

MINUTES of the Court of Verderers held on Wednesday 19th October 2005 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 P Frost	Countryside Agency Appointed Verderer
	Mr A Gerrelli	Elected Verderer
	Cllr K Heron	Hampshire County Council Appointed Verderer
	Miss D Macnair	Elected Verderer
	The Hon R Montagu	Forestry Commission Appointed Verderer
	Mr A H Pasmore	Elected Verderer
	Mrs P Thorne	DEFRA Appointed Verderer
IN ATTENDANCE:	Mr J R Gerrelli	Head Agister (first three items only)
	Miss S Westwood	Clerk
APOLOGIES:	Mr J F Kitcher	Elected Verderer

IN COMMITTEE

The Head Agister was present for the first three items.

2005/1869 MINUTES OF THE LAST MEETING DISCHARGE

The Minutes of the Court held on Wednesday, 21st September 2005 were approved and signed.

2005/1870 ANNOUNCEMENTS & DECISIONS RESUME

Following some amendment of the draft, the Announcements and Decisions were approved.

2005/1871 CONDITION OF STOCK RESUME

Report by the Head Agister

Stock still looks well. The ponies which came in on the drift the day before the Court looked exceptionally well. There were a lot of empty mares because there was no stallion in the area last year. Representatives of DEFRA concerned with the Countryside Stewardship Scheme attended the drift.

On the Penn Common Drift a number of plain ponies came in together with quite a few late foals thought to be due to the stallion which is running in the area. There is a lot of stock in the area and 181 ponies were caught. The grazing in the area is poor and it will be necessary to keep a close eye on conditions. Late foals are an obvious problem.

The stallions are now in the grazing in New Park and Cadland and all have settled well.

The Agisters are aware that marking fees will be collected for sheep from next year and that in order to benefit from the discounted rate on ponies and donkeys, commoners must pay by the end of January.

The subject of marking fees and Minstead Manor commoners was raised. It is thought that the Stewardship Scheme has not resulted in many more deciding to pay.

The Head Agister left the meeting.

Report by Mr John Adams – Chairman of the Staff Committee

Mr Adams commented that the rain is welcome. Some cattle in the North of the Forest which belong to a new commoner are causing some concern. Agister Rix is instructing the owner to remove them as necessary.

Mr Pasmore remarked that there are a lot of pigs in some parts of the Forest with no acorns to feed them. Mr Adams responded by saying that because of the lack of food this year pigs are only required to be out for 2 weeks in order for the owner to receive payment under the Stewardship Scheme.

The Clerk advised the Court that four State Veterinary Service (DEFRA) Vets attended the Penn Common Drift. None raised any serious concerns about the condition of stock.

2005/1872 DECLARATIONS OF INTEREST

RESUME

The New Forest Golf Club will be raised later in the meeting and the Official Verderer declared an interest as a director of another Golf Club in the Forest.

The Elected Verderers and Mrs Thorne declared an interest in the Countryside Stewardship Scheme.

Mr Gerrelli declared an interest in the items concerning Campsites.

2005/1873 FINANCIAL STATEMENT

RESUME

Statements for September had been circulated and were approved.

2005/1874 MARKING FEES

RESUME

The Assistant to the Clerk confirmed that marking fees have been paid to date for the following animals:-

Ponies	4281
Cattle	2514
Donkeys	97
Pigs	167
Total	7059

Total stock excluding pigs 6892.

2005/1875 BYELAW ENFORCEMENT

DISCHARGE

No new breaches of the byelaws have been reported.

The hearing in respect of the stallion turned out on the Northern Commons is scheduled for Friday, 11th November 2005.

2005/1876 STALLION SCHEME

DISCHARGE

Mr Adams reported that all the stallions are now in the grazing and nearly all the stallion owners have signed their agreements. There is concern at one owner who is abstaining from the Scheme.

There should be sufficient grazing to see the stallions through until the end of March. 15 are grazing New Park and 20 at Cadland where there are some 60 acres available. The Cadland grazing is on gravel so it shouldn't suffer from poaching in wet weather. There are no contingency plans at present for supplementary feeding which would be difficult to manage and would require the consent of the landowners. It will be considered if the need arises.

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

IN ATTENDANCE: Mr Mike Seddon

Deputy Surveyor of the New Forest

ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER

2005/1877 STALLION SCHEME

As part of the scheme we have been able to offer free winter grazing to all stallions that have been passed to run on the Forest in 2006, and I am pleased to report that the owners of 30 of the stallions have taken us up on our offer. All those stallions will now remain at our two secure grazing sites at New Park and the Manor of Cadland until 31st March 2006.

Once again we are most grateful to the new Forest Trust for agreeing to fund half of the annual rental costs of these fields, and to the New Forest Agricultural Show Society and the Cadland Estate for their most helpful support during our search for extra suitable grazing.

2005/1878 MARKING FEES

At last month's Court it was unanimously agreed that the level of marking fees should remain the same for 2006, and that the early payment discount would only apply if full payment is received during January and not 31st March as in previous years. If you wish to take advantage of the discount must be pro-active in the payment of your fees and not wait for the Agister to come to you.

It has been agreed that marking fees will now be collected for sheep found or running on the Forest or the adjacent commons.

It was also unanimously agreed that marking fees at the Forest rate will now be collected for animals found or running on the Forest which originate from neighbouring commons which themselves are outside the jurisdiction of this Court, such as Minstead

Manor. Those commons covered by the 1964 New Forest Act, the Adjacent Commons, are of course within the jurisdiction of the Court. Therefore, for the avoidance of doubt, marking fees will be as follows as from January 1st 2006:

Ponies & Donkeys on the Forest:

£18.00 if paid by 31st January or before they are turned out

£20.00 if paid after 31st January

Ponies & Donkeys on the Commons:

£9.00 if paid by 31st January or before they are turned out

£10.00 if paid after 31st January

Cattle on the Forest: £20.00

Cattle on the Commons: £2.50

Pigs on the Forest and Commons: £1.00

Sheep on the Forest: £10.00

Sheep on the Commons: £5.00

No early payment discount applies to cattle, pigs or sheep.

ANIMAL ACCIDENT REPORT

2005/1879 ACCIDENT REPORT FOR SEPTEMBER 2005

The Agisters attended 18 accidents in September compared with 22 for the same period last year.

10 ponies and 2 donkeys were killed and 1 pony and 2 cattle were injured. A mare and foal were killed in one accident.

10 of the accidents occurred during the hours of darkness and 15 involved private cars or light commercials.

3 accidents were not reported and 12 involved local motorists.

The total killed and injured for the year to date stands at 77 compared with 79 for the same period last year.

PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

2005/1880 There were no Presentments by the Deputy Surveyor

PRESENTMENTS

2005/1881 MARKWAY RIVER BRIDGE

Presentment by Mrs Olive Collins – Commoner

Mrs Collins expressed concern that the large blockage of gravel which has accumulated beneath the A35 road bridge has not been cleared away as part of the works on the River. Mrs Collins felt clearing the blockage would possibly have resolved the flooding problems and avoided the need for the large plug upstream or a dam downstream.

2005/1882 MARKWAY RIVER
Presentment by Mrs Olive Collins - Commoner

Mrs Collins said she was horrified to see hundreds of yards of lawn churned into a quagmire by heavy tracked vehicles and asked why matting has not been purchased for use on LIFE work sites to minimize damage to Open Forest grazing.

The Official Verderer thanked Mrs Collins, adding that the Court takes such matters very seriously. He said Markway is on the Agenda for further discussion later today.

2005/1883 MINSTEAD MANOR STOCK – MARKING FEES
Presentment by Mrs Annie Cooper – Minstead Manor Commoner

Mrs Cooper advised the Court that the Manor Commoners will resist the imposition of what they regard to be an unlawful tax.

The Official Verderer said that the 1980 Judgement in the High Court was perfectly clear that the Verderers have jurisdiction over animals from other adjacent commons. For some reason over the past 20 years, the Court has not pursued the matter. The Court has never pretended it has jurisdiction over Minstead Manor but it is entitled to ask owners of animals straying onto the Crown Lands for the payment of marking fees. The Court has now decided to do this and will ask for fees for all animals that come onto the Crown Lands.

Mrs Cooper reminded the Court of the 1983 hearing and the Official Verderer replied that the case in 1983 was heard in the Lymington County Court, which is a lower Court, and he felt the position of the Verderers is very clear. The decision of the High Court in 1980 is still a binding precedent.

2005/1884 MINSTEAD MANOR STOCK – MARKING FEES
Presentment by Mrs Olive Collins – Minstead Manor Commoner

Mrs Collins asked whether the full fee, or a proportion thereof would be payable for an animal which strayed onto the Forest for a limited period, say 30 days.

The Official Verderer responded by saying that the High Court Judgement is clear. The precedent exists now. If an animal strays from a neighbouring common, such as Minstead Manor, onto the Forest, the marking fee is due in full from that moment onwards.

2005/1885 ANIMAL ACCIDENTS
Presentment by Mr Mike Cooper, Commoner

Mr Cooper reminded the Court that the clocks go back an hour at the weekend. He asked the press to remind commuters of the need to take particular care when travelling on Forest roads, particularly in the dark evenings.

IN COMMITTEE in the Library

CONSIDERATION OF PRESENTMENTS

2005/1886 MARKWAY LAWN

RESUME

The Official Verderer reminded the Court that two main issues were raised in Open Court. The first being the gravel under the A35 road bridge and the second, the damage to the lawn.

The Deputy Surveyor responded by saying he could not comment as to why the shingle bank under the bridge has not been removed. He said he would need to look at the Southampton University report. He added that he believes the work on the river has now been completed.

The Deputy Surveyor then referred to the suggestion that protective matting should be used to protect the grazing from damage by large vehicles. He said he is not familiar with the material and that it is not feasible to only use one route in and out of the work site. Later he said the pictures show surface damage and the site will be levelled off and he is confident the grazing will soon restore.

Mr Frost expressed surprised how little damage has been done. The Deputy Surveyor then added that the route used is a former Open Forest track and he agreed the grass has been churned up. Mr Frost thought that the use of matting had been discussed in the planning stage but that tracked vehicles do spread the load.

The Official Verderer remarked that the damage to Highland Water is now restoring. Mr Pasmore commented that the damage there was not to a lawn.

Mr Pasmore reminded the Court that at the last meeting it was agreed a site meeting should be held. The Deputy Surveyor said the weed in the river has now been removed and a site meeting is being arranged for Thursday, 10th November at 10.00 a.m.

It was commented that work under the road bridge could undermine the footings and it is therefore necessary to be very careful.

Mr Gerrelli suggested a representative from the Commoners' Defence Association should be invited to attend the site meeting but after consideration it was decided that as the Verderers have been asked to deal with the matter, the CDA's attendance on this occasion is probably not necessary.

2005/1887 MINSTEAD MANOR

RESUME

The Official Verderer said the idea that the Manor might charge for Forest animals has been considered but that any charge would have to be made on the owner of such an animal by the owner of the Manor. Also, under the law of vicinage there is no liability for trespass, and thus there is no basis upon which to make such a charge.

It was agreed the Official Verderer should speak to Mr Peter Green, owner of Minstead Manor.

A map of the Manor waste, showing the boundary with the Crown Lands was requested by Mr Frost and Mr Montagu. The Agisters will also be provided with a map.

2005/1888 ANIMAL ACCIDENTS

DISCHARGE

Mr Mike Cooper's comments about the changing of the clocks and dark evenings was felt to be very sensible.

2005/1889 CYCLING ON THE FOREST

DISCHARGE

A lengthy discussion took place during which members of the Court repeated their ongoing concern at the lack of control over cyclists.

The Deputy Surveyor said the Forestry Commission views cycling as a benign activity which should be encouraged in place of car use or other motorised recreation. He added that the Commission takes a very hard line on motor vehicles on the Forest because of the significant damage that they cause. He went on to say that the Commission will continue to promote the use of the official tracks and when a cyclist is seen off track he or she will be spoken too. He added that unfortunately the result is often a lot of verbal abuse.

The Deputy Surveyor stated that it is unlikely the Commission would ever take a byelaw prosecution against a cyclist. Cyclists are not considered to cause damage to the Forest and cycling is regarded as a healthy activity. The majority of cyclists stay on track as proven by the counts that are undertaken. He said that at present the Commission does not accept that cycling causes damage. In response to the argument that cyclists cause disturbance to the remote areas, he said that in his opinion "zoning" should apply to all users.

A request was made for the Keepers and Rangers to record the number of cyclists they speak to, so that the Verderers know that something is being done. The Deputy Surveyor replied saying that a database of serious incidents is already being compiled although a cyclist off track would not come into the category of "serious". He added that consent for cycling is included in the Memorandum of Understanding between the Verderers and Forestry Commission.

The Official Verderer said the Court is sufficiently concerned at the number of cyclists who go off track to give permission for one year only at a time. It is accepted that cycling is difficult to police and understandable that people are inclined to go wherever they want. It is clearly felt that if cycling was policed effectively, cyclists would stay on the tracks. The Official Verderer went on to propose that consent is given for one year only. Mr Gerrelli seconded the proposal and all those present voted in favour. The motion was therefore carried.

Mr Montagu suggested new ways need to be found of getting the message across that cycling off track is an offence. The Deputy Surveyor said he welcomes any new ideas as to how to promote

responsible cycling. He added there is no evidence of physical damage. Mr Pasmore commented that he is concerned at the visual/noise damage and that the Verderers concern is centred around what happens when cyclists go off track.

The Deputy Surveyor concluded by saying he doesn't believe there is sound justification for the Court's decision.

SUBMISSIONS BY THE FORESTRY COMMISSION

2005/1890 PROPOSED PILOT CAMPAIGN ON DOG WASTE

DISCHARGE

A paper was tabled by the Deputy Surveyor.

As a result of ongoing concerns about the quantity of dog waste deposited on the Forest, particularly around certain car parks, the Progress Group proposes to launch a campaign to try to encourage dog owners to pick up their dog's waste and deposit it normal waste bins. This is permitted provided the waste is plastic wrapped.

The sites selected for the pilot campaign are Dibden Inclosure, Deerleap, Wilverley Plain, Linford Bottom, Godshill Cricket and Longslade Bottom.

From the above list Wilverley and Longslade already have bins. Linford Bottom previously had two bins but these have been burnt out and not yet replaced. Bins are therefore required at four car parks. New bins could be installed or it may be possible to relocate bins from other sites where they are least used.

The following actions are suggested:

Erect temporary eye-catching graphic posters in each target car park to encourage pick up and explain disposal.

Install litter bins in the listed car parks (moved from other sites, or new).

Issue a press release to announce the start of the campaign.

Monitor the effects through sample counts before and after the campaign launch.

Repeat the campaign as necessary, if it is successful.

The New Forest Dog Owners group supports this proposal as does the Kennel Club which may be interested in running a dog training and responsible dog ownership roadshow in the Forest.

The Deputy Surveyor said the Forestry Commission shares the Verderers' views about not wishing to modify the Forest for one user group, or create additional urbanisation. However, it is felt that in view of the number of complaints received about dog waste, it is necessary to carry out the proposed campaign. The aim is to raise awareness that standard bins can be used to dispose of dog waste. He added notices will be sited on the bins themselves and/or other existing

structures. The campaign will last for one year.

The argument that this is modifying the Forest was raised again. However, the Deputy Surveyor said that dog waste is the biggest issue in all of the user group surveys that have been carried out. The need to raise awareness is considered essential. Dog owners say they will pick up after their animals if a disposal facility is available. The campaign will not result in any additional bins.

Having listened to the proposals and comments, the Court accepted the Official Verderer's invitation to support the pilot scheme but requested that new bins be provided rather than removing existing ones from other car parks.

MATTERS ARISING FROM THE MINUTES OF PREVIOUS COURTS OF CONCERN TO THE FORESTRY COMMISSION AND ANY OTHER BUSINESS OF CONCERN TO THE FORESTRY COMMISSION

2005/1891 LYNDHURST GOLF COURSE FENCING RESUME

In Mr Parke's absence this item is resumed until November.

2005/1892 LONGDOWN RUBBISH DUMP RESUME

The Environment Agency has been sampling water from a nearby stream for some time in relation to another matter. To date nothing harmful has been found. The EA plans to do further sampling next week.

2005/1893 HGV WEIGHT RESTRICTIONS B3078/B3079 & B3080 RESUME

It was reported that Hampshire County Council is consulting with local stakeholders on the proposal to progress a 7.5 tonne weight limit on the above Forest roads. The intention is to assess the likely reaction amongst key local stakeholders and the community, before proceeding with the formal TRO procedure.

2005/1894 REVIEW OF THE COMMONS BILL RESUME

Counsel's Opinion has been received. In Counsel's view the Draft Bill takes away and doesn't replace the Law of Property Act 1925 Section 194 and could cause significant problems to land within the perambulation, not in the ownership of the Crown. A suggested amendment will be put to DEFRA. The Bill is still with the House of Lords Grand Committee and there is still time for an amendment to be incorporated. The Official Verderer has requested assistance from Mr Will Parke (Forestry Commission) and Mrs Lindsay Cornish, Chief Exec. NPA. Both have confirmed their support and it has been agreed that Mrs Cornish should make the first approach as the extra protection is being sought for the adjacent commons rather than the Crown Lands.

2005/1895 BEAULIEU ROAD HOTEL SEWAGE SYSTEM DISCHARGE

The sewage treatment plant has now been installed and is serving the pub part of the site. The hotel itself is closed as an extension is being built.

As expected, it is necessary for the existing outfall pipes running across the Forest to be dug up and removed and contractors for the hotel will be doing that this week. The usual working conditions have been made clear to them and it is expected that by the end of the week the Open Forest will have been restored.

The Court was assured that the discharge from the new treatment plant does not enter the old pipe work across the Forest and so the pollution to the bog has now ceased.

2005/1896 HOLLANDS WOOD AND ROUNDHILL CAMPSITE RESUME

A meeting of the competent authorities, Verderers, Forestry Commission, Forest Enterprise and English Nature, together with Terence O'Rourke met on 4th October.

Further information and clarification is required before the Appropriate Assessment can be finalised. The Official Verderer said he would circulate the minutes of the meeting.

2005/1897 HANGING ROPES DISCHARGE

Mr Frost handed out some pictures that he has taken showing ropes in various parts of the Forest.

2005/1898 BLUE WATER MAIN MARKER SIGNS AT BURLEY RESUME

In November 2004, it was reported that the Water Board had agreed to replace the blue marker posts at Burley which are considered to be out of keeping with the traditional character of the Forest. They have not yet been replaced and the matter will be referred to Mr Parke.

2005/1899 NEW FOREST PRODUCERS MARKET ADVERTISING SIGNS DISCHARGE

Signs advertising the market have been attached to other road signs. The matter has been brought to the attention of Miss Anne Sevier. It was agreed a letter is needed from the Forestry Commission.

2005/1900 SIGN OUTSIDE THE ROYAL OAK PUBLIC HOUSE AT HILLTOP DISCHARGE

The promotional sign is very obtrusive and shouldn't be on the Open Forest. It was questioned whether it is permitted in the car park and the Deputy Surveyor said that is dependent upon the terms of the lease. The matter will be investigated.

2005/1901 FORESTRY COMMISSION TEMPORARY SAFETY WARNING SIGNS DISCHARGE

It was commented that the temporary signs warning the public of dangers on the Forest are not always removed when the danger has passed. The Deputy Surveyor responded by saying that some signs have to be left up for a minimum period. He said he will speak to the relevant Forestry Commission staff to ensure that unnecessary signs are removed promptly.

2005/1902 BUND AT ENTRANCE TO HATCHET POND CAR PARK DISCHARGE

The bund at the entrance to the car park is considered to be visually hideous! The Deputy Surveyor agreed and said it is intended that it will be reshaped or removed and replaced by dragons teeth.

2005/1903 RUBBISH COLLECTION IN THE FOREST RESUME

The New Forest District Council refuse collectors appear to be piling up bags by the side of the roads and leaving them for collection later. Whilst some are collected fairly promptly, others are left for hours which looks awful and gives the animals an opportunity to raid them, spreading rubbish all over the Forest. The "pink" bags seem to be of particular interest to the animals. The Deputy Surveyor said in the first instance he will raise the matter informally with the District Council to see if the problem can be resolved.

2005/1904 FENCE ROUND EAST BOLDRE ALLOTMENTS RESUME

The fencing materials have still not been cleared up. The problem has been reported to the Forestry Commission on a number of occasions. The fence at the back of the allotments is in need of repair. The Deputy Surveyor noted the problems and will refer to Mr Parke.

2005/1905 ELLINGHAM RUGBY/CRICKET PITCH RESUME

The wicket covers, rollers and chain harrows are still on the Open Forest. This matter will be referred again to Mr Parke.

2005/1906 CADNAM CRICKETE PITCH RESUME

The wicket covers remain on the Open Forest – they are not even on the wicket! Mr Parke will be asked to deal with this matter also.

2005/1907 LOGS OUTSIDE PROPERTIES DISCHARGE

An increasing number of householders appear to be placing logs on the verges outside their properties and it was questioned who is liable if someone collides with them. The Deputy Surveyor said the Forestry Commission would hold the householder liable in the first instance. He added the FC is trying to deal with the worst offenders. Householders put the logs out to try to stop parking. It was suggested that the matter may also be of interest to the Highway Authority as the logs are less than 1 metre from the highway.

2005/1908 NEW PARK ENTRANCE

RESUME

The entrance to New Park is littered with promotional signage which is visually obtrusive. It appears the Hotel is responsible and Mrs Heron undertook to speak to the Highway Authority to see if something can be done. The Clerk remarked that a nasty "Dog Show Campsite" sign on the gate to the old Kennels has been there for weeks. The Deputy Surveyor undertook to speak to the Show Society to get it removed.

2005/1909 DIBDEN INCLOSURE CAR PARK

DISCHARGE

Mr Frost expressed surprise that a number of beech trees have been cut down. The Deputy Surveyor said the trees were planted some years ago but have never grown well. They were poor specimens and the worst were cut down along with some conifer.

2005/1910 NEW FOREST RURAL PATHFINDER PROJECT

DISCHARGE

The Deputy Surveyor explained that the Project is designed to look at how the Government delivers grants and services. Different parts of the country are involved in pilot schemes to try to make things work better. Hampshire has been chosen as one such area. In the New Forest, the Environment Agency, Forestry Commission, Hampshire County Council and DEFRA Rural Development Service have joined together for a sub-project of the wider Hampshire project. The New Forest part will explore how to engage stakeholders in discussions about working methods and how different bodies work together in respect of obtaining necessary consents. An example is the Open Forest Advisory Committee. The current processes will be assessed to see what people think.

Physical works will be used to test the results but it was explained that the Commoners are worried about another round of "bog blocking". In response the Deputy Surveyor pointed out that the issues of wetland restoration will not go away. 11,000ha of SSSI is in unfavourable or declining condition which is considered unacceptable. He went on to say that the Verderers have a duty under CROW to ensure the Forest SSSI is in favourable or improving condition. The Deputy Surveyor apologised that the Project has not been brought to the attention of the Verderers before now.

The Deputy Surveyor left the meeting.

LIFE 3

2005/1911 SUSTAINABLE WETLAND RESTORATION

RESUME

Mr Frost has been in touch with Jane Smith as requested. There is nothing further that can be done until after the Markway meeting. Mr Frost will then bring the matter back to the Court.

OTHER MATTERS ARISING FROM THE MINUTES OF THE LAST COURT AND PREVIOUS COURTS

2005/1912 STALLION SCHEME

DISCHARGE

It was questioned why some stallion owners are being paid to keep their stallions at home when there is free grazing available. Mr Adams explained that some owners prefer to keep their stallions on their own property and it was felt that it was fair to pay those people a sum equivalent to the benefit other stallion owners were deriving from the free grazing.

2005/1913 IDENTIFICATION OF STOCK

RESUME

The issue of identification of horses and ponies is a major issue with Government keen on introducing compulsory microchipping of all equines. Correct identification of ownership is also of concern to welfare organisations.

Miss Macnair reported that Exmoor has obtained a derogation from the need to microchip because they can accurately identify individual ponies through their branding system. She suggested a similar system should be adopted in the Forest. The British Horse Society, via Mrs Pat Campbell, Chair of the Horse and Pony Breeds Committee, is seeking exemption from microchipping for all feral breeds in favour of individual branding of each animal. Miss Macnair's request for a letter to be written to Alison Reeves of DEFRA supporting this proposal was agreed.

2005/1914 BRANDS

RESUME
December

The Verderers' prime concern at the moment is how to accurately identify the ownership of animals running on the Forest. Following the sub-committee meeting, a paper was circulated by Mr Adams about how best to ensure this can be done.

It was suggested the commoners be requested to sign up to the ownership of brands. Issues surrounding shared brands will have to be resolved and sharing will be discouraged where possible. Where brands are shared, each person will be considered jointly and severally liable for any animal carrying that brand.

It was agreed a letter combined with a declaration should be sent to all registered brand holders. They will be asked if they still own and use the brand and if they do, to sign a declaration stating that they accept responsibility for animals carrying that brand. It will be necessary to allow some time for everyone to respond but a deadline will be set, after which, if no response is received, the Court will regard the brand as no longer in use by that person or persons. Each letter/declaration will include a detailed description of the brand and where on the animal it is applied.

It was recognised that the problem of how to resolve identification when animals change hands requires further discussion but the Court

approved the proposal in principle. The passport system and Verderers ID list may be useful in this respect.

2005/1915 BRAND ALLOCATION FEE DISCHARGE

After a short discussion, it was agreed that with immediate effect the brand allocation fee for new applicants will be increased from the current £50.00 to £85.00.

2005/1916 REVISION OF CHARGES FOR SEARCH FEES DISCHARGE

After much careful consideration, and investigation by the Official Verderer, it was proposed that a new scale of charges for searches should be adopted. The Court agreed unanimously

The new fees will be based on acreage and will be as follows:-

Under 1 Acre	£60.00
1 – 5 Acres	£90.00
5 - 10 Acres	£120.00
10 – 50 Acres	£180.00
50 – 100 Acres	£240.00
Above 100 Acres	Quotation on application

The new rates will be effective from 1st January 2006. A letter will be written to Solicitors who regularly request searches advising them of the new fee scale.

2005/1917 FOREST HOLIDAYS PUBLIC/PRIVATE PARTNERSHIP DISCHARGE

No further comments were made at this stage.

VERDERERS' COUNTRYSIDE STEWARDSHIP SCHEME

2005/1918 SUB-COMMITTEE MEETING RESUME

The Minutes of the last Verderers' Sub Committee meeting were circulated. It was suggested a further meeting should be arranged.

2005/1919 THE COUNTRYSIDE STEWARDSHIP SCHEME & MINSTEAD MANOR COMMONERS RESUME

It was suggested that the Verderers' Sub-Committee should discuss the situation with Minstead Manor Commoners.

A summary of Minstead commoners who pay marking fees and those who do not was requested.

The Official Verderer appraised the Court of the course of events as he understands them in respect of Minstead Manor.

In 1980 the High Court gave a definitive ruling on Vicinage which basically said that the Verderers have the right to collect marking fees on Minstead Manor animals which stray onto the Crown Lands.

In 1983 this was contested and the Verderers took a commoner to the County Court in Lymington. The trial never got off the ground because the Judge ruled that the Verderers' byelaws were deficient.

Following the 1983 hearing, Counsel advised that the byelaws should be re-drafted and this was done.

The County Court decision did not, and could not, over rule the decision of the High Court.

The Court agreed that the Official Verderer should invite Mr Bob Cooper to a "without prejudice" meeting.

NATIONAL PARK

2005/1920 NATIONAL PARK AUTHORITY

RESUME

The Authority is busy setting itself up at the moment. Lots of training is being carried out for members. It is reportedly proving difficult to recruit staff because the Authority does not know where it will be based. Legislation has been passed which gives NPA's responsibility for controlling access to BOATS (Byeways Open to All Traffic).

Mrs Heron will keep the Court informed of the progress with the Minerals & Waste Development framework. The Court will comment on the consultation document.

OTHER AGENDA ITEMS

2005/1921 WELFARE TOUR OF THE FOREST

RESUME
December

The Welfare Tour will take place on Wednesday, 14th December 2005.

2005/1922 AUDITED ACCOUNTS

The Official Verderer proposed the Letter of Representation to the Auditors be approved. Miss Macnair seconded the proposal which was approved unanimously.

2005/1923 WILVERLEY INCIDENT

RESUME

The firm of solicitors acting for the injured party have submitted a claim for damages. The correspondence has been passed straight to the Court's insurers. Mr Adams agreed to sign a statement concerning the stallion scheme.

2005/1924 GRAVEL ENTRANCES ON FOREST WASTE

DISCHARGE

Burley Parish Council has expressed concern about tarmacadam laid to the entrance of a property in Burley which is twice the width of the driveway it services. The Forestry Commission has suggested that on this occasion it would be acceptable if gravel is rolled into the surface.

The Parish Council has asked for the Verderers' views about this and the Clerk was asked to confirm it shares the Parish Council's concerns.

2005/1925 HERITAGE LOTTERY FUND BID DISCHARGE

The recent meeting was very productive and a lot of ideas were put forward some of which will now be considered in greater detail.

STAFF MATTERS (including the Staff Committee)

2005/1926 PERSONAL ACCIDENT INSURANCE DISCHARGE

The Clerk advised that the Court's insurance brokers have confirmed that the cover currently provided by the personal accident policy is up to date and comparable with the market.

2005/1927 SALARY REVIEW RESUME

The Official Verderer suggested that the Remuneration Committee should meet as soon as possible to consider re-grading of the Agister post following changes to the Agricultural Wages Board's grading system. The grade which has been used to date no longer exists.

TRAINING

2005/1928 FIRST AID TRAINING RESUME
March 2005

The Clerk reported that she has been advised that the Head Agister can attend a training course next year.

HEALTH AND SAFETY AT WORK

Apart from the Wilverley Incident which was discussed earlier in the meeting (see Minute No. 2005/1921), there were no other health and safety issues to report or discuss at this meeting.

ANY OTHER BUSINESS

2005/1929 FREEDOM OF INFORMATION ACT RESUME

The Department of Constitutional Affairs has advised that the Verderers' Court will be covered by the Freedom of Information Act from May 2006. A Publication Scheme must be produced and agreed with the Information Commissioner. The Verderers administrative staff will attend a training seminar shortly and the Clerk will advise the Court how best to prepare for implementing the Act.

2005/1930 HOLLANDS WOOD & ROUNDHILL CAMPSITES – APPROPRIATE ASSESSMENT RESUME

The Official Verderer advised the Court that there are major differences of opinion between the Forestry Commission and English Nature on the adverse effect of the proposals for (Roundhill in particular) and the mitigation suggested. The Forestry Commission has yet to convince English Nature that they can resolve the issues.

MINUTES of the Court of Verderers held on Wednesday, 19th October 2005 at 9.30 a.m. in the Library, the Queen's House, Lyndhurst

2005/1931 PONY PUBLICITY GROUP – NEW FOREST WEEKEND

DISCHARGE

Miss Macnair reported that the recent weekend was a great success with many potential buyers attending and visiting the studs and the Weirs Drift. The Publicity Group was grateful to the Verderers for allowing the visit to the drift which those attending found most interesting. Miss Macnair added that Head Agister, Jonathan Gerrelli gave an excellent talk.

2005/1932 MOYLES COURT RUBBISH BIN

DISCHARGE

It was suggested that the present waste bin at Moyles Court should be replaced by a larger one and preferably not mounted on an old rusty post! Mrs Heron said she will forward the suggestion to the appropriate person.

There being no further business, the meeting closed at 1.25 p.m.