

MINUTES OF THE MEETING OF RINGWOOD TOWN COUNCIL

Held on Wednesday 27th October 2021 at 7.00pm at Ringwood Gateway, The Furlong, Ringwood.

PRESENT: Cllr Tony Ring, Town Mayor
Cllr Philip Day, Deputy Mayor
Cllr Andy Briers
Cllr Gareth Deboos
Cllr Rae Frederick
Cllr Peter Kelleher
Cllr Darren Loose
Cllr Gloria O'Reilly
Cllr Steve Rippon-Swaine
Cllr Derek Scott
Cllr Glenys Turner

IN ATTENDANCE: Mr Chris Wilkins, Town Clerk
Mrs Jo Hurd, Deputy Town Clerk
Cllr Michael Thierry, Hampshire County Councillor
Cllr Josh Kidd, New Forest District Councillor

ABSENT: Cllr John Haywood
Cllr Jeremy Heron
Cllr Hilary Edge

C/6671 PUBLIC PARTICIPATION

There was one member of public present, interested in item 6 on the agenda (Bickerley Parking).

C/6672 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Cllrs Haywood and Heron.

C/6673 DECLARATIONS OF INTEREST

None were declared at this time.

C/6674 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting held on 29th September 2021 be approved and signed as a correct record.

C/6675 RECREATION, LEISURE AND OPEN SPACES COMMITTEE

Cllr Briers presented the minutes of the Recreation, Leisure and Open Spaces Committee meeting held on 6th October 2021.

OS/6102 – The Town Mayor updated Members on ticket prices for the Fireworks event on 7 November; tickets purchased in advance were on sale for £1.50 (the same price as the previous event) and would be £3 on the gate (an increase of 50p).

RESOLVED: That the minutes of the Recreation, Leisure and Open Spaces Committee meeting held on 6th October 2021 be received.

C/6676

PLANNING, TOWN & ENVIRONMENT COMMITTEE

Cllr Day presented the minutes of the Planning, Town & Environment Committee meeting held on 1st October 2021.

He updated Members on a meeting with Hampshire County Council and National Highways regarding mitigation measures to be put in place on the local highway network for the duration of the A31 improvement scheme. It was highly likely the direction of flow in Meeting House Lane (between Furlong and Market Place) would revert to the previous arrangement, allowing traffic to head south into Market Place to take pressure off the main town roundabout and reduce congestion. Traffic management measures would be put in place on key junctions to keep traffic as free flowing as possible. It was also noted there could be an overlap of up to 3 weeks with the water works in Mansfield Road and the closure of the on-slip to the westbound A31. The notes of the meeting would be circulated with the agenda for the next Committee meeting.

P/5899 – It was noted that the application for technical support for a Housing Needs Assessment had been approved.

RESOLVED: That the minutes of the Planning, Town and Environment Committee meeting held on 1st October 2021 be received.

C/6677

POLICY & FINANCE COMMITTEE

Cllr Rippon-Swaine presented the minutes of the Policy & Finance Committee meeting held on 20th October 2021.

F/5971 – It was noted that the Council's bid to purchase land at Forestside Gardens had not been successful.

RESOLVED:

- 1) That the minutes of the Policy & Finance Committee meeting held on 20th October 2021 be received;
- 2) That the amended Treasury Management Policy be endorsed; and
- 3) That investment in the LAPF should not be explored further.

ACTION R Fitzgerald

C/6678

BICKERLEY PARKING

Members considered the Town Clerk's report (*Annex A*).

Cllrs Day, O'Reilly, Ring and Turner declared a personal interest as they are acquainted with residents living in the area.

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Members considered whether officers should be directed to take measures to counter the unauthorised parking on the Bickerley. It was agreed that it would be helpful for people to be given more information about the Bickerley; its status as a Village Green; and the reasons why parking is not permitted. This could be achieved by a review of signs in the area with a view to renewing or replacing. There was some discussion about moving dragons' teeth on to the gravel to narrow the road, but it was agreed this would hinder access for refuse and emergency vehicles, so was not supported.

Members further agreed that any obstructions placed on the Bickerley without the Council's authority, including the concrete-filled traffic cones currently in place, should be removed. In this regard, the need for any additional dragons' teeth should be assessed.

RESOLVED:

- 1) That the Town Clerk prepare a signage strategy to provide information about the Bickerley and to deter unauthorised parking; and
- 2) That any obstructions placed on the Bickerley without the Council's authority should be removed.

ACTION C Wilkins

C/6679

SPORTS DEVELOPMENT PROJECT AT LONG LANE

Cllr Loose reported that tenders for the construction of the pavilion had been invited.

RESOLVED: That the verbal update be noted.

ACTION C Wilkins

C/6680

COMMUNICATIONS TO BE RECEIVED

The Town Mayor reported:

- 1) He had attended the opening of a new shop and bar/restaurant and had returned to two shops that had recently opened and reported that all were enjoying success.
- 2) He had attended a meeting of a newly formed High Street shopkeepers' association.
- 3) There had been a good turnout to the community litter pick at the weekend and he thanked all the volunteers who had taken part.
- 4) He thanked all the volunteers who had come forward to assist with the forthcoming community events – Fireworks on 7 November, Remembrance Sunday on 14 November and the Christmas event on 28 November.
- 5) The next Twinning Association event would be held in Meeting House on 19 November (Piano Man Matt Black) – tickets are available from Gateway.

C/6681

REPORTS FROM TOWN COUNCILLORS

Cllr O'Reilly reported that a bicycle being used for advertising at Fridays Cross was causing an obstruction to the highway. The Town Mayor agreed to follow up and advise that such advertising was not permitted.

Cllr Frederick had assisted with Community Speed Watch in Southampton Road and reported that of 358 cars counted in one hour (between 4 and 5pm), 44 had been speeding, with 4 going so fast it was not possible to obtain registration details. She hoped that by collecting this data, it would raise awareness and lead to lower speeds around town.

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C/6682

REPORTS FROM COUNTY AND DISTRICT COUNCILLORS

County Cllr Thierry presented a written report (*Annex B*).

C/6683

FORTHCOMING MEETINGS

Recreation, Leisure & Open Spaces	7.00pm	Wednesday 3 rd November 2021
Planning, Town & Environment	10.00am	Friday 5 th November 2021
Policy & Finance	7.00pm	Wednesday 17 th November 2021
Full Council	7.00pm	Wednesday 24 th November 2021

There being no further business, the Town Mayor closed the meeting 8.00pm.

APPROVED

24th November 2021

TOWN MAYOR

27th October 2021

Report on contested parking on Bickerley Common

1. Introduction and reason for report

- 1.1 Previous decisions about this matter have been challenged by members of the public; most recently in the public participation session at the beginning of September's Council meeting.
- 1.2 A new factor has recently emerged; the placing of obstructions, in the form of concrete-filled traffic cones, by a local resident without authority from the Council.
- 1.3 Although the matter was considered as recently as at the April meeting of the Policy & Finance Committee (i.e. barely more than six months ago), that discussion was prompted by a specific threat of legal proceedings and it was therefore necessary to exclude the press and public from it.
- 1.4 For all these reasons, it is timely to review the matter in the round and in public. However, the threat of legal proceedings has not been withdrawn and members should take care not to discuss in public those aspects of the matter specific to the possible proceedings and considered privately before.

2. Background information

- 2.1 The problem of unauthorised parking continues. Some parking has likely caused obstruction and even damage to the Green by erosion in the past and is likely to do so in future if left unchecked. (However, proving that any specific vehicle had caused damage might well be difficult or even impossible). The parking is unsightly and inconsistent with the status of the land as a registered Town or Village Green.
- 2.2 The concerns that have been raised are about parking, not the exercise of right of way across the Green. Nobody is disputing that vehicular rights of way exist and remain exercisable. However, a legal right of way does not include a right to park. Nobody (apart from the Council) has the right to park on the Green.
- 2.3 Furthermore, the complaint is that the people parking on the Green are not those who are visiting the Green to use it as such (save perhaps to a very small degree). Rather, it is alleged that the parking is by people who are commuting to and working in the town, or visiting the town for shopping or other purposes unconnected with the Green, or living in or visiting homes nearby that lack available alternative parking. This seems plausible but little firm evidence has been produced to support this.
- 2.4 The Open Spaces Society (a conservation charity that promotes the protection of village greens, commons, footpaths and other green space) has published an information sheet entitled "Driving and parking on your local open space". This contains useful guidance on the legal position, which is reflected in the information which follows, but also reflects the values and campaigning stance of the Society.
- 2.5 As the owner of the Green, the Council has a number of legal powers which, in theory, could be used to control parking on the Green:

- 2.5.1 It could make by-laws and then take enforcement action against any person infringing them. Some such by-laws already exist in respect of the Green but they make no provision in respect of parking. Making further by-laws would certainly be possible but is not just a matter of passing them; there is quite a procedure that has to be followed. Moreover, even if enacted they would not enforce themselves; prosecuting offenders would involve the gathering of evidence and the instruction of lawyers to pursue the process. Even if convictions are obtained, it is unlikely that the amount of any fines, costs or other compensation awarded would cover the full cost of such proceedings.
- 2.5.2 It could instead take civil action for trespass against the vehicle owners and seek damages and an injunction. Again, this would involve the gathering of evidence and the instruction of lawyers to pursue the process. Even if judgements are obtained, it is unlikely that the amount of any damages and costs awarded would cover the full cost of such proceedings.
- 2.5.3 It could ask the Police to prosecute the vehicle owners under section 34 of the Road Traffic Act 1988 or under the Criminal Damage Act 1971. This wouldn't cost the Council anything but would be at the discretion of the Police and, again, dependent on the gathering of evidence (likely to be very difficult in the case of criminal damage because of the difficulty of proving causation).
- 2.5.4 Gathering of evidence would first involve taking photographs of vehicles parked unlawfully - ideally in a form that records the date and time on the image. It would then be necessary to identify the vehicles' owners. If the Police were involved, they could manage this but if not, it might present significant difficulties since the Council has no power to obtain vehicle registration information. If desired, enquiries can be made to ascertain if the Police or other authorities would be willing to assist Council officers.
- 2.5.5 There are alternatives to legal proceedings of the kinds discussed thus far:
- 2.5.5.1 Clamping or other measures to detain or obstruct the removal of vehicles are now illegal;
 - 2.5.5.2 Polite letters or notices posted on windscreens may be ignored/ineffective and would require regular monitoring of the site by officers;
 - 2.5.5.3 Physical additions to the land may amount to development prohibited by the Commons Act but some re-location of existing "dragon's teeth", as previously mentioned, may be relatively easy and inexpensive. Renewing the existing "no parking" sign and, perhaps, adding a reference to the by-laws, would also be relatively simple.
- 2.6 The existence of the powers described above does not necessarily imply any duty to act. The Open Spaces Society publication mentioned, contains firm views about what, in the view of the Society, should be done but there is no reference to any legal duty binding on this Council nor even the implication that such exists.
- 2.7 Members have previously considered why the Council might want to discourage the parking. It is obstructing access to some premises (which could be a serious matter if emergency vehicles are ever unable to pass freely). It is unsightly and adding to the erosion of the roads. If the vehicles are being parked by local

residents, commuters or shoppers (rather than people using the green for its intended purpose), it is prejudicial to that purpose. To those reasons can now be added the risk of confrontations over the concrete-filled traffic cones being deployed.

- 2.8 Members have also considered reasons not to act. Stopping the parking may simply displace it, causing equal or greater problems elsewhere. There is sympathy for local residents and their visitors who have nowhere else to park. Concern has also been expressed that action would require time and attention from officers that is not available unless they are diverted from other tasks or additional staff are recruited. The justification for spending possibly significant public funds on engaging additional staff or external lawyers or taking physical measures has been questioned.
- 2.9 The Open Spaces Society urges that alternative, more suitable provision for problematic parking be made. Realistically, it is unlikely that this Council could do this itself; at best it could only be an advocate of such measures to other authorities.

3. Issues for decision

- 3.1 **Should Council officers be directed to take measures to counter the unauthorised parking on the Bickerley and, if so, what measures?**
- 3.2 **Should Council officers be directed to remove any concrete-filled traffic cones or other obstructions that may be placed on the Bickerley in future without the Council's authority?**

For further information, contact:

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