

## DARTMOOR COMMONERS' COUNCIL

### Draft Minutes of the Annual Meeting of the Dartmoor Commoners' Council held at Two Bridges Hotel, Princetown on Wednesday 12 August 2020.

#### Present:

Mr J Waldon – Chairman (outgoing)	Mr A Coaker	Mrs K Little
Mr P French – Vice Chair (outgoing) / Chairman (new)	Mr J Cooper	Ms T May
Mr L Branfield – Vice Chair (new)	Mr K Edwards	Mr G Mortimore
Mr P Abel	Mrs C Faulkner	Mr M Radmore
Mr C Alford	Mr G Hill	Mr M Reddaway
Mrs M Alford	Mr J Jordan	Mr R Steemson
Mr R Ashford	Mr S Lake	Mr T Stratton
Mr P Cleave	Mr R Leigh	Mr D Webber
		Mrs A Willcocks

#### In attendance:

Mrs S Sloman	Mrs K McKechnie (DLPO)
--------------	------------------------

#### Open Meeting

Due to COVID-19, no public gallery is permitted & the meeting will be a closed meeting for Council Members only. As such, the biannual opportunity for members of the public to address Council prior to the start of the meeting will not take place.

#### 1. Chairman's Introduction & Welcome to New Council Members

The Chairman welcomed everyone to the Annual Meeting. He referred to the Coronavirus pandemic & spoke of the 'new normal' that everyone is having to adapt to. The Chairman reminded Council Members that the hotel has permitted the use of their facilities to hold this meeting on the understanding that the Government's current social distancing guidelines & the relevant measures that the hotel has put in place are strictly adhered to.

The newly elected Council Members were offered an opportunity to briefly introduce themselves. For the benefit of new members & as a reminder to others, the Chairman explained that the correct procedure for contacting Council & its members is to address all correspondence via the office to ensure that all communications are tracked & reported accordingly.

#### Financial Assistance Statutory Instrument Consultation

Now that the UK has left the EU, it is free to move away from the Common Agricultural Policy. Defra has issued a consultation on the new financial assistance schemes commencing in 2021 using the provisions of the Agriculture Bill. It was agreed that Council will respond to the consultation which ends on 1 September 2020. Ann Willcocks offered to coordinate the response with input from Phil Abel, Mary Alford, Layland Branfield, Anton Coaker, Charlotte Faulkner, Philip French, George Hill & Tracy May.

#### 2. Apologies for Absence

Received from Mr P Cottingham.

### **3. Proposal sought by DNPA to use Dartmoor Commons Act 1985 (Part III S.10) to Regulate Camping**

Council was recently asked to give its support to a decision taken by DNPA to use our Act to address the impact of the sustained high level of camping on the area of common land at Bellever/Riddon Ridge & in particular along the banks of the East Dart river & the Walla Brook. A prohibition to camp in this area came into force on Friday 7 August 2020 for 27 days. To help with the implementation of the camping ban, National Park Marshals will support the Ranger Team. The Dartmoor Marshals are being employed using funding from the Police & Crime Commissioner. Council agreed to the decisive action taken by DNPA to protect public health, wildlife & nature.

#### **Discussion - Visitors to Dartmoor**

Although Council Members were grateful to DNPA for taking the above action to protect this one site, concerns were raised that visitors would camp elsewhere on Dartmoor. A discussion followed on how the farming community suffered significantly during lockdown due to the excessive number of visitors to Dartmoor. The high level of visitors is expected to remain & further concerns were raised regarding the impact this will have on livestock being pushed about & not being able to settle, especially as calving season approaches. Rob Steemson stated that DNPA is aware of the broader issues & urged Council Members to provide evidence on matters of concern in order that they can be addressed.

#### **No Overnight Sleeping Signs**

Mary Alford questioned why DNPA signs stating that overnight sleeping in vehicles in car parks/laybys is not permitted under National Park byelaws have only been put up in some places. Rob explained that more signs are being made & that DNPA will be putting these up as soon as they can. Mary offered to help distribute & erect these signs.

#### **DNPA Recreation Events COVID-19 Position Statement**

In response to the ongoing COVID-19 pandemic & Government advice, DNPA cannot give support for any recreation event planned for the remainder of 2020. The National Park is experiencing an unprecedented number of visitors & therefore recreation events will place increased pressure on areas that are already very busy & will compromise the safety of visitors & local communities. If there is further clear advice from the Government, DNPA will review the position. For 2021 events, event consultations will resume in October 2020, subject to the current situation. Event organisers will be limited to their normal event schedule, DNPA are aware that many people have requested additional events for 2021 to compensate for the lack of events this year. Unfortunately, Dartmoor is unable to sustain such an increase.

Council Members agreed to fully support this position statement.

### **4. Chairman's Report**

The Chairman read out his Report. A copy of which is attached (Appendix A).

### **5. Council's Elections & Small Grazier Issue**

The Chairman reported that an accusation had been made by Mary Alford that Kate Little is not a grazier & therefore was not eligible to stand for Council. The Chairman read out a statement that he had prepared, a copy of which is available to all Council Members upon request. He asked that it be kept

confidential & not shared outside of Council. The statement referred to recent letters that Council had received regarding the eligibility of Kate Little standing as the small grazier representative in the North Quarter. At the request of Mary Alford, paper copies of these were given to all Council Members. Council will respond to the correspondence accordingly, following tonight's meeting. The following is an extract from the statement which explains the election criteria for a small grazier representative on Council:

*The criteria for the election of commoners by other commoners to Council is set out in the Dartmoor Commons Act 1985.*

*I understand that there was no provision for small grazier representation in the original draft which went to Parliament, in fact several commoners were opposed to the idea of small grazier representation. When the draft bill got to Parliament, there were representations that the elected members should include "small graziers". The wording for that was done by the Parliamentary draftsman, which goes some way to explaining why it is less detailed than the requirements for the four quarter members.*

*The relevant parts of the Act are:*

**Dartmoor Commons Act 1985** (available in the Council's website)

**SCHEDULE 1 APPOINTMENT OF MEMBERS OF COMMONERS' COUNCIL**

*(Page 23) General 1. The commoners & the bodies making appointments under section 3 (2) (a) to (f) of this Act shall be appointing bodies for the purposes of this paragraph & paragraphs 2 to 8.*

*(Page 26) Appointment of Commoners' Council Members by Commoners 11 (1) Each of the four quarters shall at commoners' election meetings appoint— (a) 4 commoners who shall be qualified in accordance with paragraph 12 (1) of this Schedule; & **(b) 1 commoner who shall be qualified in accordance with section 3 (2) (f) of this Act;***

*(Page 5 of Part 1 Preliminary) 3. (2) (f) 4 by the commoners in manner prescribed by paragraphs 2 to 11, 12(2) & (3) & 13 of Schedule 1 to this Act, being commoners entitled under the Act of 1965 **to graze less than 10 livestock units on the commons & whose names are recorded in the register as normally grazing an animal or animals.***

*(Page 26) 12. (1) No commoner shall be appointed to be a commoner member of the Commoners' Council under paragraph 11 (1) (a) unless his name is recorded in the register as grazing & has paid the contributions required under section 16 of this Act in respect of each financial year during which his name has been so recorded.*

*Therefore the criteria for a small grazier to be a candidate for election are:*

- 1. Have less than 10 livestock units.**
- 2. Be registered with Council as a grazier & paid up.**
- 3. Normally grazing an animal or animals.**

The Chairman explained that although the accusation was not a motion to look into the matter, due to the seriousness of the allegation, it had been fully explored with the help of a local quarterman, Council's Vice-Chairman, Dartmoor's Livestock Protection Officer & the administrator for the Forest of

Dartmoor. The Chairman advised that, under the Dartmoor Commons Act 1985, the criteria for the selection of a small grazier is quite explicit & that there is no provision within the Act for those elected to represent small graziers to specify where their animals graze. He confirmed that Kate Little fulfills the criteria. The Chairman mentioned that Council may wish to look at this qualifying criteria in the future, however, the process of amending the Act would require a legal change to the Act & would be a complex process.

George Hill gave Council Members an account of his own investigation into this matter. He believed that Mary Alford had acted on false information, provided by a commoner in the North Quarter, which she used to challenge the election of Kate Little on to Council. George Hill felt that the emails Mary Alford had circulated to Council Members contained inappropriate language & suggested a personal vendetta against Kate Little. He suggested that the way in which Mary Alford acted has brought Council into disrepute.

Following a lengthy discussion, during which both Mary Alford & Kate Little were given an opportunity to speak, the Chairman proposed a motion that a line be drawn under this specific matter regarding the election of the small grazier in the north quarter. Council Members voted on the motion in a secret ballot & the results were Yes=19, No=5, Abstain=1. The motion that a line be drawn under this issue was carried & Council will consider the matter closed. Kate Little's election on to Council stands.

The Chairman confirmed that Council will consider the other matters that have come out of this issue, such as verifying potential candidates ahead of future elections & looking at the issue of those commoners who allow their stock to stray.

## **6. Notice of Motion from George Hill:**

### **A Council Member's actions has brought Council into disrepute**

The Chairman explained to Council Members that the Dartmoor Commons Act 1985 is linked to the Local Government Act 1972 on certain procedures. He advised that, after seeking legal advice, there is nothing in either Act to suggest that Council can accept a motion to sanction a member for their behaviour. In view of this & that George Hill had already been given an opportunity to speak & Council had voted that the matter be closed, the Chairman proposed a closure motion that Council proceeds to the next business.

## **7. Elections:**

### **7.1 Election of Chairman**

As John Waldon is not standing for re-election as Chairman, he remained in the Chair & asked for nominations for the post of Chairman. Ann Willcocks proposed Philip French & Anton Coaker seconded the proposal. As there were no further nominations, Philip French accepted the position & was duly elected as Chairman for the year 2020-2021. He thanked the outgoing Chairman for all the work he has done on behalf of Council & confirmed that John Waldon will remain a co-opted member of Council until his term of office ends in July next year.

The newly elected Chairman presented the outgoing Chairman with a gift on behalf of Council; a framed picture of a panoramic map of the Dartmoor

Commons & flowers for his wife, Fiona. John Waldon thanked Council Members for the generous gifts & for their support during the past seven years. He said it was a great experience & privilege to be associated with Dartmoor Commoners' Council.



## **7.2 Election of Vice-Chairman**

The Chairman asked for nominations for the post of Vice-Chairman. John Jordan proposed Ann Willcocks & Crispin Alford seconded the proposal. Anton Coaker proposed Layland Branfield for the position & George Hill seconded this proposal. As two names were put forward & both candidates were willing to stand, the Chairman thanked both members for putting themselves forward & called a secret ballot. The result was 14 votes for Layland Branfield & 11 votes for Ann Willcocks. Layland Branfield was duly elected as Vice-Chairman for the year 2020-2021.

### **Deputy Vice-Chairman**

Russell Ashford proposed that Council appoints a Deputy Vice-Chairman. The Chairman acknowledged that although this has happened in the past, he wanted to clarify if Council's Standing Orders permitted this. Following a discussion, it was agreed that Council would need to undertake a substantial review of all of the Standing Orders, even if the outcome was to change only one. A proposal would then have to be brought to Council for consideration. Council therefore decided to increase its efforts to work as a team, including when responding to correspondence received & to draw on the expertise & knowledge of ALL Council Members. This would be reviewed in six months.

## **7.3 Confirmation of Honorarium**

The Chairman proposed that the honorarium be altered slightly with Council still committing to a total payment of £6000. Due to COVID-19 & the 'new normal', it is likely that travelling/overnight stays to attend meetings will be replaced with virtual meetings. The Chairman's payment be reduced to £3000 with the residual £2000 used as a recognition payment for those Council Members that undertake work delegated to them. The Vice-Chairman's honorarium will remain at £1000. Any additional costs incurred due to trips away, will be reimbursed separately & not come out of the honorarium.

## **7.4 Appointment by DNPA of Representative for Owners of Common Land**

In July, Jonathan Aylett announced that he was standing down from Council following his retirement. Under Section 3 (2) (e) of the Dartmoor Commons Act 1985, DNPA have yet to appoint a replacement on to Council.

## **8. Review Council's Working Groups & the Members**

Council currently has three formal working groups operating. At the AGM, Council reviews the members of these groups. Each group is then required to update its Terms of Reference to determine how it's run for the next twelve months.

### **Policy Working Group**

This group last met over two years, when it reviewed the Standing Orders. As such, it was agreed that the group stands down. It can convene again if an issue arises in the future.

### **Pony Working Group**

Phil Abel (W), Crispin Alford (N), Mary Alford (W), Ken Edwards (E), Charlotte Faulkner (E), Philip French (S), John Jordan (Chairman), Stuart Lake (Vet), Karla McKechnie (DLPO), Gordon Mortimore (E), Mark Radmore (W), John Shears (Co-opted), Rob Steemson (DNPA).

### **TB Working Group**

Colin Abel, Mary Alford, Layland Branfield, Anton Coaker, Helen Radmore, John Waldon, Ann Willcocks.

## **9. Review of who Represents Council on other Groups.**

Council maintains a record of the organisations that Council is represented on, to include who Council's representative is. This information is reviewed at Council's AGM. Representatives are required to give a brief report to Council. This only applies if a formal note or minute is not anticipated & circulated. A list of the organisations that Council is represented on & by whom will be circulated to all Council Members

## **10. Propose Dates for:**

### **10.1 Stallion Accreditation Day**

The Chairman requested that Council's Pony Working Group agree on a date to hold the annual stallion inspection & report back to Council.

### **Pony Drift Dates**

Council's Quartermen were asked to find out the dates for the pony drifts in their area & to let the Office Administrator know as soon as possible.

### **10.2 Local Commoners' Association Meeting**

The Chairman advised that due to the current circumstances regarding the COVID-19 pandemic, it is unlikely that this meeting will be able to go ahead this year. However, if the situation does change, Council will look at trying to arrange a meeting, albeit at short notice.

### **10.3 Sheep Prohibition Period**

Council provisionally agreed the dates for this year's mandatory sheep clearance. The South moor clear period will be from 7-21 November & the North moor clear period will be from 14-28 November. Official notice will follow in due course. An individual letter will be sent to any commoner who was reported to Council last year for not clearing their sheep properly. Quartermen have also been asked to liaise with these commoners to ensure that they adhere to this year's prohibition period.

**11. Date of Next Meeting**

It was agreed that as Council had not been able to hold an ordinary meeting since March this year, an interim meeting be arranged. This will be held on Wednesday 2 September 2020 at Two Bridges Hotel, Princetown.

The Chairman thanked everyone for attending & declared the meeting closed.

**Signed:**.....

**Date:**.....

## **Chairman's Report to Council - August 2020**

The Covid-19 pandemic & the resulting lockdown regulations have had a significant impact on Council over the last six months. Even before lockdown was imposed towards the end of March, it was clear that how Council operates would need to be reviewed; the office was closed to visitors, meetings were cancelled & Sara worked from home.

Over the past twelve months, five Council Meetings were held but the Council's meeting scheduled for the 6<sup>th</sup> May was cancelled & the Annual meeting (scheduled for the 8<sup>th</sup> July) was postponed until the 12<sup>th</sup> August. Members were asked if they would consider participating in virtual meetings, but many thought that their internet connection & size of the meeting would result in limited participation, so this idea was abandoned.

The election meetings had to meet the social distancing guidelines set by the Government. All meetings were held in large open spaces (car parks). The social distancing guidelines at that time were adhered to with only one person at a time permitted to enter & cast their vote. As a 'one-off', votes were accepted by email/telephone from anyone who was unable to attend an election meeting due to the coronavirus pandemic. This resulted in a tremendous amount of work for Sara, as each caller had to be identified to ensure their eligibility to vote & stringent records maintained. Should Council consider adopting other forms of voting, other than attendance at the election meeting, it will need to recognise the resource implications.

Defra's development of the proposed Environmental Land Management (ELM) scheme continues & Council responded to the consultation. Council members are participating in the Dartmoor Test & Trials initiative that focuses on specific aspects of ELM development, especially those related to common land. Council also responded to the following consultations; Dartmoor National Park Management Plan, National Food Strategy & Devon & Somerset Fire and Rescue Service's consultation on the proposed closure of local fire stations.

Council continues to be represented on the Devon TB Eradication Group, Defra's National Common Land Stakeholders Group (NCLSG) & Rural Payment Agency's Commons Stakeholders Group, although the first two of these groups have only met once during the last 12 months. Council members continue to participate in both the MOD's Working & Steering Groups on Dartmoor.

A revitalised Dartmoor Rural Crime Initiative continues to address serious issues, including road traffic accidents involving livestock & dog attacks on livestock. Although its work was interrupted, it is hoped this coordinated approach will bring real benefits. Karla McKechnie continues to provide an invaluable service as Dartmoor's Livestock Protection Officer.

A protocol to help Council consider the increasing number of farm share agreements has been adopted by Council & will help guide Council's response to the growing number of arrangements between land owners & tenants.

The annual meeting with the local commoners' associations took place on the 30<sup>th</sup> October. The meeting provided the opportunity to clarify the process that Natural England have adopted for rolling over HLS agreements & provided an opportunity to discuss other issues. The feedback from the associations suggests this event is valuable.

This will be my last Chairman's report to Council. I am not standing for re-election. It has been a privilege & honour to serve on Council over the past seven years.

Note provided by John Waldon, 11 August 2020