

THE GREEN CHARITY BARRINGTON

Minutes of the Open Meeting held at the Village Hall on May 15 2014

Present: Councillors Van de Weyer (Chairman), Cooper, Day, Hardman, Potter, Rhodes-Kemp and Whybrow, together with over 118 residents and visitors

The Meeting had been called with regard to maintaining and preserving the Green in the future, including the income shortfall. The Meeting began at 7.50 p.m.

The Chairman welcomed everyone to the Meeting and thanked them for taking the time to assist the Trustee with their views and comments on our very special Green. He asked each member of the Trustee to introduce themselves.

Cllr Laura Cooper, Glebe Road, was related to the Jude family, whose history in the village goes back some 300 years at least. Her responsibilities included Village Hall Trustees, Town Estate Charity, and her interest in the Green dated from her childhood and family background. Her grandfather had grazed cows on the Green.

Cllr Anne Day, Back Lane, said that she had been appointed Clerk in 1998, was co-opted as Councillor in 2003 and subsequently became an elected Councillor. Her particular areas of concern were Play Areas, liaising with Cemex, and underlying everything was her interest in the history of the Green.

Cllr Judy Hardman, Malthouse Way, said she had lived in the village for 42 years, and been a Parish Councillor and member of the Trustee for the past 7 years. Her responsibility was ensuring the clearance of litter in the village.

Cllr Sheila Potter, Malthouse Way, had been a Councillor for 3 years, focusing on the Youth Club, Public Transport, and Voluntary Car Scheme.co-ordinator.

Cllr Rosamund Rhodes-Kemp, Malthouse Way, had been visiting the Green for over 20 years, and a Councillor for 2 years. Formerly a nurse, she was now a lawyer. Her responsibilities included Challis Green Pond, Foxton Level crossing, and Parish Council planning matters.

Cllr Aidan Van de Weyer, Orwell Terrace, had been first Councillor in 2007, became Chairman of the Trustee two years ago, and in 2013 District Councillor for the village.

David Whybrow, Glebe Road, had lived in the village for 13 years, and been a Parish Councillor and member of the Trustee for the past 5 years.

The Clerk, Margaret Goding, was introduced by the Chairman as having been in the post since 2003, and for 9819-1996, with a depth of knowledge about the Green and a keen interest in its preservation for the future.

The Chairman went through the planned Agenda for the Meeting, and the provision of microphones together with a request that speakers gave both their name and address. The Trustee was hoping to receive some clear guidance about as many of the issues raised as possible. Views would be welcomed freely, to enable the Trustee to have some clarity on what the consensus was.

There were two reasons for calling the meeting, first the consequences of the legal advice and the financial crossroads facing the Trustee.

The Chairman recalled briefly the history of the Green and its significance as common land. He discussed some of the management problems that had arisen since the late nineteenth century and some of the solutions that had been found.

The Chairman explained that the Green Charity is very closely linked to the Parish Council, with the Parish Council being its trustee. This means that the Green Charity is accountable to all residents of Barrington. He said that, nevertheless, the Green Charity has various legal constraints.

The Chairman emphasised that the Charity can only function with the active support of residents, which can come in various ways.

The map provided in the leaflet used an old base map for the sake of clarity, but the locations of the Green boundary and the roadways were up to date.

In concluding his report, the Chairman emphasised that the Meeting wanted to be discussing general policy issues, and not individual properties. For those residents who had queries, the Green Charity intended to hold Saturday morning workshops (as held in 1998), to cover individual queries.

2. The Advice received from Mr Philip Petchey

Thanking everyone for coming to the Meeting, Cllr Rosamund Rhodes-Kemp began by affirming her own passion and affection for the Green.

Barrington Green

Barrington has one of the finest and most famous village greens in England, dating back to at least the early middle ages, if not earlier. Like many village greens, it originally formed part of the common land of the village, and villagers had the right to graze cattle, sheep and poultry upon it.

Over time, houses were built on either side of the Green and on the “island site” (which probably is land that once formed part of the Green). This was before the days of the motor car.

Barrington Parish Council and the Green Charity

Barrington Parish Council was established (in 1895) under the Local Government Act of 1894. In 1899, it passed a bye-law making it unlawful, without the Parish Council's consent, to drive a wheeled vehicle (apart from a pram, push chair or wheel chair!) across the Green. This reflected a concern to preserve the Green.

In 1912, the Green was vested in the Parish Council as charitable trustees and the Green Charity established.

In 1899 Barrington Parish Council passed bye-laws in respect of the Green. Bye-law 4 provided:

A person shall not, except with consent of the Parish Council obtained in writing, drive or wheel, or cause or suffer to be driven or wheeled, on any part of the Village Green other than any Road or Cartway, on or across the same any Threshing Engine, Cart, Barrow, Truck, Machine or other vehicle except a Perambulator or a Wheeled Chair drawn or propelled by hand and used solely for the conveyance of a child, or children, or an invalid.

In due course, people who lived in the houses bordering on the Green and on the island site acquired motor cycles and cars. In the period before and after WWII, a number sought and were given permission to make, use or modify accessways across the Green.

Not everybody asked permission with the result that the Green was damaged – in 1954 the Parish Council Chairman was concerned that the Green was being turned into a quagmire.

Permitted Roadways

In 1969 a new access was constructed to serve the island site and also an authorised network of **permitted roadways**. These were surfaced and subsequently maintained by the Parish Council. At first these were maintained out of the parish rates but this was ruled to be inappropriate in 1998.

Since then **permitted roadways have been maintained by the Green Charity**, with **part** of the costs recovered from the 109 properties which need access across the Green, together with other funds raised by the Green Charity.

The arrangements were designed to strike a balance between:

1. the need to preserve the Green; and
2. the need of local residents for vehicular access over the Green.

Control of access over the Green is in the hands of the Green Charity who are able to protect it. The Green Charity must also be able to organise maintenance of the permitted roadways out of income received in licence fees, and to do so equitably.

Legal advice

Legal advice has had to be taken over the years. In 1998 an exhaustive review included preparation of the format and content of Licence documentation. More recently changes to the Legislation on “village greens” have come to affect our Green, and the Charity Commission rules affect the rights and obligations of the Green Charity.

In 2012 a right of way challenge necessitated the Green Charity taking specialist Counsel's advice. Counsel re-asserted the validity of using the 1886/7 map to decide on the type of obligation to residents.

Access Roadways across the Green

The Parish Councillors are also the Trustees of the Barrington Green Charity. In that capacity they have given occupants permission for vehicle access to properties around the Green. All permissions are renewed after the election of each new Council, which takes place every four years. This serves to remind property owners of the conditions under which permission is given. Permitted ways have a maximum width of 9 feet. Permission applies to transit along the roadway and does not give any right to park vehicles on the roadway or to

drive or park on the Green. Neither the Parish Council nor the Trustees of the Green have any obligation to maintain the roadway. Permission is granted until the next Parish Council is elected, but renewal will not be unreasonably refused.

There is a distinction to be drawn between:

1. paying a fee in relation to trackways marked and still in use as marked;
2. requiring a Licence + Fee (including trackways marked but now absorbed in and by the Green roadway system).

Boot Lane was not brought into the permitted access way system: Boot Lane has been adopted by the Cambs CC and they maintain the pavement and the road.

Mill Lane was established in 1968 as not being part of the Green down to the river. Previous recent owners have emphasised the private ownership and responsibility for this lane.

Slid Lane (one property), is part of the permitted access way scheme, as is the owner of the field and its gateway access on to Slid Lane. Vehicular use is very limited.

The Green Charity will not grant *permanent* vehicular rights of way over the Green. If the Green Charity were to grant *permanent* rights of way over the Green it would make it impossible in the future ever to modify the existing access arrangements.

Although the Green Charity does not at the moment foresee making any changes, it is sensible to retain the flexibility to do so. If permanent rights were granted it would be difficult to put in place effective legal arrangements to ensure payment of an appropriate fee to maintain the accessways.

It should be noted that houses which take access over the Green have been bought and sold satisfactorily for many years in the knowledge of the arrangements that are in place. The Green Charity seeks to regulate for the common good access over the Green and has never sought to prevent any of the houses which currently take access over the Green from doing so.

The Green Charity considers that the Green is a unique resource that benefits all the inhabitants of the village, its sports clubs and its many visitors and that the arrangements that have been put in place work well to protect and manage it for the good of all.

The considered legal advice is that Barrington residents should cherish their very special asset, to want to protect it and to respect it. It is important not to see life as battle with the Green Trustees, but to help the Trustees in preserving the Green.

Financial issues

The Charity can no longer afford to employ ground maintenance staff. Much good work was previously undertaken by Harry Davies and residents. This was often at low or no charge to the Green Charity. Volunteers have come forward to help maintain the ponds.

The licence fee is subject to review every four years, when new licences are offered. The licence fee charged by the Green Charity **does not cover the current cost of maintaining the permitted roadways**. The fee level does not seek to reflect the length of permitted roadway that is enjoyed by the licence holder. When the Permitted Way Scheme was set up in 1998, it was agreed that **every Green resident should pay the same fee** even though some licence holders enjoy only a very short section of permitted roadway.

Since about 1980, the Green Charity **has not maintained "spurs" from the main permitted roadways to individual houses** but has maintained the spurs to a standard specification **on the basis of individual payments received** from the relevant householder.

This allows an individual to choose either to have "their" spur maintained to the same standard as the rest of the permitted roadway **or** to maintain it personally.

New Permitted Roadways

Applications for the construction of new permitted roadways and appropriate arrangements for them are considered on their merits.

For an entirely new permitted roadway the Green Charity would expect to charge a fee which reflected the fact that without the Charity's consent any development facilitated thereby could not proceed i.e. they would participate in the increase in value of the land. The Green Charity considers that a payment reflecting one half of the increase in value of the development site would be appropriate this based in Law on *Stokes v Cambridge Corporation* (1962). Where no new permitted roadway is being created, the Trustees expect a capital payment reflecting the increased use of the existing permitted roadway: this depends on the specific circumstances and the independent advice of the District Valuer.

Garden licences

Some properties fronting the Green have no front garden. For some specific residences, the Green Charity has licensed the householder to create a front garden to a depth of 2' 6" (reflecting the "overhang" of a thatched roof).

From this year, the Charity is introducing a licence scheme similar to that for the permitted roadways. The Charity will not without good reason refuse a licence for a front garden not more than 2' 6" in depth in respect of a house that does not have its own front garden.

Parking

The Green Charity recognises that there is a problem with parking on the Green by those living in houses that do not have "off street" (or off Green parking). This parking damages the Green and is unsightly. The physical damage could be addressed by the provision of plastic matting or similar in appropriate places. But:

1. This probably goes against the provisions of the Victorian statutes protecting Village Greens, and
2. Altering the natural appearance of the Green in this way is itself likely to be unattractive.

In the circumstances, the Green Charity requests all householders to take particular care to respect the Green as best they can.

In Conclusion

The arrangements established in 1998 have continued until the present date.

The present four-year cycle of permitted way licences began on 1 September 2011. The fee currently was £180 for four years or £47.50 for one year.

Of the 109 properties that need access across the Green to the highway, 64 applied for 4-year licences and 40 for a 1 year licence.

There are 3 owners who decline to participate in the process at all and 2 who pay the Charity a donation each year.

$(64 \times £180) = £11,520 + (40 \times £47.50 \times 4\text{yrs}) = £7,600$

Total for 4 Years = £19,120 = £4,780 per year for all maintenance (plus 2 donations).

In closing her summary, Cllr Rhodes-Kemp said that the Green Charity takes more time than the Parish Council. Everyone present at the Meeting had their own view and some had specific issues, but the Trustees were in post for the residents of Barrington and to protect the Green.

Residents' Discussion

Mrs L Taylor (36 High Street) thanked the Green Charity for a thankless job. She challenged the legal advice received by the Green Charity and said it was different from what they had received.

John Granger (4 West Green) said that the inference was that the 109 properties were not paying enough to maintain the roadways. He queried the use of the same contractor for the roadway work. The Clerk explained that in the past the Clerk had tried to obtain competitive tenders, but only one full tender had been received at that time, due to the nature of the work. The quality of the work by John Cobb & Sons Ltd was very high. The Clerk would try to get more than one quote if possible for the next piece of work. John Granger also queried the parking on the Green in connection with sports matches. The Clerk explained that the edge of the Green adjacent the sports pitch from the Village Sign towards the Sports Pavilion had been reinforced, built up many years ago, by the late Curator Harry Davies, designed to take parked cars. The Trustee was uncomfortable with parking on the soft Green from the opposite roadway. The Sports Clubs do their best to discourage this.

Roy Collins (7 High Street) felt that the roadway specification should be reviewed.

Simon Anderson (14 West Green) complained about parking on the Green by what he thought were players from opposing teams, who did not respect the Green.

Edward Tennant (61 High Street) asked what costs were projected. The Clerk explained that it was not possible for the present Trustee to set the future fee levels, which would be done by the next elected Parish Council after May 2015. The Trustee hoped that this meeting would bring forward the views of the village residents on the 50% shortfall in income for roadway repairs.

Michael Brunner (26 West Green) pointed out that one way to meet the shortfall would be for suggested that the Green residents should to pay £100 per year. Referring to the centrefold map in the Agenda leaflet, he asked the Green Charity to provide a map which would show all the properties around the Green. The Chairman agreed to do so, but

emphasised that all the detail of the Green boundary and the roadways was depicted clearly. Michael Brunner pointed out the incorrect description of the Guidance Notes as being an Advice Note, which ~~they were~~ it was not. It was clarified by the Chairman that Mr Petchey had written these notes especially for publication to the residents of Barrington, about their Green.

Philip Doggett (25 West Green) asked if the Parish Council currently contributed to the Green Charity funds. The Chairman responded that the roadways had to be paid for by the Green residents, and that the deficit was currently being met via other income received. Phillip Doggett suggested that the Green Charity should have for example a 25 year roadway maintenance schedule. The Clerk explained that this had not proved feasible, because there was no point in resurfacing a roadway which did not require it. The policy had been to repair roadways which were damaged by the winter weather or by vehicles. It was not true that roadways were repaired every other year. The Trustee had never been in a position to nominate particular roadways in a fixed pre-planned rotation.

Marlene Hildyard (18 High Street) complained about patrons of the Village Stores who drove along the roadway adjacent her property, at times at dangerous speed levels, rather than turn their vehicles round on the highway, causing an unnecessary high level of traffic. There was sympathy for this problem, which the Chairman agreed the Trustee would consider.

Monty Goding (3 Shepreth Road) said that cars were not the problem as they did not damage the roadways, but rather it was the District Council refuse collection vehicles which were too wide and too heavy for the Green roadways. Nearly all the expensive kerbing had had to be installed due to these vehicles. In addition, the rise in internet shopping and the resulting home deliveries added a great deal to roadway traffic. Fuel delivery lorries were also now larger. These factors were the cause of the increase in recent years of roadway repairs. The Chairman undertook to raise this with the District Council officers.

Christopher Taylor (36A High Street), formerly of The Old Guildhall but now living in a house they had built in the garden, said that he and his wife were the cause of the legal challenge to the Green Charity, regarding permanent access to their property over the Green. He claimed that incorrect legal advice about his property had been given by Mr Petchey and that some of the Green Charity plans were not in accordance with its statutes.

Andrew Daly (1 Slid Lane) reverted to the point of the Parish Council paying money to the Green Charity to help defray its grounds maintenance costs, since the Green Charity Accounts already showed funds coming from the Parish Council. The Clerk would check this. Andrew Daly thanked the Trustee for their work on behalf of the Green.

Sarah Smith (36 West Green) asked if the residents of the village as a whole could pay toward the Green maintenance.

Simon Anderson (14 West Green) asked why funding from Precept could not be given. The Clerk explained that the Parish Council could not provide any funding to repair roadways, but indeed until 2008 had been paying the Green Charity from Precept money to lease sports and play areas for use by all, by way of additional income to the Green Charity. This form of funding had been agreed following legal advice in the 1997-8 review. The Parish Council had discontinued this in 2008. Back Lane adjacent the Green was very overgrown and there was no money to clear it. It was hoped to find a volunteer group that would come forward to help, in a similar way to the West Green Pond.

Colin Gilbert (3 Challis Green) asked whether part of the solution of the refuse lorry damaging the roadways could be, as he and his neighbours did, that Green residents should get together and bring their refuse bins to one nearby location, to facilitate collection.

His second point was that the Green was used for car parking for weddings, and that this facility should be paid for, by donation to the Green Charity.

Margaret Cook (14 High Street) said that unfortunately churchgoers often found that the Church Car Park was full of rambler's vehicles when they arrived to park there. Margaret also commented on how very special Barrington Green is; everyone should respect it.

3. Maintaining and Preserving the Green in the 21st Century

3(a) Car Parking and traffic on the Green

The Chairman explained that the Trustee had looked into ways of supporting and protecting the grass surface, and had obtained samples of such measures as used by the National Trust. However, the Trustee wanted to know the views of the village before going any further with this matter. Mr Petchey had been less happy with the concept of grass reinforcement

which he felt contravened the Victorian statutes, but the meeting concurred with looking at the problem facing us nowadays. Discussion followed on the availability of reinforcement products and costs.

Simon Lake (43 West Green) supported surface reinforcement, as widely used for example by the National Trust. Harriet Gardiner (Haslingfield Road) recommended underground reinforcement rather than the surface medium. Sarah Fesco (68 Heslerton Way) said that like the other residents there, she had to pay a monthly fee of £20 grounds maintenance to the owners of the site, as compared with the £45 per year being paid by the Green residents plus the increase in the value of their property brought about by the Barrington Green location. Sarah Fesco felt that all residents of the village should contribute to the cost of maintaining the Green wherever you lived in Barrington. This view received applause. The Chairman asked for a show of hands for those not wanting to have grass reinforcement, and this was the view of the majority present.

3(b) Encroachment on the Green:

Due to the pressure of time and the need to cover other topics, the Chairman did not discuss the general issues of encroachment on the Green. However, the Clerk said that without the Clerks who had preceded her in office and her own efforts in following up on encroachment problems of whatever kind, the Green boundaries would not have been preserved for the enjoyment of all at the present time. It was the duty of the present Trustee to protect the Green, and for residents to respect and cherish the Green too.

3(c) New Garden Licence Scheme:

Cllr Anne Day explained that many properties around the Green had no land between the dwelling and the boundary of the Green. Some of the older properties have a garden in front of their house and traditionally they have been allowed to create such a garden, complying with the nominal thatch depth of 2'6". For thatched cottages that not only enhanced the appearance but the planting helped to prevent damp from rising up the wall and into the plate beam. Cllr Day emphasised that the Green Charity was happy for people to enhance the village in this way, but had to be mindful of its duty to protect and preserve the Green boundaries. In the past, the Trustee had used an 'exchange of letters' with owners of gardens on the Green in order to do this. Mr Petchey had been asked if he approved of this method, but he felt that a more formal legal protection of the Green was needed and he approved of the setting up of the Garden Licence Scheme as detailed in his Guidance Notes. This process would begin by anyone who has a garden on the Green or who would like one applying for a Garden Licence in the same way as they apply for a Permitted Way Licence. If the Trustee agreed, then a Licence would be issued to run alongside the access Licence. No charge would be made by this Trustee. Several of those present expressed the view that the Trustee should make a charge to cover its administration costs, at least.

With regard to the abandonment of the exchange of letters process, the Clerk explained that this informal approach had not worked well, with many of the Green residents not responding at all. This did create difficult situations for the Clerk to deal with. By having a formal Licence process, it was expected that the whole matter would become less personal. The basic problem was preserving the Green for the future. We had to take these steps.

Keith Barnes (1c Mill Lane) queried the necessity for such Licences. Cllr Day explained that unfortunately some Green residents allowed the garden to encroach further on to the Green. With a formal process in place, hopefully these problems would not occur.

3(d) Signage to roadways:

Cllr Sheila Potter began by asking the audience how many times had they been stopped by visitors and delivery drivers to the village for directions to specific properties on the Green. Many of those present agreed that this was a problem. Cllr Potter said that the Trustee had discussed the matter of the many fruitless journeys up and down the roadways made by lost delivery drivers. SatNav did not direct drivers to specific properties. There were some 20 little roads leading to properties.

The proposal was put to the meeting that consideration be given to the installation of a small sign indicating the house numbers which a particular roadway led to. The Green is in the Conservation Area and Cllr Potter had discussed the proposal with the District Council and

with the County Council Highways Department. All were helpful and in principle in agreement. Any signs would have to be of a material other than metal as these would be stolen. Cllr Potter asked for the views of those present. There would be consultation with the homeowners with regard to each roadway.

After discussion, a show of hands indicated that the vast majority of those present did not wish to proceed with the proposal preferring the status quo and the refurbishment of the old signs.

3(e) Wildflower Areas

Cllr David Whybrow asked the meeting if they wanted any changes to the present methods of grass cutting on the Green. The answer was satisfaction with what the Trustee was currently doing, which was considered to be 'about right'.

Discussion ensued on the flowering plants in the grass on the Green, and opinion was divided on the merits or otherwise of the daisies and dandelions.

Some wanted specific wildflower areas. Cllr Whybrow explained about the difficulty and cost of maintaining these, but residents could put a proposal to the Trustee. The cost implication of regular grass cutting as against leaving wildflower areas would be small.

John Granger (4 West Green) suggested daffodils on the Green, which received enthusiastic support at the Meeting. Discussion followed about being cautious about turning the village into an even bigger tourist attraction.

Bob Bridges (24 Foxton Road) complained that the sports pitch area had not been maintained for some years.

(f) Current income generation from the Green and other possible sources

Cllr Laura Cooper said that not considering the Permitted Way Licences, which were managed very efficiently by Margaret Goding, the Green also generated money from other sources.

Firstly Wayleave payments - money which was paid by companies wishing to use the Green for their benefit such as BT boxes and Open Reach services. There was an obligation to reinstate any damage to the Green during repair work. Similarly, EDF Energy pays an annual wayleave which is based on a national rate for farmers. Some years ago, Cemex sited monitoring equipment on Challis Green and paid a wayleave.

Secondly donations came into the Green Charity from 6 major sources:

(a) The Annual Children's Funfair which had been coming to the village for 100s of years: approx £100/year

(b) One which is welcomed by the Trustee is the steady income gained from residents using the Green for skips and such building materials; a nominal fee is charged and building works agreements are signed by both parties: averaging out to approx £800 per year

(c) The Football and Cricket Clubs pay a donation towards the cutting of the Green which has to be kept to a good standard for the sports involved, historically £250/Club/year

(d) The New Year's Day vintage car club gathering has given an income approx £200/year from the vehicle drivers.

(e) When residents want to use the Green for special personal events such as a wedding, open studios and parties, a donation is requested: approx £75/year

(f) The Royal Oak pays to put tables on the Green in the summer; this has seen a decrease in the past few years with all publicans post Liz Nicholls only wanting to place a minimum number of tables: Approx £4/table/week.

Cllr Cooper explained that the Green Charity did not charge other charities for using the Green, such as the MAGPAS tractor run and the Open Gardens. Perhaps residences with home businesses where vehicles attended the house in the course of the business should pay a donation. There could be more organised events on the Green which are fee based. Suggestions from those present were requested:

Jean Barnes (1c Mill Lane) recommended using a house to house envelope collection for donations, which had worked most successfully for the Church.

Michael Brunner (26 West Green) suggested that it might be helpful to the Trustee to take a straw poll of those Green residents attending to see what support there was for those who lived on the Green should pay double the present fee. The Clerk explained that it would not be appropriate to take a formal vote at this Meeting because the new Parish Council would set the figures for 2015-2019.

In closing the Meeting at 10.25 p.m., the Chairman thanked everyone for attending and for their contributions.