

Ringwood Town Council

Ringwood Gateway, The Furlong, Ringwood, Hampshire BH24 1AT

Tel: 01425 473883

www.ringwood.gov.uk

SUMMONS

Dear Member

21st October 2021

You are hereby summoned to attend a meeting of the Town Council at the Forest Suite, Ringwood Gateway on 27th October 2021 at 7.00pm.



Mr C Wilkins
Town Clerk

AGENDA

1. PUBLIC PARTICIPATION

There will be an opportunity for public participation for a period of up to 15 minutes at the start of the meeting

2. To receive Apologies for Absence

3. To receive Declarations of Interest

4. To approve as a correct record the Minutes of the Annual Meeting held on 29th September 2021

5. To receive Minutes of Committees and approve recommendations contained therein:

Recreation, Leisure & Open Spaces

DATE :- 6th October 2021

Planning, Town & Environment

DATE:- 1st October 2021

Policy & Finance

DATE:- 20th October 2021

RECOMMENDATION F/5964- Investment Strategy (Treasury Management)

6. BICKERLEY PARKING

To consider the Town Clerk's report (*Report A*)

7. SPORTS DEVELOPMENT PROJECT AT LONG LANE

To receive a report from Cllr Loose (the Council's representative on the Steering Group) or Cllr Briers (deputy) on project developments

8. To receive such communications as the Town Mayor may desire to lay before the Council (Councillors are reminded that no decision taking may take place as a result of this item)

9. To Receive Reports from Ringwood Town Councillors and Student Advisors

(Councillors are reminded that no decision taking may take place as a result of this item)

10. To receive Reports from County and District Councillors (Councillors are reminded that no decision taking may take place as a result of this item)

11. Forthcoming Meetings – to note the following dates:

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

If you would like further information on any of the agenda items, please contact Mr Chris Wilkins, Town Clerk, on 01425 484720 or chris.wilkins@ringwood.gov.uk

Council Members:

Chairman: Cllr Tony Ring, Town Mayor
Vice-Chairman: Cllr Philip Day, Deputy Mayor
Cllr Andy Briers
Cllr Gareth DeBoos
Cllr Hilary Edge
Cllr Rae Frederick
Cllr John Haywood
Cllr Jeremy Heron
Cllr Peter Kelleher
Cllr Darren Loose
Cllr Gloria O'Reilly
Cllr Steve Rippon-Swaine
Cllr Derek Scott
Cllr Glenys Turner

Student Advisors:

TOWN COUNCIL**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:

Chris Wilkins, Town Clerk
Direct Dial: 01425 484720
Email: chris.wilkins@ringwood.gov.uk

