

Wimbledon and Putney Commons Conservators – December 2015

Notes of the Conservators' General Open Meeting held at the London Scottish Golf Club, Windmill Road, SW19 5NQ on Wednesday 2nd December 2015

Conservators: Ms Prue Whyte (Chairman)
Mrs Shirley Gillbe (Vice-Chairman)
Sir Ian Andrews
Mr Derek Frampton
Mr Keith Luck
Dr Ros Taylor

Officers: Mr Simon Lee (Chief Executive)

Approximately 110 Levy-payers and other members of the general public

1. Apologies for Absence

Mr John Cameron

2. Chairman's Welcome and Introduction

Thank you all for attending and welcome on this dark December evening, our first General Open Meeting and reconvened from September 2015. The fact that so many of you have turned out on a dark December night says much about the interest shown in current issues affecting our Commons.

The format for this evening will follow the tried and tested arrangements for our Annual Open Meeting, an introduction from myself as Chairman, a few words on the wider operational management of the Commons from our Chief Executive Simon Lee and then an opportunity for questions and answers.

Before I go any further I should like to say some words of thanks.

Firstly to Keith, who stood down as Chairman of the Board on the 15th October 2015.

When the current board came together in April we were five new elected trustees joining three existing appointees. I think Keith has seen us through a period of great difficulty as we have struggled to get to know each other and work together. Keith, with your own full time job, your decision is understandable. The Board I know will continue to benefit greatly from your input as a trustee.

Shirley, thank you for agreeing to be Vice-Chairman, you bring very complementary skills to mine and I hope that together we can help the Board find its way through these challenging issues.

Finally to Nick Evans, your decision to stand down as a Conservator would not, I am sure, have been taken lightly. Thank you for your support to the Board, particularly your work chairing our Communications Committee.

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I don't think it would be an under-statement to say that the past few months have been a challenging time for both the Commons and for the Board. There are two substantive matters that I wish to refer to:

Firstly, the Putney Hospital site. Many of you will know that, at the Charity's request, Trustees met with representatives of the Charity Commission on 9th October 2015. This was to address difficulties concerning governance within the Charity, specifically around differences of opinion within the Board regarding the sale of access rights for the former Putney Hospital site.

As our Regulator, the Charity Commission subsequently sent a letter, dated 22nd October 2015, setting out a Formal Action Plan. We have today issued by Media Release a copy of the Charity Commission letter together with Resolutions passed at the Board Meeting on 11th November. Copies of these documents are available this evening and both provide considerable context to the current situation.

While resolution of the difficulties associated with this continue within the Board, the development of the school and apartments on the old Putney hospital site are well under way. Many of you present will have attended the drop-in session at All Saints Church in connection with the landscaping on the Common and we are grateful for the time you took to not only attend but to let us have your views. These informed subsequent decisions.

The second major issue that I wish to refer to is the damage sustained to our cherished and iconic Windmill when, on Sunday 2nd August, the stock that holds one of the sails sheared off. It is indeed very sad to see the Windmill without its sails - the remaining three sails had to be removed a day or two later. I am pleased to see several of the Trustees of the Windmill Museum here with us this evening. I am pleased to be able to say that, thanks to the hard work of our Chief Executive, our property insurers have settled the claim for the damage to the sail. Also, together with the trustees from the Windmill Museum, our officers are working hard to finalise a Heritage Lottery Fund bid for their "Our Heritage Small Grants" scheme.

It is planned to submit this significant application early in the New Year and, if successful, works to repair the sail and also to stop water ingress to the first floor can commence late spring. I am sure we all want to see the sails on the Windmill up again as soon as possible.

At this point I am going to hand over to Simon to talk us through some of the operational matters.

3. Operational Update from the Chief Executive

It has been a busy year with a number of our longer term initiatives realising some great benefits.

Perhaps the most significant of these is our management of The Plain and the grassland management works to encourage Skylarks to nest. The Skylark's recent and dramatic population decline make it a Red List species. This summer saw two Skylarks arrive on The Plain and breed for the first time since 2007.

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To date, Dave Wills, our Commons “birdman” has recorded some 96 different species of birds on the Commons

Living on the Common presents all sorts of surprises. Sunday morning making my way to our bathroom I heard a commotion in my 18 year old son’s bedroom. Never quite knowing what might present itself I tentatively opened the door to his room to be met by a kestrel flying round the room. His elder brother did comment that this wasn’t the kind of bird he expected to see in his brother’s bedroom.

Over the summer and autumn period, the staff have been fully engaged in a number of projects to maintain our diverse range of habitats. We are indeed very fortunate in having such a passionate group of staff. I know that many of you will have heard me say this before but at Hampstead Heath where I managed the site for 12 years, for a site of some 870 acres I had a staff of 130 and a budget of £6m care of the City of London Corporation. Here, this small charity manages 1140 acres of land with just 20 staff and myself on a budget of £1.5m. Quite a significant difference.

A key project has been heathland management. Here I’d like to say a few words of thanks to Peter Haldane, Wildlife and Conservation Officer, for his work in supporting our new conservation volunteers, the “Commons Volunteers”

Since February 2015 some 844 hours of heathland works have been undertaken by volunteers, opening up extensive areas of invasive scrub and reclaiming our heathland. To all those who have volunteered come rain, sun, wind or shine, a huge thank you.

Volunteering offers so many opportunities, we are growing our volunteer corps incrementally, but your work in supporting our small but professional team of maintenance staff is vital in the future, particularly if we want to retain this as a Site of Special Scientific Interest and a Special Area of Conservation, an European designation.

Maintenance staff have been hard at work undertaking tree safety management. We have a system in place to ensure that those trees along busy roads and footpaths are inspected annually and regularly maintained.

During the summer the Maintenance Team’s work was diverted towards the control of Oak Processionary Moth. This year the numbers of nests increased quite dramatically and have also been much lower in the trees. Eradication just isn’t feasible. The Forestry Commission have tried to contain the spread of the pest but unfortunately the moth is now out into Berkshire and beyond. It is a pest we shall have to learn to live with and to manage, particularly around areas of high public use.

The Mounted Keepers are the eyes and ears of the Common, led by Bill Rowland our Head Ranger and supported by John Shipton, a number of whom are here this evening. The benefits of this service can be difficult to measure, but we have instigated a process of collating incidents on a monthly basis and the scale of interventions is surprising, ranging from dealing with lost and vulnerable adults and children through to attending accidents and of course offering words of advice on a range of our Bye-laws.

Recently the numbers of rough sleepers has been increasing and with this comes some real tensions. Keepers are diligently on the case and recently, threatened with being shot, one of our Keepers requested the assistance of the police; the individual was arrested and the following day presented in front of a judge. These are the sort of things

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that happen on our open space on a daily basis. The Keepers provide an essential service in maintaining public welfare.

On the lower slopes of Wimbledon Common we are in our third year of an extensive programme of holly removal in our woodlands, funded through a Government grant. Holly is an invasive that has stolen the march on our woodlands, preventing any understorey from developing and leading to a mono-crop. Some wonderful veteran trees have been revealed and with a new mosaic of habitats developing we are already seeing improved flora and fauna. Two buzzards have recently been sighted in the area recently opened adjacent to Beverley Brook.

At the Richardson Evans Memorial Playing Fields we have been working to improve the saturated ground conditions. Clay is an uncompromising substance in terms of grassland management, but we have worked in partnership with the London Cornish RFC through a grant from the RFU, to introduce new drainage systems, verti-drained and sand-dressed pitches.

Back to The Plain and to the issues that should be at the heart our work. Our Wildlife and Conservation Forum, so ably managed by Dr Ros Taylor, have been doing some sterling work, not least the annual BioBlitz which in 2016 will take place on the weekend of 25/26 June 2016. We are also arranging a talk by James Adler, of the Surrey Wildlife Trust, on grazing heathlands; James is an expert in this field and a very engaging speaker. To be held on the 9th February at 7.30pm, at the London Scottish Golf Club. Also in any open space it is important to monitor sites to determine if management work is benefiting wildlife. This work has been co-ordinated by Ros through another band of volunteers, all with specialist knowledge, be that dragonflies, birds, flowers, insects and beetles - with this year seeing a very rare False Click Beetle recorded by the Natural History Museum.

A couple of issues to finish off. Our new website is planned to go live on the 15th December 2015. My thanks to Angela Evans, my PA, who has spent many hours putting the new site together. We hope that you enjoy the monthly Commons News updates, please do let us know if you want to sign up to receive these - e-mail rangersoffice@wpsc.org.uk.

None of what we do would be possibly without the support of my dedicated Deputy, Paula Graystone, who so ably manages the finances and delicate cash-flow issues.

Finally, 2015 saw us awarded the much coveted London in Bloom “Best Common of the Year Award 2015”. Great recognition for everyone’s contribution to the Commons,

4. Questions & Answers

Q. David Renshaw, Charlwood Road, Putney
(Brother in law to Conservator, Shirley Gillbe)

In the accounts there was a deficit of £269,000, in 2015 there was a surplus of £120,000. The surplus was contributed to by the receipt of the sale of the land strip at Putney Lower Common. How would the Conservators address the on-going deficit and turn it into a surplus to enable the Commons to flourish in the future

Response: The Chief Executive commented that the largest part of the Commons' income came from the Levy, approximately £1m, which covered the staffing element of the budget. There would be some challenges going forward. There was a restricted fund with some £1.5m that was currently invested, although £500,000 of that would be spent on a series of restoration projects in the Commons, including works to properties and paths. There is a balance in an open space. People recognise the natural aspect but also need to generate income. Filming, for example is an area where income has been increasing. There was also a need to consider car parking on the Commons - local CPZ were being extended and this was putting pressure on the Commons' car parks. Although it was a sensitive issue, particularly for Levy-payers, thought would need to be given to introducing charges. This would not be done without consultation. He projected that some £3/5m was needed to be invested to bring the Commons up to spec, such as footpaths and the REMPf. He realised that this did not fully answer the question but it did set out the challenges that the Commons faced.

Mrs Gillbe commented that the charity had not yet explored fundraising and this was something that would be considered in the near future.

Q. Nicholas Evans, Comondale

Mr Evans wished to ask three questions on Putney Hospital, one of the key issues facing the Board:

1. It has been confirmed that the charity breached Charities Act 2011 when it sold the access at Putney Hospital. Why have the three Conservators in post at the time not resigned or recused themselves during any discussion about the consequences of that sale.
2. The charity already has a retrospective QSR provided by prestigious firm, Montagu Evans, and which cost £25,000, and which demonstrates that the value of the access at the time it was sold is £1.9m. He understood that five Trustees did not accept all the circumstances around that sale were taken into account, so why did they not ask Montague Evans to take those circumstances into account. It would save money rather than getting another QSR duplicating work already done.
3. The Board recently made a statement in public that they had the advice of a retained solicitor and chartered surveyor on valuations at the time of the sale of the access. Wandsworth Primary Care Trust offered £250,000 and Wandsworth Borough Council settled at £350,000. He had been through every file and document and there were no documents that could lead to the conclusion that those were appropriate amounts.

Those three things hang over the Board and it is necessary to press on with the Charity Commission's plan. He was in post for 7 months and in all that time nothing was done.

Response: The Chairman commented that on the papers circulated at the meeting, there was a note of the resolutions that the Board took at their meeting on 11th November, one of which is that the Chair, Vice-Chair and Chief Executive would meet with Montagu Evans to discuss this with them and also negotiate the fee. As this was a live issue and would coming back to the Board on 14th December it would not be appropriate to say any more about it at this time.

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Mr Frampton commented that, when the Board spent money on legal advice, he took note of that advice. The advice received was that the Conservators who were in post were not compromised or conflicted and there was no need for any of them to resign or step back from discussions. With regard to the QSR, the Montagu Evans report was not properly acquired and had a number of aspects to it which were unsatisfactory. The Board were in the process of getting a qualified surveyors report, by the Board and that, he thought, would be available in the New Year. The third point about advice, he did not accept. As he was on the Board at the time he was very aware that frequent advice was taken from lawyers and surveyors and, if that were not the case, he would say so.

Sir Ian Andrews commented that he associated himself with Mr Frampton's comments. He would like to add that when the Board had its first meeting, it had these issues drawn to its attention and a unanimous decision was taken that the Board should seek legal advice from a charity law firm on the issues involved. That firm looked closely at issue of conflicts of interest and their advice as he recalled it was that the Board had reached a unanimous view and there was no issue about conflicts. The issue was discussed with the Charity Commission and, as was clear on page 3 of their letter, only if as a result of going through the action plan the point was reached that it was demonstrated that a loss had been incurred and would need to be recovered, would an issue of conflict for the appointed Conservators potentially arise.

Q. David Devons, Inner Park Road

He was Chairman of the Conservators during the negotiations from 2002 to 2010 with the Primary Care Trust (PCT) over the access across Putney Lower Common to the Putney Hospital Site, which culminated in an easement granted in July 2010. He was Vice-Chairman during the subsequent negotiations with Wandsworth Council, which culminated in an Agreement for an Easement being signed on 14 February 2012. As was previously heard, £350,000 was to be paid by the Council once planning permission had been granted, £100,000 more than the £250,000 agreed with the PCT in July 2010. That sum had been negotiated in October 2008 at the height of the financial crisis. The negotiations over the payment for the easements were conducted by a senior partner of a leading firm of city-based valuers and surveyors, who unequivocally recommended that the Conservators accept the negotiated amounts.

He was surprised at the magnitude of the Montagu Evans valuation of £1.9 million but as he was no longer a Conservator, he had not seen the instructions on which the valuation was based. He only recently saw the statement issued on 17 September by Nicholas Evans and John Cameron, who commissioned this valuation. The statement made it clear that a Qualified Surveyor's Report would be obtained only for the February 2012 easement with the Council. The statement added that there was no need to obtain a QSR report of the earlier easement as it was not completed. Mr Devons commented that this was not correct and the easement with the PCT was completed. As part of the easement document land from the rear of the Putney Hospital Site which had never belonged to the Conservators was transferred to the Conservators as compensation for the land to be used as the access road. This access road most of which had been in use for some 90 years would still be owned by the Conservators. The easement was subsequently registered with the Land Registry and was enforceable at law by the PCT; it was not acted upon, because the Putney Hospital site was subsequently sold to Wandsworth Council. The easement was definitely completed. He noted that the Conservators did not receive any objections to this easement.

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Not only was land transferred to the Conservators but the PCT also gave up an historic right of access to the site from the Lower Richmond Road and also from Comondale that had existed since before 1871. These access rights were not over land transferred to the Conservators under the 1871 Act but over land clearly excluded from the Conservators. The surrender of these rights allowed the Conservators to register this excluded land to themselves. This easement and the associated Section 106 Agreement was the starting point for the negotiations with Wandsworth Council. Although the PCT's Primary Care Centre was replaced by a Primary School, and a turning circle added at the end of the access road, for which compensation land was also made available, the private development of flats at the rear of the site was practically unchanged along with the detailed plans for restoration works on the Common.

This was a two-part process, first with the PCT and then with Wandsworth Council. In the Court of Appeal decision in Nicholas Evans against the Conservators, in which all the issues raised by Nicholas Evans in the Judicial Review were rejected by both the High Court and the subsequent Court of Appeal, Lord Justice Patten in the Court of Appeal decision stated:

“The fact that this has been a two-stage process involving transfers first by the PCT and now by the Council does not prevent the Conservators from looking at the overall result which will be achieved. This represents a net gain in terms of the area of the Common which will be returned to grass and will preclude any reliance by the owners of the Site on the rights of way which the land enjoyed in 1871. This would include a right of vehicular access to Comondale as against the footpath under the present scheme and would give the owner of the Site as dominant owner the right to enter the Common and to construct a right of way or ways for the rights it enjoys.”

The valuation by Montagu Evans was useless for all practical purposes as it was based on incomplete information as they had not seen the completed easement with the PCT, nor the Court of Appeal decision.

He added that during the long protracted negotiations, first with the PCT and then with Wandsworth Council, the then Conservators' primary aim was not to make money but to protect the Common and to ensure that the development on the Putney Hospital Site would have the lowest possible impact on the Common.

Response: Mrs Gillbe responded that if all that were true, it made her very surprised that the Charity Commission was investigating the charity. The QSR was not produced, nor a valuation given. The Board has an obligation to follow through the Charity Commission's action plan and everyone should bear that in mind.

Robin Touquet, Past Conservator, Inner Park Road

His sadness over this was that looking through the papers it appears that the only winners would be the lawyers, bearing in mind that there had been costs of over £120,000, including both the High Court and Appeal Courts cases, both of which supported the Conservators.

(Mrs Gillbe commented that he was conflating two issues. The High Court case was to do with the right to grant an easement.)

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He noted that in the letter from the Charity Commission, it stated that it was unclear whether the Trustees had the authority to commission such a valuation. The Conservators' Resolution 3, delegated to the Chief Executive, in consultation with the Chairman and Vice-Chairman, to open negotiations on behalf of the charity with Montagu Evans to agree a mutually acceptable figure at which their invoice should be settled. A figure of £35,000 had been mentioned [corrected to £25,000 by the audience], a substantial sum. The request to Montagu Evans was made by individuals and not by the Board and they requested the valuation as individuals and they should be responsible for the costs and not the Board or Levy-payers.

Response: Mrs Gillbe responded that this was not the case. It was done according to good governance and was commissioned by a majority of the Audit & Risk Committee and had a mandate from the Board to do so.

A member of the audience asked if the Board knew about it. Mrs Gillbe answered that they did not.

Mr Luck commented that as Chairman at the time, the Audit & Risk Committee believed it had the authority to do so but the Terms of Reference for the Committee were only draft and had not been approved by the Board. And there was no referral back to the Chairman or the Chief Executive to advise them the action was being taken and that costs were being incurred on behalf of the Charity. That was the challenge that the Board were now trying to work through. It was clear from the minutes of the June Board meeting that the Terms of Reference were in draft and all matters to do with Putney Hospital were to be dealt with by the Board. The scheme of delegation had only just been approved,

Q. Rebecca Cooney, Journalist - Third Sector

Ms Cooney asked if in the contracts relating to the easements was there a paragraph that confirmed the Conservators had taken all steps to comply with the Charities Act 2011 and obtained a QSR.

Response: The Chief Executive responded that he would need to look back at the paperwork to confirm that.

From the floor, Mr Evans commented that the answer was yes. There was a clause in the easement which specifically said they the charity had complied with the Charities Act, Section 117 to 121.

Q. Norman Plastow, Hillside, Wimbledon

Mr Evans referred to the "purchase". This was an easement, which was very different. He would like to ask Mr Evans why he bothered to stand for election and then resign as a Conservator. In his manifesto he had referred to money. But now that he had resigned, Mr Plastow understood that to replace him another election would have to be held, costing some £40,000.

Mr Evans responded. Firstly going back to Mr Devons' statement and point out that the advice from the senior partner at Drivers Jonas in 2008 was that the access was worth £775,000 or 50% of the marriage value which was rather different from the £250,000 he settled for. The challenge he thought he had made quite rightly was to the right to grant

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the access and not the amount for which it was sold. A different issue. He was happy for the Board to take these views to Montagu Evans as that would be the sensible way to get a valuation report that the Board could have confidence in. They seemed very keen on having two QSRs, at approximately £25,000 each, for 2008 and 2012, and he suggested that would be money misspent. He wanted to stay in office for three years but was prevented from being open and transparent and had not been able to do all that he had wanted. For example, Mr Luck, when he heard he had serious concerns about BWB, he refused to answer any e-mails, failed to call any meetings so when the QSR (was produced), the Board meeting was cancelled. He felt he could no longer represent those who voted for him.

Caroline Whitehead, Putney

Concerned about Nicholas Evans' position. On the Putney SW15 forum there had been, for many months, a lively and contentious discussion about Putney Commons. She understood that the present Trustees had been asked not to contribute to public discussion, including John Cameron although that had not stopped him posting. However, Mr Evans could say what he wished and could feed in to the forum a lot of information she suspected, but could not prove, came straight from John Cameron. [Denied by Mr Evans]

Mrs Gillbe commented that Trustees needed to be concerned about what was in the best interests of the charity and personalities must be taken out of the discussion. The Trustees were duty bound to explore why a QSR was not produced. This was set out in Charity Commission guidance and that is what the charity was doing and it was the charity that counted

Mr Luck responded that that was precisely what the Board was doing, as agreed at their meeting on 11th May. With two opposing views it was very difficult to agree the instructions for lawyers. It had proved impossible and it was because of these difficulties that the Board had gone round in circles over the last few months, consuming time and resources of the Board, the staff and financial resources, without moving forward. He considered that perhaps it was the view of the Audit & Risk Committee that they could break that log jam by producing a report, but in doing so had added further complications that would need further legal advice and time to resolve. As a Board, they were finding it very difficult to come together as a group to work through issues. That was what had led to meetings being postponed - it was difficult to hold a Board meeting in an environment when trust was lacking when some Trustees felt they had been betrayed by colleagues who had taken unilateral action and time was needed to settle down and come together. Although the excellent suggestion by Shirley to try mediation had not moved forward, the Board was now working through issues. Unless the Board could come together as one, they would not be able to move ahead for the benefit of the charity, and the charity would suffer in the long term.

The way the Board had agreed to resolve difficulties was to suspend the implementation of the Governance Review and the Committee structure. Whilst this may be seen as a retrograde step, the Board would meet together every other month to allow the Board to work together as a team. Until this was achieved, it was difficult to work with the wider community to resolve the long shadow hanging over the charity.

For him, who had joined to work for the benefit of the Commons, particularly the Windmill, there was a huge risk in not focusing on the management of the rest of the

estate. These were the issues that they should be addressing and he was insistent that the Chief Executive and his team tackled those issues despite the distractions of Putney Hospital.

The reason he resigned was that it took up so much time to deal with the issues and it was only going to get more complex. He gave full credit to Shirley for standing in and taking up the challenge until Prue Whyte was elected to replace him. The Commons had a fantastic team and if only they could come together as a Board and work through the action plan they had sent out in May, they would get there. He was keen for the Charity Commission to come in and pleased they had reiterated the action plan. They wished the Board to resolve the issues and would not step in. They Board were slowly and painfully working through that process and only working together as a Board could they do justice to the Commons and to the Levy-payers.

The Chairman added that this had been a huge challenge. The previous Conservators had been in office for many years. With five newly elected Trustees, the challenge had been to come together with the existing Trustees and there had been much discussion and debate. But as a corporate body, it was also important that much of the debate remained within the Board for them to resolve.

Andrew Bignold, Vale Crescent

Passions are obviously running high. He thought everyone should take a deep breath as it appeared to him that we were at the top of a slippery slope and that a compromise should be struck. The Montagu Evans should be paid off to keep one side happy, but for those on the other side, that just wanted to get on with governing the Commons, we should move on and put the whole saga of the Putney Hospital site behind us. As the Charity Commission letter had stated, any recompense would only be at the end of a long and costly process with very little likelihood of there being any additional monies for the Commons. With reducing income, the Conservators were moving to a farcical situation. Please pay Montagu Evans and put the issue of the Putney Hospital easement behind us.

RESPONSE: The Chairman commented that all longed to do that but, unfortunately, as the figure of £1.9m was in the public domain, the Conservators must work through the action plan set out by the Charity Commission. Mrs Gillbe commented that if proof were need that the Conservators had to follow this through, please look at the Charity Commission document, the Essential Trustee. It had to be seen through to the end, not for any personal or spiteful reasons but because it was the law.

Oliver Bennett, Bathgate Road

Thanked the Conservators for holding the meeting. He would like to ask if there was a timetable for wrapping up the Putney Hospital issue so they could get on with dealing with the many issues the Chief Executive had raised and put this sorry saga behind them.

RESPONSE: The Chief Executive commented that this evening had been very helpful as it would help the Board focus on this issue and resolve to put it behind them but as had been mentioned, it requires the Board coming together and agreeing by majority the steps to take. The first step under the action plan is to appoint lawyers and he had been working with the Chairman and Vice-chairman on that to move it forward. A lot of staff

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were present tonight and people needed to consider the impact that this was having on their morale and it was very important for such a small team. He hoped we could move the issue forward, with the Board's resolve and get back to dealing with the critical issues that were so vital in managing such an open space so close to London.

Mark Poulter, Putney

Mr Poulter asked if the Conservators were using the same lawyers as were previously advised.

RESPONSE: The Chief Executive commented that he did not think this was possible and there was a need to start afresh. He and the Chairman and Vice-Chairman had been drawing up a list of suitable lawyers to put to the Board and hopefully get approval to proceed. .

Asked why it was not feasible, the Chief Executive and Chairman commented that this was an internal matter and the Board needed to be trusted to act on the clear action plan set out by the Charity Commission.

Elizabeth Simon, Parkside

Mrs Simon asked if the Conservators had an estimate for the cost of repairing the Windmill.

RESPONSE: The Chief Executive reported that there were several elements to costs for the Windmill. Prior to the sail coming off, he had been looking at an issue of water ingress in the tower which was causing damage to the first floor. The Board had already approved expenditure of £50,000 to carry out repairs. A further expenditure of £30/£35,000 was necessary to repair the sails. Some of that would be covered by insurance but, with the support of the Windmill Trust, a bid for lottery funds was being made. This would also be to improve the community engagement facilities. However, 2017 was the bicentenary of the Windmill and this was a great opportunity to come together as a community and raise funds to restore the Windmill for the next generation. The Board had just agreed that advice should be taken on how best to set up an appeal and to get a campaign underway. He had already received offers of donations and he would be working on that over the next few weeks.

Mr Plastow commented that another issue was that of the roof. It had been put on in 1975 and it was not yet known if that would need to be replaced. They were very lucky that no one was hurt when the sail fell off and there was comparatively little damage. His main concern was the timing of when the work would be done.

The Chief Executive commented that a survey carried out by a local expert surveyor had indicated that there was some £250,000 worth of work required to the Windmill and the challenge was to focus on 2017 and raise the monies to restore the Windmill.

Catherine Shardow, Wimbledon

She wished to say how much pleasure she got out of walking on the Commons. There was a huge benefit to a lot of local residents and, although there was a lot going on, could we remind ourselves of those benefits. She thanked the Conservators for trying to resolve the on-going issues.

The Chairman commented that she was staggered by the numbers of people using the Commons and thanked Ms Shardow for her comments.

Robin Healey, Wimbledon

If the action plan goes forward and ultimately it was found that the easement had been undervalued, presumably the Conservators would claim compensation. Who would that compensation be claimed from?

The Chairman commented that that would need to be discussed once that point had been reached.

Mr Healey commented that if the Conservators get to the end of the action plan and there was no one to pay, all that time and money would have been wasted. The Conservators should focus at the outset on where that money would come from otherwise it was a futile exercise.

The Chief Executive commented that it was worth looking at the action plan. The first stage was to appoint lawyers and the second to appoint an appropriate valuer to undertake a valuation based upon circumstances of the time of the original transaction and then to discuss the retrospective valuation and determine, with advice, if there has been a loss. At that stage, if there is a significant difference, Trustees should seek advice on whether it is appropriate and feasible to recover this loss, and from whom. It has to be understood first of all if there is a loss.

Mr Healey disagreed and suggested the Conservators were putting the cart before the horse. There is no point in going through this process if you cannot get money out of anyone at the end. That was how costs should be weighed. As a litigation solicitor he had seen time and time again that a lot of money is spent only to find that money cannot be claimed.

Mrs Gillbe commented that the Conservators could not decide not to do this. The Charity Commission had told them that they had to do this and the Conservators could not refuse. The Charity Commission felt there was a point to doing it.

Caroline Stevenson, Wimbledon Village Stables

As riders, we love the Commons as well and it is a fantastic facility. Mrs Stevenson had three questions:

1. Would getting a full-time fundraiser be helpful for the Commons, perhaps a volunteer, would be productive.
2. Secondly, as riders they are vulnerable when dogs chase horses but more and more conflict is occurring with dogs chasing and biting, with the potential for serious accident. The worst stretch was along Inner Windmill Road, and many owners were not paying attention to their dogs. She wished to suggest dogs should be on lead or under control along that stretch.
3. Would a pro bono lawyer be prepared to step forward to aid the Commons at such a difficult time and perhaps those present might know someone who would be able to help and save the Commons money. Although the Charity Commission letter was a good way forward, it would not be helpful if it were a drain on resources.

RESPONSE: The Chief Executive commented that part of the work of the Board and himself was how to balance the different and competing users and these meetings helped to highlight the need for people to take responsibility. It was about all those that used the Common taking joint responsibility. Dog numbers were increasing and are an issue. We need to try and get across the message that dog-walkers need to have their dogs under close control. He felt insisting that dogs be on a lead was a retrograde step but if a dog could not be kept under control then its owner should take the decision to keep it on a lead. It was about sharing the Common and he knew there was a lot of work to do in raising awareness.

The Chairman asked the Wildlife & Conservation Officer to speak about volunteering on the Commons.

Mr Haldane commented that there had been volunteers on the Commons for some 20 years but this had been in the form of groups, such as local schools or cadets. Many individuals had approached him asking how they could help. That resulted in the creation of the “Tuesday Night Scrub Bashers” in the summer of this year. Each week the group would help clearing scrub on Putney Heath and 16/17 people had attended each session. This moved to Saturday mornings when the clocks changed. Since February, including scrub bashers and other voluntary groups, over 800 voluntary hours had been put into the Commons. That didn’t include those who litter-picked as part of their regular walks. He was continuing to build the volunteers and he would welcome anyone who would like to come along. The next session was on the 19th December so please get in touch if interested.

Dr Taylor mentioned that a lot of volunteers were helping with other conservation activities, particularly monitoring - birds, butterflies, dragonflies etc and more volunteers would be very welcome, not only for monitoring wildlife but also other activities on the Commons. In addition, the children’s Wildlife Watch Club were looking for volunteers and would welcome any assistance from those interested in encouraging the next generation in nature activities. Please do get in touch because we really need to hear from you.

Linda Roberts, Trustee of the Wimbledon Windmill

The Windmill survived solely with volunteers and without them the Windmill would not be able to open. More volunteers were always welcome and she would be grateful if people would spread the word. Volunteers were needed for three purposes: to act as stewards at the weekend, working to develop an educational programme and to also lead new activities to bring in new visitors. If interested, please visit their website and make contact.

Stuart McWhirter, Parkside

Mr McWhirter had two questions:

In normal terms of corporate governance, the majority of the Board carries the day. In the event of a deadlock, does the Chairman have a casting vote?

The Chairman answered yes.

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Mr McWhirter went on to say that in that case it should be used more often to avoid this sort of to-ing and fro-ing.

Secondly, he would like to draw attention to the point made by Mr Healey when he pointed out that there was no point in whatsoever in embarking on litigation etc until it was known that it could hit home and get money back from the person from whom you were claiming. This was something that lawyers should deal with at the start.

Peter Smeethe, The Grange, Wimbledon

Mr Smeethe wondered if others were annoyed about the proliferation of camper vans on the Causeway. He had spoken to Merton Council about it and they had informed him that they could not act unless someone was living in the camper vans, which of course they were. He asked if the Board could do anything about it.

RESPONSE: The Chief Executive commented that he was sure the whole Board shared Mr Smeethe's concerns. It had been raised at many meetings he had attended. Unfortunately if the vehicles were taxed, they could legitimately be parked there. The staff had been working closely with the local Safer Neighbourhood police and the sergeant had been particularly helpful in getting the large Winnebago moved on last year. His view was that the only way to deal with this issue was the introduction of a controlled parking zone. It needed to be worked through on a common sense basis so that it was not to the detriment of users but it would likely involve measures such as payment or limited periods of parking. He was aware that local residents' associations were doing a huge amount of work on this lobbying the Council and the Board were very supportive of their actions.

Mariangela Renshaw, Putney (Shirley Gillbe's sister)

She was a horse-rider and also a dog-walker and wished to respond to the question raised earlier by the Stables. She doesn't ride here but the situation was very similar in that sharing space with other users. The Chief Executive's point was very valid and everyone needed to think about each other and it would be difficult to impose restrictions in a public place. However, it led her to think about revenue and wondered if the riders paid anything to the Conservators to use the Commons.

RESPONSE: The Chief Executive reported that the Conservators were fortunate in that they did get a voluntary contribution from the stable, and they were grateful for that, but there was nothing formal as there is in other local spaces.

Mrs Stephenson of the stables commented that they had supported the Commons and also Richmond Park with voluntary contributions for many years. She would also ask whether dog-walkers contributed to the Commons.

Peter Allan, Putney

Are the Conservators amenable to reconsider the areas of the Common open to cycling? And, if not, why not?

RESPONSE: Cycling is an emotive issue on any open space and there were great passions both for and against. Again, it was about balance. Are the Commons part of the transport system was a fundamental question and/or should they be available for

leisure cycling. The main issues were about the differences between the “lycra-clad” and families enjoying a leisurely Sunday afternoon cycle ride. There was a need to balance this use. The track along Parkside, for example, was often requested to become a cycle path but by doing so, it changed the nature of the site and one of the underlying principles of the Act was to preserve the natural aspect of the Commons. If routes were extended, it would have to be done on the basis that the paths were wide enough for pedestrians and cyclists to walk safely. It was something very difficult to get right in an open space with a number of different users.

In response to a question, the Chief Executive commented that some of the fundamental issues being tackled at the moment needed to be dealt with before the Conservators could move on to more of the strategic issues.

Alan Clarke, Wimbledon

What does the Board think about the application for a street trading licence on The Causeway

RESPONSE: The Chief Executive responded that a strong objection had been submitted as it would be contrary to the provisions of the 1871 Act and it would set up a dangerous situation on a narrow road.

Mr Frampton commented that local Residents’ Associations had been very active in opposing this and had sent in strong objections.

It was suggested that perhaps future issues such as this could be advertised on the Conservators’ website in future.

Jonathan Callaway, Putney

1. One of the issues that has concerned him is regarding the openness, transparency and reporting. Clearly the matter of Putney Hospital has to be resolved and the Charity Commission has recognised this. The Levy-payers will see more legal bills but that cannot be avoided as long as there has been an unaddressed breach of charity law. He asked the Conservators to guarantee that they would release regular updates about what was happening on the legal process and the action plan. The Nolan Principles applied as the charity was a public institution formed under an Act of Parliament. He was concerned the charity was not adhering to the Principles.

RESPONSE: The Chairman responded that the Board were aware that communication had been poor with the Levy-payers and the public. Now that the public Board meetings had stopped, this made this all the more obvious. This was one of the reasons for tonight’s meeting and it was hoped people found this useful and if so they would be held more regularly. Thought would be given to how regular updates would be circulated. It was very important that fact, rather than opinion, was in the public domain.

The Chief Executive reported that the new website would be launched shortly and this would be a way to put out more information, along with the monthly updates and more needs to go into them.

Mrs Gillbe commented that transparency answered most questions and we do have to work towards that to prevent conspiracies circulating.

2. 7 Nolan principles - With regard to conflicts of interest and although legal opinion had been taken he thought the Charity Commission advice was that even if there was a possibility of a conflict, trustees should recuse from decisions on issues where they may become liable. Had any of the three appointed Trustees recognised that there was already a potential conflict of interest?

RESPONSE: Sir Ian Andrews responded that having been in public life for some 40 years he was very aware of the Nolan principles and passionate about adhering to them. He was clear in his own mind that he did not have a conflict and he had agreed that further legal advice needed to be taken. As Returning Officer he had also advocated the Nolan Principles throughout the election. He was comfortable with the current position and this was reinforced by advice from a senior law firm that, in their view, there was no conflict at that stage. This had also been discussed with the Charity Commission and they are satisfied that only when and if an under sale is found to have taken place and the issue arose of whether and from whom it should be recovered, would a conflict of interest arise. He would recuse himself if he felt it was appropriate.

Mr Callaway further commented that there was a danger that the decisions that the Board takes might be deemed conflicted, particularly those taken on a majority basis. It was the perception of a conflict of interest that was a danger to those in public life rather than the reality of it and all three appointed Trustees were in danger of being conflicted. If an under sale was proved, those Conservators in office at the time were likely to be held liable.

The Chairman thanked everyone for attending. There had certainly been some lively discussion and feedback would be welcomed at the Office. Finally, she asked everyone to join her in thanking the staff for all they do for the Commons.

The Meeting closed at 8.30pm