

**REPORT OF THE MEETING OF THE 4CS
Castlemorton Parish Hall, Thursday 2nd December 2010.**

Present:- Lionel Bartlett, Anthony Bunn, Andrea Calvesbert, Richard Chamings, Richard Dawe, Jerry Fryman, Roger Gillard, Fay Friday, Med Snookes, Sue Windle, Christopher Rouse, Don Lupton

In attendance: Ian Rowat (Director) Rob Havard (Conservation Officer) and 2 members of the public.

1. Election of Chairman

The outgoing Chairman Lionel Bartlett thanked members of the committee for their support during his three years in office, in turn the Director thanked Lionel for his interest in matters.

Nominations for the position of chairman was requested, Richard Chamings proposed and Richard Dawe seconded Andrea Calvesbert as Chairman. Lionel Bartlett proposed Anthony Bunn however Anthony did not wish to stand. On being put to the vote Andrea was elected as Chairman for the year.

2. Apologies for Absence Angus Golightly, Lynden Hartman

3. Chairman's Communications

There were none

4. To receive the report of the meeting held 10th February 2010

5. Matters Arising

5.1 Telephone boxes- Castlemorton Parish Council reiterated that they did not want to bear the cost of maintenance of the boxes on the precept.

5.2 The Conservation Officer reported that after the reeds were installed geese grazed the emergent vegetation and a silage net was placed over the reeds to protect them. The geese have grazed other areas which were not covered.

In response to a question from Richard Chamings, fishing platforms were not going ahead as they did not receive local support.

6. Highland Cows on the Common

The parish Council had sought clarification on bull and dangerous animals on the common. Reports had been received from members of the public concerning problems they had experienced. The Conservation Officer stated that we could not receive comment from the public to pass onto the police and that the person should contact the police direct to register their concerns. A suggestion was made that the Malvern Hills Conservators bylaws should be change to reflect the concerns over dangerous animals and Bull breeds. The Director said that national law would cover these events and the relevant legislation appears below.

The law

- Section 59 of the Wildlife and Countryside Act 1981 bans bulls of recognised dairy breeds (eg Ayrshire, Friesian, Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry) in all circumstances from being at large in fields crossed by public rights of way. Bulls of all other breeds are also banned from such fields unless accompanied by cows or heifers, but there are no specific prohibitions on other cattle. 'Fields' in this legislation does not include areas such as open fell or moorland.
- Section 3 of the Health and Safety at Work etc Act 1974 requires employers and the self-employed to ensure, so far as is reasonably practicable, that they do not put other people, eg members of the public, at risk by their work activities. This applies to keeping bulls or other cattle in fields.
- The Management of Health and Safety at Work Regulations 1999 require that employers and the self-employed assess the risks from their work activities to which employees or others are exposed. This assessment should identify the measures employers, or the self-employed, need to take to comply with health and safety legislation. Civil law may also apply and legal advice may be necessary to ensure compliance, eg:
- The Occupiers Liability Acts 1957 and 1984 require land managers to show a reasonable duty of care towards other people.
- The Animals Act 1971 makes the keeper of an animal 'strictly liable' in most cases for injuries caused by their stock (exceptions may apply).

A member of the public said that the Bull had been removed from the common.

A question was asked about stray animals off the common. An animal is deemed to stray off the common if it moves more than 300 metres from the common, if that animal in straying does damage to property then the owner of the property can take civil action against the person.

7. Web Site

The problem of the reports of the meeting of the 4Cs not been clearing identified on the 4Cs web site was brought up by a member of the public. Having seen the problem at the end of the meeting the Director and his staff have solved the issue by linking the Reports and Agenda to a site on the MHC web page that can be accessed from the 4Cs site.

8. Footpath sign at Chandlers Cross

Richard Dawe mentioned at the wooden footpath sign would pose a hazard to those walking on the common at night. Don Lupton informed the meeting that the Parish Council had written to Worcestershire County Council asking for it to be moved adjacent to the hedge on the edge of the common. The Chairman of 4Cs offered to write also to Worcestershire County Council in support of the repositioning of the sign.

9. Higher Level Stewardship Grant -eligibility guidelines for commoners to qualify

The Conservation officer reported that payments had been received and he was waiting for the existing agreement holders to sign up. Mr Dawe asked how long did a grazier have to graze the common before qualifying. The Conservation

Officer said that it did not depend on that but the criteria and commitment laid down and agreed with the committee. Over the last three years he had been working with interested commoners who had grazed in the past and who were prepared to commit for the future. He was completing the initial agreement that is to run until June 2012 and was not able to consider new entrants as the scheme had been held up enough. He was always available for interested parties to talk with him.

10. Reports from Representative bodies

The Castlemorton Common Association was pleased to see the work on scrub control being carried out under the stewardship grant.

The Castlemorton Parish Council spoke about a grant to improve the Village Hall and that a bat survey confirmed the presence of a summer roost of Pipistrelle bats.

Birtsmorton Parish Council confirmed that money from the Big Chill was being used to fund scrub control and footpaths on Coombe Green Common. The board walk was in need of attention – the Director offered to give contact details of the officer in Rights of Way and also would offer advice if requested on the issues around the muddy track. The Application for HLS would be submitted in April 2011.

11. Information

The Conservation Officer passed around a plan of scrub control for the coming year.

The Parish Council mentioned that Ruffles café had erected furniture on the bridleway. The Director had seen the original complaint and taken this up with the owners of the café. It was said that the owners thought that the old metal road was a highway. It was indeed a Highway and should have had a closure order when quarrying began. However 5 years ago the Worcestershire county Highways Authority declassified the road and it is now a bridleway. As such the land comes under the jurisdiction of the Malvern Hills Conservators. If further problems occur the Director will liaise with the Rights of Way officer over the obstruction of the bridleway. He assured members that he had had a positive response from the owners who did not want to cause any problems.

12. Date of next meeting

The date was set for Thursday May 19th at 7.30pm.

The meeting closed at 8.35pm.

