longslade to the attention of the Court. We have now been formally invited to comment and together with the Forestry Commission, we will give very careful consideration to the proposals.

2003/278 PROPOSED PARKING CONTROL MEASURES – BROCKENHURST

The New Forest District Council has asked the Court to comment on its proposed introduction of parking control measures in various roads within Brockenhurst. We will be giving careful consideration to the plans which are intended to preserve the character of the area whilst improving road safety.

2003/279 ANIMAL ACCIDENTS

In the past 10 days, our Agisters have attended 8 road accidents in which 7 foals died and a mare was injured. 3 foals were killed outright and the other 4 had to be shot. 3 of the accidents were not reported. Failing to report accidents results in extreme and unnecessary suffering to the animals involved. Any accident involving a Forest animal should be reported as quickly as possible. There can be no excuses. Our Agisters are available 24 hours a day, 365 days a year to respond to reports of sick or injured stock and the police will relay a message.

There is always an increase in road traffic accidents at this time of year and it is obvious that some motorists are simply not taking sufficient care when driving through the Forest. I ask the press to please print a reminder to motorists that they must always be vigilant, but especially when there may be foals on or near the road.

ANIMAL ACCIDENT REPORT

2003/280 ANIMAL ACCIDENT REPORT FOR MAY 2003

Total Accidents for the Period: 7 (13)

	Killed		Collar		Injured		Collar		Uninjured		Collar		Not Found	
Ponies	4	(5)	0	(0)	0	(3)	0	(0)	1	(2)	0	(0)	1	(2)
Cattle	0	(0)	N/a	N/a	0	(1)	N/a	N/a	1	(0)	N/a	N/a	0	(0)
Donkeys	0	(0)	0	(0)	0	(0)	0	(0)	0	(0)	0	(0)	0	(0)
Pigs	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)
Sheep	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)	N/a	N/a	0	(0)
Totals	4	(5)	0	(0)	0	(4)	0	(0)	2	(2)	0	(0)	1	(2)

TOTAL KILLED & INJURED	4	(9)
Accidents During the Hours of Darkness	2	(5)
Vehicles Involved		
Private Cars / Light Commercials	5	(9)
Motor Cycles	0	(0)
Heavy Vehicles	0	(0)
Number of Local Motorists	4	(6)
Number of Accidents Not Reported	2	(4)
Total Killed and Injured for the Year to date	27	(29)
Number of Deer Killed	5	(2)

Figures in brackets () show previous year's totals.

PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

None

PRESENTMENTS

2003/281 DOGS

Presentment by Mr Clive Maton on behalf of the Commoners' Defence Association

"I am Clive Maton and I am representing the New Forest Commoners' Defence Association. We as a committee are immensely concerned over the frequency of unruly dogs worrying livestock. Over this last month there have been several cases of dogs distressing animals, one at Beaulieu Aerodrome where consequently a foal had to be put down, another at Cadnam Cricket Pitch where dogs were chasing ponies and several at Longdown where unruly dogs think it is wonderful to chase cattle.

Does the Court think that it is about time these dog owners were made to keep their pets under control because the way things are escalating it might not be just the animals that are at risk.

2003/282 KITING

Presentment by Mr Tim Wallace of Forest Kiting

Mr Wallace addressed the Court saying he had come to seek permission for kiting on the Forest and to answer questions. He added that he has arranged to meet with representatives of the Forestry Commission.

In reply to the Official Verderer's request to Mr Wallace to elaborate, Mr Wallace said that he is aware there is an issue with kiting in the Forest. Concerns regarding safety have been expressed on kiting, buggies and mountain boards. He said he was here to say that there is a misconception of the dangers. Mr Wallace added that the members of his organisation adhere to safety guidelines set out on their website. He commented that considerable skill is required to fly the large kites and no-one will fly a large kite if they don't have the relevant experience.

The Official Verderer suggested that Mr Wallace should provide a written Presentment for consideration by the Court and then he could come back to give further oral evidence if he felt it is required.

2003/283 **RESPONSE TO PRESENTMENTS**
Mr Peter Roberts

Mr Roberts asked for a written form of Presentments.

The Official Verderer suggested that Mr Roberts might like to look at the website which is an important communication tool. He added that efforts are being made to improve the site to make it more user friendly.

IN COMMITTEE

CONSIDERATION OF PRESENTMENTS

2003/284 **DOGS**

RESUME

The continuing problem of dogs attacking livestock and wildlife was viewed with great concern by the Court.

It was agreed that the co-operation of the New Forest Dog Group should be sought and a copy of the photograph of Mr Gerrelli's dead foal will be sent to them. The Forestry Commission will also contact the Group. An announcement stressing the importance of keeping dogs under proper control will be made by the Official Verderer at the next Court and this will be backed up by the Deputy Surveyor who will remind the public that allowing a dog to be out of control on the Crown Lands is an offence under the byelaws.

It was further suggested that the New Forest Dog Group be asked if they would like to attend the next Court to make a statement about what they are doing to try to prevent such problems.

The photograph will be supplied to the press and placed on the Court's website and the issue will be raised at the next Consultative Panel Meeting scheduled for July.

It was agreed that next time there is a serious attack on livestock, the Court and Forestry Commission will jointly approach the CPS to see what action can be taken against the owner of the dog(s) concerned.

Mr Anderson asked for a copy of the photographs.

2003/285 **KITING**

DISCHARGE

No further action will be taken by the Court on this subject until further information is received.

2003/286 DECISIONS

DISCHARGE

Where possible, decisions will be communicated to the person making the Presentment, but it was agreed that it is not always possible to give an immediate answer as it is sometimes necessary to refer to other organisations for information or comments.

SUBMISSIONS BY THE FORESTRY COMMISSION

NONE

MATTERS ARISING FROM THE MINUTES OF THE LAST COURT AND PREVIOUS COURTS OF CONCERN TO THE FORESTRY COMMISSION

2003/287 PICKET POST JUNCTION – PROPOSED ORNAMENTAL INCLOSURE

RESUME
September

English Nature is currently considering the proposals and as yet no detailed package is available for Presentment. It is hoped the matter may be progressed by September.

2003/288 NEW FOREST CAMPSITE REFURBISHMENT

DISCHARGE
See Minute
No. 2003/319
below

This matter was held in abeyance until later in the meeting. Mr Seddon said that there are a lot of technical questions and details that need to be asked and resolved before public discussion can take place.

2003/289 BEECHWOOD ROAD LOG STORE

RESUME
September

Mr Parke said he has made no further progress and will come back to the Court when he achieves success!

2003/290 NOMANSLAND CAR PARKING

RESUME
September

Dragons teeth on the north side of the road on the verge have now been installed and this has prevented a certain amount of roadside parking. It was agreed that the earlier Court minutes were correct and Mr Parke said he is dealing with the legalities of closing the minor road. The County Council is going to the Magistrates Court for the necessary authorisation which is expected in September. All relevant information is being conveyed to the Parish Council.

2003/291 BRAMSHAW TELEGRAPH COTTAGE FENCE

DISCHARGE

The illegal fence has now gone. The Court thanked Mr Parke for getting the problem resolved.

2003/292 ORIENTEERING

RESUME

Mr Seddon expressed concern that the draft advice provided by the Court is at present a little too strict as it does not allow for negotiation. He commented that he needs wording that will allow reasonable and appropriate ancillary equipment to be brought onto the Forest in agreed locations. Mr Seddon also asked for the rationale behind the advice offered. He agreed to produce a map showing where orienteering has taken place in recent years.

2003/300 NEW FOREST GOLF CLUB – TURF STRIPPING DISCHARGE

Excessive turf stripping was reported by Mr Pasmore who submitted photographs to the Clerk. Mr Parke reported that the Club had apparently stripped turf to partially fill (1/3) of a bunker on the 6th hole. On talking to the Club it was pointed out that large areas of turf should not be taken, the rule being 1 turf in 3. The Club has apologised and given assurance that such a quantity will not be taken up again. It was confirmed that such works are permitted by English Nature in the management agreement. Mr Pasmore pointed out that it is the Court's duty to protect the grazing and even though no grazing was lost, the manner in which it was done was felt to be inappropriate.

2003/301 ELECTRICITY CABLE TO HOLLY HATCH COTTAGE DISCHARGE

In response to a query concerning this work which was approved some time ago by the Court, Mr Parke confirmed that the cable has reached Broomy Lodge but financial constraints have delayed its continuation to Holly Hatch.

Mr Seddon and Mr Parke left the meeting.

OTHER MATTERS ARISING

2003/302 PONY PASSPORTS RESUME

Miss Macnair reported that the Minister continues to refuse to allow any derogation for foals or old ponies or even the deceased! DEFRA will be setting up a central computer system to which issuing organisations will have to provide certain information – owners details etc. Miss Macnair then explained the pricing structure proposed by the New Forest Pony Breeding and Cattle Society. Some members of the Court were not happy with the current proposals but it was agreed that the Verderers should carry out some market research via the Commoners' Defence Association to see how many commoners would prefer the Verderers to be able to issue identity certificates and maintain an independent list.

2003/303 NON-PAYMENT OF MARKING FEES RESUME

The Official Verderer explained the breakdown of the recent invoices received in respect of the prosecution of commoners refusing to pay marking fees. He said he felt the fees to be reasonable in view of the amount of time the solicitors and Counsel had spent researching the cases. The Court therefore, confirmed the expenditure which remains within the limit previously agreed.

As respects taking the cases forward, clarification of the cost of proceeding to the Divisional Court and/or to Judicial Review will now be sought. If Judge Babbington-Browne declines to agree that her decision be appealed at the Divisional Court, Judicial Review of her decision as to the jurisdiction of the Magistrates Court in terms of the Verderers' byelaws will be necessary. Confirmation is also required of the cost of proceeding to trial once the issue of jurisdiction has been settled. It was agreed that it is important to explore all the options available. Mr Anderson proposed, with Mr Kitcher seconding the proposal, that approval be given to the Official Verderer for

expenditure of an extra £5,000 over and above the £20,000 already approved. All those present voted in favour of this decision and the four Verderers unfortunately absent from the meeting will be advised promptly.

2003/304 GOATS ON NATIONAL TRUST COMMONS RESUME

The Official Verderer reported that the National Trust claims it sent a letter concerning goats some months ago. It appears, however, that the letter has never been received and a copy will be requested.

2003/305 REVIEW OF THE VERDERERS' BYELAWS RESUME

There have been delays in obtaining a copy of the 1911 Animals Act from HMSO. It was suggested a copy may be found in the Dibdin case file.

OTHER AGENDA ITEMS

2003/306 PENSIONS RESUME

The Clerk advised that she will shortly be having a meeting with Mr Malcolm Lay from Numerica during which the precise details of the service they can offer will be discussed.

2003/307 BEAULIEU ROAD HOTEL RESUME

Mr Pasmore agreed to give some thought as to a mechanism for agreeing reasonable compensation for loss of grazing in respect of the Hotel land which remains subject to common rights. It is understood the Hotel would like to resolve the issue if at all possible.

2003/308 ANNUAL DONATION RESUME

The suggestion that the donation could be used to partly fund the renting of some land for use by the Agisters for impounding ponies has been agreed by the donor. Mr Adams agreed to research possible land and prices.

Unfortunately as Mrs Heron was absent from the meeting, the status of the land in Mockbegger Lane that she suggested might be available could not be confirmed. It is hoped further information will be available for the next meeting.

It was suggested that it might also be acceptable to use the balance of the money towards the worming study and possibly some reflective collars.

2003/309 BUDGET RESUME

The draft budget was approved and subject to some fine tuning will be forwarded to the Deputy Surveyor.

2003/310 VERDERERS' ELECTION DISCHARGE

The timetable was agreed.

2003/311 VERDERERS' OFFICE PHOTO-COPIER DISCHARGE

The Clerk requested approval for the expenditure of approximately £2,500 for a new photocopier – the current machine being now virtually unserviceable. The expenditure which will be taken from the Railway Fund deposit account was approved.

REPORTS FROM OUTSIDE BODIES

2003/312 LOCAL ACTION GROUP RESUME

The Official Verderer explained that he is no longer able to attend the LAG meetings and he asked if any member of the Court would like to attend in his place. As no offers were forthcoming, the matter will be resumed to the next Court where it is hoped that one of the Verderers absent from today's meeting will volunteer.

STAFF COMMITTEE MATTERS

2003/313 JOB EVALUATION RESUME

The Forestry Commission's Job Evaluation Team has agreed to carry out evaluations for the Clerk and Assistant Clerk's positions. Subsequently, the Head Agister and possibly Agisters jobs will also be evaluated.

The reason for the evaluations is that there has been no detailed scrutiny of staff pay for some years.

2003/314 EMPLOYMENT HANDBOOK AND CONTRACTS DISCHARGE

The cost of producing these documents was unfortunately greater than originally envisaged because it was necessary for everything to be re-typed. It is now available in electronic form which will make subsequent amendment considerably easier and more economical. The solicitors' fee properly reflects the additional work which had to be undertaken and the Court therefore approved the invoice which has recently been submitted.

2003/315 EMPLOYMENT OF FIFTH AGISTER RESUME

The interviews for the fifth Agister will be held shortly. The interview panel will consist of the Official Verderer, Mr Adams and Mr Kitcher.

HEALTH & SAFETY AT WORK

2003/316 PERSONAL PROTECTIVE EQUIPMENT – BODY PROTECTORS DISCHARGE

The Agisters have now been provided with body protectors. They have been advised that they are required to wear them at all times when riding.

2003/317 RISK ASSESSMENTS DISCHARGE

Mr Jeff Kitcher was thanked for his work on devising appropriate Risk Assessment forms for the drifts. The system will be implemented this year.

DEFERRED ITEMS (from earlier in the meeting)

2003/318 NEW FOREST GOLF CLUB

RESUME
September

The Official Verderer reported that the Forestry Commission is now considering the Verderers decision.

2003/319 NEW FOREST CAMPSITE REFURBISHMENT

DISCHARGE

Mr Pasmore and Mr Kitcher agreed to represent the Court on the discussion panel being set up by the Forestry Commission. It was confirmed that no decisions will be made by the panel which will work through the various detailed technical and other issues with a view to seeking practical solutions and sensible proposals for wider consideration. The matter will be brought back to the Court when there is something further to report.

ANY OTHER BUSINESS

2003/320 DEFRA

DISCHARGE

The Official Verderer advised the Court that following ministerial changes, Mr Ben Bradshaw is now Minister for Nature Conservation and Fisheries. His remit includes nature conservation, SSSI's and English Nature as well as, amongst other things, Animal Health and Welfare (including Veterinary Laboratory Agency and Veterinary Medicines Directorate). A detailed list of who is responsible for what in DEFRA is available from the Verderers' office.

There being no further business, the meeting closed at 1.20 p.m.